

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 83

THURSDAY, 30 JUNE 1994

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS**

Mr Simmons presented the following report:

Foreign Affairs, Defence and Trade—Joint Committee—An island tiger: An unofficial visit to Taiwan, 22-28 May 1994—Report, June 1994.

Ordered to be printed.

Mr Simmons, Mr Sinclair and Mr Gibson, by leave, made statements in connection with the report.

3 **CORPORATIONS AND SECURITIES—PARLIAMENTARY JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER**

Mr S. F. Smith (Chairman) presented the following report:

Corporations and Securities—Parliamentary Joint Committee—Report on the annual reports of the Australian Securities Commission, the Companies and Securities Advisory Committee, the Companies Auditors and Liquidators Disciplinary Board and the Australian Accounting Standards Board—1992-93, June 1994.

Ordered to be printed.

Mr S. F. Smith, by leave, made a statement in connection with the report and, by leave, presented the following paper:

Corporations and Securities—Parliamentary Joint Committee—Evidence presented to the committee, Melbourne, 20 April 1994.

4 **STANDING AND JOINT COMMITTEES—MEMBERSHIP**

The House was informed of the nominations by the Chief Opposition Whip of Members to be members of the following committees:

*Environment, Recreation and the Arts—Standing Committee:*

Mr Wakelin in place of Mrs Moylan.

*Foreign Affairs, Defence and Trade—Joint Standing Committee:*

Mr Jull in place of Mr Moore.

**5 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER**

Mr Connolly presented the following report and related papers:

Electoral Matters—Joint Standing Committee—Financial reporting by political parties: Inquiry into the conduct of the 1993 election and matters related thereto—

Interim report, June 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Connolly, by leave, made a statement in connection with the report.

**6 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER**

Mr Cleary, by leave, presented the following paper:

Australian Parliamentary Delegation to the Federal Republic of Germany and the United Kingdom, April 1994—Report.

Mr Cleary, by leave, made a statement in connection with the report.

**7 PUBLICATIONS COMMITTEE—13TH REPORT**

Mr Horne (Chairman) presented the following report:

**PUBLICATIONS COMMITTEE 13TH REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered petitions and documents presented to the Parliament since 7 June 1994, recommends that the following be printed:

Advance Australia Logo Protection Act—Advance Australia Foundation—Report for 1992-93.

Australian Institute of Health and Welfare Act—Australian Institute of Health and Welfare—Report—Australia's health 1994.

Australian Land Transport Development Act—Australian Land Transport Development Program—Review of operations—Volume 3—1992-93.

Industry Commission Act—Industry Commission—Report—No. 37—Urban Transport, 15 February 1994—

Volume 1—Report.

Volume 2—Appendices.

Primary Industries and Energy Research and Development Act—Wool Research and Development Corporation—Report for period 1 July-30 November 1993.

Services Trust Funds Act—

Royal Australian Air Force Welfare Trust Fund—Report for 1993.

Royal Australian Navy Relief Trust Fund—Report for 1993.  
Tobacco Marketing Act—Australian Tobacco Marketing Advisory Committee—  
Report for 1993.

BOB HORNE  
Chairman

30 June 1994

Mr Horne, by leave, moved—That the report be agreed to.

Question—put and passed.

**8 MEMBERS' INTERESTS COMMITTEE—PAPER**

Mr Grace (Chairman) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 37th  
Parliament—Notifications of alterations of interests and statements of  
registrable interests received during the period 24 March to 29 June 1994.

**9 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—  
ADVISORY REPORT—STATEMENTS BY MEMBERS**

Mr Melham (Chairman) presented the following advisory report and related  
papers:

Legal and Constitutional Affairs—Standing Committee—International War  
Crimes Tribunal Bill 1994 and International War Crimes Tribunal  
(Consequential Amendments) Bill 1994—

Advisory report, 30 June 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Melham, Mr Williams and Mr Sinclair, by leave, made statements in  
connection with the report.

**10 WORKING NATION—MINISTERIAL STATEMENT AND PAPERS—MOTION TO  
TAKE NOTE OF PAPERS**

The order of the day having been read for the resumption of the debate on the  
motion of Mr Beazley (Leader of the House)—That the House take note of the  
papers (*presented on 4 May 1994*), viz.:

Working nation, 4 May 1994—

Ministerial statement.

Policies and programs.

White paper on employment and growth—

Debate resumed.

Debate adjourned (Mr Hawker), and the resumption of the debate made an order  
of the day for a later hour this day.

**11 POSTPONEMENT OF NOTICES**

Ordered—That notices Nos. 1 to 3, government business, be postponed until a  
later hour this day.

**12 EVIDENCE AND PROCEDURE (NEW ZEALAND) BILL 1993—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Evidence and Procedure (New Zealand) Bill 1993 had been fully considered in the Main Committee and agreed to with amendments (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Baldwin (Minister for Social Security), by leave, the Bill was read a third time.

**13 EVIDENCE AND PROCEDURE (NEW ZEALAND) (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1993—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Evidence and Procedure (New Zealand) (Transitional Provisions and Consequential Amendments) Bill 1993 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Baldwin (Minister for Social Security), by leave, the Bill was read a third time.

**14 EVIDENCE BILL 1993—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Main Committee had not considered the Evidence Bill 1993 and had returned the Bill to the House for consideration, and presented a certified copy of the Bill.

Ordered—That, in accordance with the resolution agreed to on 27 June 1994, consideration of the Bill be made an order of the day for a later hour this day.

**15 EVIDENCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Main Committee had not considered the Evidence (Transitional Provisions and Consequential Amendments) Bill 1994 and had returned the Bill to the House for consideration, and presented a certified copy of the Bill.

Ordered—That, in accordance with the resolution agreed to on 27 June 1994, consideration of the Bill be made an order of the day for a later hour this day.

**16 WORKING NATION—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the papers (*presented on 4 May 1994*), viz.:

Working nation, 4 May 1994—

Ministerial statement.

Policies and programs.

White paper on employment and growth—

Debate resumed.

It being 3 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

## 17 QUESTIONS

Questions without notice were asked.

## 18 RETIREMENT OF MR KEITH RYDER

The Speaker informed the House of the proposed retirement of Mr Keith Ryder from the Department of the Parliamentary Reporting Staff and, after paying tribute to his service to the Parliament, wished him and his wife and family well.

## 19 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 44 of 1993-94—Project audit—Department of Immigration and Ethnic Affairs: Electronic capture of passenger card data.

Mr Beazley (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 44 of 1993-94; and
- (2) the report be printed.

Question—put and passed.

## 20 PAPERS

The following papers were presented:

East Asia Analytical Unit—Department of Foreign Affairs and Trade—Report—Expanding horizons: Australia and Indonesia into the 21st century.

Employment, Education and Training—Standing Committee—Reports—

Sticks and stones: Violence in Australian schools, March 1994—Copy of letter from Mr Free, Minister for Schools, Vocational Education and Training, to Mr Fitzgibbon, Chairman of the Committee, relating to the delay in the Government's response, 29 June 1994.

The literacy challenge: Strategies for early intervention for literacy and learning for Australian children, December 1992—Government response, June 1994.

Insurance and Superannuation Commission—

Reports on long-term costs carried out by the Australian Government Actuary using data to 30 June 1993 of—

Military Superannuation and Benefits Scheme and Defence Force Retirement and Death Benefits Scheme (MSBS and DFRDB).

Public Sector Superannuation Scheme and Commonwealth Superannuation Scheme (PSS and CSS).

The financing and costing of Government Superannuation Schemes—Report by D. B. Duval, Australian Government Actuary.

Long term costs of the Commonwealth's civilian and military superannuation schemes—Ministerial statement by Mr Beazley, Minister for Finance.

Migration Regulations—Joint Standing Committee—Report, August 1992—Australia's refugee and humanitarian system: Achieving a balance between refuge and control—Government response, April 1994.

National Board of Employment, Education and Training—Review, February 1994—Response by Mr Crean, Minister for Employment, Education and Training, June 1994.

## 21 PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Beazley (Leader of the House) moved—That the House take note of the following papers:

East Asia Analytical Unit—Department of Foreign Affairs and Trade—Report—Expanding horizons: Australia and Indonesia into the 21st century.

Employment, Education and Training—Standing Committee—Report, December 1992—The literacy challenge: strategies for early intervention for literacy and learning for Australian children—Government response, June 1994.

Insurance and Superannuation Commission—

Reports on long-term costs carried out by the Australian Government Actuary using data to 30 June 1993 of—

Military Superannuation and Benefits Scheme and Defence Force Retirement and Death Benefits Scheme (MSBS and DFRDB).

Public Sector Superannuation Scheme and Commonwealth Superannuation Scheme (PSS and CSS).

The financing and costing of Government Superannuation Schemes—Report by D. B. Duval, Australian Government Actuary.

Long term costs of the Commonwealth's civilian and military superannuation schemes—Ministerial statement by Mr Beazley, Minister for Finance.

Migration Regulations—Joint Standing Committee—Report, August 1992—Australia's refugee and humanitarian system: Achieving a balance between refuge and control—Government response, April 1994.

Debate adjourned (Mr Howard), and the resumption of each debate made an order of the day for the next sitting.

## 22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SUPERANNUATION AND SAVINGS POLICIES

The House was informed that Mr Costello (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government's superannuation and savings policies".

The proposed discussion having received the necessary support—

Mr Costello addressed the House.

Discussion ensued.

Discussion concluded.

## 23 ATSIC AMENDMENT (INDIGENOUS LAND CORPORATION AND LAND FUND) BILL 1994

Mr Keating (Prime Minister), for Mr Beazley (Minister for Finance), pursuant to notice, presented a Bill for an Act to amend the *Aboriginal and Torres Strait Islander Commission Act 1989* and certain other Acts, and for related purposes.

Bill read a first time.

*Paper:* Mr Keating presented an explanatory memorandum (Parts A and B) to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**24 LIFE INSURANCE BILL 1994**

Mr Elliott (Parliamentary Secretary to the Treasurer), pursuant to notice, presented a Bill for an Act relating to life insurance, and for related purposes.

Bill read a first time.

*Paper:* Mr Elliott presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**25 LIFE INSURANCE (CONSEQUENTIAL AMENDMENTS AND REPEALS) BILL 1994**

Mr Elliott (Parliamentary Secretary to the Treasurer), pursuant to notice, presented a Bill for an Act to amend certain Acts in consequence of the enactment of the *Life Insurance Act 1994*, and for other purposes.

Bill read a first time.

*Paper:* Mr Elliott presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**26 EMPLOYMENT SERVICES BILL 1994**

Mr Crean (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act relating to employment services.

Bill read a first time.

*Paper:* Mr Crean presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**27 EMPLOYMENT SERVICES (CONSEQUENTIAL AMENDMENTS) BILL 1994**

Mr Crean (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act to amend the statute law of the Commonwealth in consequence of the enactment of the *Employment Services Act 1994*, and for other purposes.

Bill read a first time.

*Paper:* Mr Crean presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**28 HIGHER EDUCATION FUNDING LEGISLATION AMENDMENT BILL 1994**

Mr Crean (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act relating to funding for higher education.

Bill read a first time.

*Paper:* Mr Crean presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**29 HIGHER EDUCATION FUNDING (STUDENT ORGANISATIONS) AMENDMENT BILL 1994**

Mr Crean (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Higher Education Funding Act 1988*.

Bill read a first time.

*Paper:* Mr Crean presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**30 FAMILY LAW REFORM BILL 1994**

Mr Johns (Special Minister of State), for Mr Lavarch (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Family Law Act 1975*, and for related purposes.

Bill read a first time.

*Paper:* Mr Johns presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**31 TAXATION LAWS AMENDMENT BILL (NO. 3) 1994**

Mr Johns (Special Minister of State) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

*Paper:* Mr Johns presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**32 TAXATION LAWS AMENDMENT (INFRASTRUCTURE BORROWINGS) BILL 1994**

Mr Johns (Special Minister of State) presented a Bill for an Act to amend the law relating to infrastructure borrowings.

Bill read a first time.

*Paper:* Mr Johns presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**33 CUSTOMS TARIFF PROPOSAL**

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved Customs Tariff Proposal No. 4 (1994).

Debate adjourned (Mr Ronaldson), and the resumption of the debate made an order of the day for the next sitting.

**34 PRIVILEGES COMMITTEE—REPORT—STATEMENT BY MEMBER**

Mr Sawford (Chairman) presented the following report:



Committee of Privileges—Matter referred to the committee on 23 March 1994—Report concerning the possible discrimination against a witness who had appeared before the Standing Committee on Industry, Science and Technology, including minutes of proceedings, 27 June 1994.

Ordered to be printed.

Mr Sawford, by leave, made a statement in connection with the report.

**35 CERTAIN FAMILY LAW ISSUES—JOINT SELECT COMMITTEE—AMENDMENT OF RESOLUTION OF APPOINTMENT**

Mr Johns (Special Minister of State), for Mr Beazley (Leader of the House), pursuant to notice, moved—

- (1) That the resolution of appointment of the Joint Select Committee on Certain Family Law Issues be amended:
  - (a) by inserting after subparagraph (1)(b) the following new subparagraph:

“(c) the Auditor-General’s audit report No. 39 of 1993-94—Efficiency audit—Australian Taxation Office: Management of the Child Support Agency.”; and
  - (b) by omitting from paragraph (15) “31 August 1994” and substituting “30 June 1995”.
- (2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Debate ensued.

Question—put and passed.

**36 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—AUTHORITY TO MEET CONCURRENTLY WITH SENATE COMMITTEE**

Mr Johns (Special Minister of State), for Mr Beazley (Leader of the House), pursuant to notice, moved—

- (1) That the House of Representatives authorises the Standing Committee on Legal and Constitutional Affairs to meet concurrently with the Senate Standing Committee on Legal and Constitutional Affairs for the purposes of examining and taking evidence from witnesses in connection with its inquiry into section 53 of the Constitution.
- (2) That meetings held in accordance with this resolution be jointly chaired by the Chairmen of the Legal and Constitutional Affairs Committees of each House.
- (3) That for the purposes of the hearing of evidence at meetings held in accordance with this resolution, the procedures adopted by the Senate by its Privilege Resolution 1 of 25 February 1988 be followed to the extent that they are applicable.
- (4) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.
- (5) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Question—put and passed.

**37 STANDING ORDERS—REVISION**

Mr Johns (Special Minister of State), for Mr Beazley (Leader of the House), pursuant to notice, moved—

That the House authorises the Speaker to have prepared for presentation to the House a revision of the standing orders:

- (a) incorporating references to Members in gender-inclusive pronouns; and
- (b) omitting the term “chairman” in relation to parliamentary committees and substituting “chair”.

Question—put and passed.

**38 WORKING NATION—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the papers (*presented on 4 May 1994*), viz.:

Working nation, 4 May 1994—

Ministerial statement.

Policies and programs.

White paper on employment and growth—

Debate resumed.

Mr Price was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

**39 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT BILL (NO. 2) 1994**

The following message from the Senate was reported:

Message No. 305

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Social Security Act 1991’, and for related purposes*”, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN  
President

The Senate

Canberra, 30 June 1994

Ordered—That the amendments be considered forthwith.

**SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE**

No. 1—Clause 2, page 2, subclause (3), line 4, omit “and 8”, substitute “, 8 and 10”.

No. 2—Clause 2, page 2, after subclause (3) insert the following subclause:

“(3A) Division 8A of Part 2 commences on 4 July 1994.”.

No. 3—Clause 2, page 2, at end of clause add the following subclause:

“(7) Division 11 of Part 2 commences on 1 January 1995.”

No. 4—After clause 4, page 3, insert the following clauses:

**Qualification for Disability Support Pension**

“4A. Section 94 of the Principal Act is amended by inserting after subsection (1) the following subsections:

‘(1A) Despite subsection (1) and subparagraph 96(1)(b)(iv), if a person claims disability support pension within 28 days of last being paid disability wage supplement, the person is qualified for the pension and section 116 does not apply to the person.

‘(1B) If:

- (a) a person is qualified for disability support pension under subsection (1A); and
- (b) the Secretary determines under section 114 that the person’s claim is to be granted;

the person is qualified for disability support pension after the making of the determination if:

- (c) the person has a physical, intellectual or psychiatric impairment; and
- (d) the person’s impairment is of 20% or more under the Impairment Tables; and
- (e) the person has a continuing inability to work.

Note: The Secretary may require a DSP recipient to attend a medical examination pursuant to section 105 of the Act.’

**Commencement day for disability support pension**

“4B. Section 100 of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘Subject to subsections (2)’ and substituting ‘Subject to subsections (1A), (2)’;
- (b) by inserting after subsection (1) the following subsection:

‘(1A) If a person claims disability support pension within 28 days of last being paid a disability wage supplement the person’s provisional commencement day is the day after the last payment of disability wage supplement.’”

No. 5—Clause 5, page 9, proposed paragraph 416(1)(a), line 23, omit “required”, substitute “requested”.

No. 6—Clause 5, page 9, proposed paragraph 416(1)(b), line 25, omit “requirement”, substitute “request”.

No. 7—Clause 5, page 10, proposed paragraph 417(1)(b), line 25, omit “required”, substitute “requested”.

No. 8—Clause 5, page 10, proposed paragraph 417(1)(c), line 27, omit “requirement”, substitute “request”.

No. 9—Clause 5, page 11, proposed subsection 417(4), line 23, omit “requirement”, substitute “request”.

No. 10—Clause 5, page 14, proposed sections 426 and 427, lines 3 to 32, omit the sections, substitute the following sections:

**Secretary may request claimant to give statement of claimant's tax file number**

“ ‘426.(1) If a claimant for disability wage supplement is in Australia, the Secretary may request but not compel the claimant:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

‘(2) A disability wage supplement is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 416(2) and (3)).

**Secretary may request claimant to give statement of partner's tax file number**

‘427.(1) If:

- (a) a claimant for disability wage supplement is a member of a couple; and
- (b) the claimant's partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant's partner.

‘(2) A disability wage supplement is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 417(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 417(4)).’ ”.

No. 11—Clause 5, line 16 (page 22) to line 14 (page 23), proposed sections 444 and 445, omit the sections, substitute the following sections:

**Secretary may request recipient to give statement of recipient's tax file number**

“ ‘444.(1) If a recipient of disability wage supplement is in Australia, the Secretary may request but not compel the recipient:

- (a) if the recipient is in Australia—to give the Secretary a written statement of the recipient's tax file number; or

- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A disability wage supplement is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 416(2) and (3)).

#### **Secretary may request recipient to give statement of partner's tax file number**

'445.(1) If:

- (a) a recipient of disability wage supplement is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A disability wage supplement is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 417(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 417(4)).'."

No. 12—Clause 34, line 34 (page 61) to line 15 (page 62), omit the clause, substitute the following clauses:

#### **Provision of person's tax file number**

"34. Section 46A of the Principal Act is amended:

- (a) by omitting paragraph (1)(a) and substituting the following paragraph:

'(a) the person is requested under section 51A or 67A:

- (i) to give the Secretary a written statement of the person's tax file number; or
- (ii) to apply for a tax file number and give the Secretary a written statement of the person's tax file number once it has been issued; and';

- (b) by omitting from paragraph (1)(b) 'requirement' and substituting 'request';

- (c) by omitting paragraph (3)(a) and substituting the following paragraph:
  - ‘(a) the person’s declaration states that the person has applied for a tax file number; and’;
- (d) by inserting after paragraph (3)(b) the following paragraph:
  - ‘(ba) the Commissioner of Taxation has not told the Secretary that the person has not applied for a tax file number; and’.

**Provision of partner’s tax file number**

“34A. Section 46B of the Principal Act is amended:

- (a) by omitting from paragraph (1)(b) ‘required’ and substituting ‘requested’;
- (b) by omitting from paragraph (1)(c) ‘requirement’ and substituting ‘request’;
- (c) by omitting from subsection (4) ‘requirement’ and substituting ‘request’.”.

No. 13—Clause 35, page 62, lines 16 to 30, omit the clause, substitute the following clause:

**Repeal and substitution of sections**

“35. Sections 51A and 51B of the Principal Act are repealed and the following sections are substituted:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘51A.(1) If a claimant for an age pension is in Australia, the Secretary may request but not compel the claimant:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant’s tax file number after the Commissioner of Taxation has issued it.

‘(2) An age pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant’s tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant’s tax file number (see subsections 46A(2) and (3)).

**Secretary may request claimant to give statement of partner’s tax file number**

‘51B.(1) If:

- (a) a claimant for an age pension is a member of a couple; and
- (b) the claimant’s partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant's partner.

'(2) An age pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 46B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 46B(4)).'."

No. 14—Clause 36, line 31 (page 62) to line 7 (page 63), omit the clause, substitute the following clause:

**Repeal and substitution of sections**

"36. Sections 67A and 67B of the Principal Act are repealed and the following sections are substituted:

**Secretary may request recipient to give statement of recipient's tax file number**

'67A.(1) If a recipient of an age pension is in Australia, the Secretary may request but not compel the recipient:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) An age pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 46A(2) and (3)).

**Secretary may request recipient to give statement of partner's tax file number**

'67B.(1) If:

- (a) an age pension recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) An age pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 46B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 46B(4)).'."

No. 15—After Division 8, page 63, insert the following Division:

***“Division 8A—Deferment periods for job search allowance and newstart allowance***

**Schedule 2A**

**“39A.** The Principal Act is amended as set out in Schedule 2A.”.

No. 16—At end of Part 2, page 65, add the following Division:

***“Division 10—Allocated pensions and allocated annuities***

***Investment income definitions***

**“42A.** Section 9 of the Principal Act is amended:

- (a) by inserting the following definitions in subsection (1):
  - “allocated annuity”** has the meaning given by subsection (8);
  - “allocated pension”** has the meaning given by subsection (8);’;
- (b) by inserting after subsection (7) the following subsection:
  - ‘(8) A pension or annuity is an **allocated** one if:
    - (a) the pension or annuity was purchased on or after 1 July 1992; and
    - (b) either:
      - (i) the rate of payment of the pension or annuity; or
      - (ii) the basis for variations in the rate of payment of the pension or annuity;

is not fully defined in the relevant trust deed or contract.’.

**Certain assets to be disregarded in calculating the value of a person's assets**

**“42B.** Section 1118 of the Principal Act is amended by inserting in paragraph (1)(d) ‘that is not an allocated pension’ after ‘person’.

**Value of annuities**

**“42C.** Section 1119 of the Principal Act is amended:

- (a) by inserting after paragraph (2)(a) the following paragraph:
  - ‘(ab) an allocated annuity; or’;
- (b) by inserting after subsection (4) (and before the Annuity Value Calculator) the following subsection:
  - ‘(5) Subsection (4) does not apply to an allocated annuity.

Note: For “allocated annuity” see subsection 9(8).’.

**Amendment of the Social Security Legislation Amendment Act (No. 3) 1992**

**“42D.** The *Social Security Legislation Amendment Act (No. 3) 1992* is amended:



- (a) by omitting subsection 2(13);
- (b) by repealing Division 19 of Part 2.”.

No. 17—At end of Part 2, page 65, add the following Division:

**“Division 11—Net rental property loss**

**Family payment income test and parental means test definitions**

“42E. Section 10A of the Principal Act is amended:

- (a) by inserting the following definition in subsection (2):

“**net rental property loss**” has the meaning given by subsection (15);’;

- (b) by adding at the end the following subsection:

*Net rental property loss*

‘(15) The **net rental property loss** of a person for a tax year is:

- (a) if the expenses incurred by the person on rental property during that year exceed the person’s gross rental property income for that year—the amount by which those expenses exceed that gross rental property income; or
- (b) if the expenses incurred by the person on rental property during that year do not exceed the person’s gross rental property income for that year—nil.’.

**Benefit Rate Calculator A**

“42F.(1) The Rate Calculator in section 1067 of the Principal Act is amended:

- (a) by omitting from point 1067-G12 ‘taxable’;
- (b) by omitting Note 2 to point 1067-G12 and substituting the following Notes:

‘Note 2: For “income” see point 1067-G23 below.

Note 2A: For “exempt spousal maintenance income” see section 23.’;

- (c) by omitting from point 1067-G13 ‘taxable’;
- (d) by omitting Note 2 to point 1067-G13 and substituting the following Notes:

‘Note 2: For “income” see point 1067-G23 below.

Note 2A: For “exempt spousal maintenance income” see section 23.’;

- (e) by omitting from point 1067-G14 ‘taxable’;
- (f) by omitting Note 2 to point 1067-G14 and substituting the following Notes:

‘Note 2: For “income” see point 1067-G23 below.

Note 2A: For “exempt spousal maintenance income” see section 23.’;

- (g) by inserting after point 1067-G22 the following point in Module G:  
*Income*

‘1067-G23. For the purposes of points 1067-G12, 1067-G13 and 1067-G14, a person’s **income** for a particular tax year is the sum of:

- (a) the person’s taxable income for that year; and

(b) the person's net rental property loss for that year.

Note 1: For "taxable income" see subsection 23(1).

Note 2: For "net rental property loss" see subsection 10A(15).';

"(2) The amendments made by subsection (1):

- (a) apply to all payments that fall due on or after 1 January 1995; and
- (b) apply to all net rental property losses whether incurred before, on or after 1 January 1995.

### Family Payment Rate Calculator

"42G.(1) The Rate Calculator in section 1069 of the Principal Act is amended:

(a) by inserting after point 1069-H2C the following point:

'1069-H2D. For the purposes of this Module, if a person is a member of a couple, the person's net rental property loss for a tax year includes the net rental property loss for that year of the person's partner.

Note: For "net rental property loss" see subsection 10A(15).';

(b) by omitting point 1069-H21 and substituting the following point:

#### *Income*

'1069-H21. For the purposes of points 1069-H13, 1069-H14, 1069-H15, 1069-H16, 1069-H17 and 1069-H19, a person's **income** for a particular tax year is the sum of:

- (a) the person's taxable income for that year; and
- (b) the person's adjusted fringe benefits value for that year; and
- (c) the person's target foreign income for that year; and
- (d) the person's net rental property loss for that year.

Note 1: For "taxable income" see subsection 23(1).

Note 2: For "adjusted fringe benefits value" see points 1069-H24 and 1069-H25.

Note 3: For "target foreign income" see subsection 10A(2).

Note 4: For "net rental property loss" see subsection 10A(15).';

(c) by omitting Step 7 from the Method Statement in point 1069-H22 and substituting the following Steps:

*Step 6A.* Work out the person's net rental property loss for that tax year.

Note: For the treatment of net rental property loss of members of a couple see point 1069-H2D.

*Step 7.* Add the amounts obtained in Steps 2, 5, 6 and 6A. The result is called the **person's adjusted income**.

(d) by adding at the end of point 1069-H22 the following Note:

'Note 3: For "net rental property loss" see subsection 10A(15).';

(e) by omitting Step 7 from the Method Statement in point 1069-H27 and substituting the following Steps:

**Step 6A.** Work out the person's net rental property loss for that tax year.

Note: For the treatment of net rental property loss of members of a couple see point 1069-H2D.

**Step 7.** Add the amounts obtained in Steps 2, 5, 6 and 6A. The result is called the **person's adjusted income**.

(f) by adding at the end of point 1069-H27 the following notes:

'Note 2: For "target foreign income" see subsection 10A(2).

Note 3: For "net rental property loss" see subsection 10A(15).'

"(2) The amendments made by subsection (1):

(a) apply to all payments that fall due on or after 1 January 1995; and

(b) apply to all net rental property losses whether incurred before, on or after 1 January 1995."

No. 18—Schedule 2, page 74, item 1, proposed paragraph 101(1)(a), omit "required", substitute "requested".

No. 19—Schedule 2, page 74, after item 1, insert the following item:

**"1A. Paragraph 101(1)(b):**

Omit 'requirement', substitute 'request'."

No. 20—Schedule 2, page 74, after item 3, insert the following items:

**"3A. Paragraph 102(1)(b):**

Omit 'required', substitute 'requested'.

**3B. Paragraph 102(1)(c):**

Omit 'requirement', substitute 'request'.

**3C. Subsection 102(4):**

Omit 'requirement', substitute 'request'."

No. 21—Schedule 2, pages 74 and 75, items 4 and 5, omit the items, substitute the following items:

**"4. Sections 111 and 112:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant's tax file number**

'111.(1) If a claimant for a disability support pension is in Australia, the Secretary may request but not compel the claimant:

(a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or

(b) if the claimant does not have a tax file number:

(i) to apply to the Commissioner of Taxation for a tax file number; and

(ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

‘(2) A disability support pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant’s tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant’s tax file number (see subsections 101(2) and (3)).

**Secretary may request claimant to give statement of partner’s tax file number**

‘112.(1) If:

- (a) a claimant for a disability support pension is a member of a couple; and
- (b) the claimant’s partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant’s partner.

‘(2) A disability support pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner’s tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner’s tax file number (see subsections 102(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 102(4)).’

**5. Sections 130 and 131:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient’s tax file number**

‘130.(1) If a recipient of a disability support pension is in Australia, the Secretary may request but not compel the recipient:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient’s tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient’s tax file number after the Commissioner of Taxation has issued it.

‘(2) A disability support pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 101(2) and (3)).

**Secretary may request recipient to give statement of partner's tax file number**

'131.(1) If:

- (a) a disability support pension recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A disability support pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 102(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 102(4)).'."

No. 22—Schedule 2, page 75, item 6, proposed paragraph 150A(1)(a), omit "required", substitute "requested".

No. 23—Schedule 2, page 75, after item 6, insert the following item:

**"6A. Paragraph 150A(1)(b):**

Omit 'requirement', substitute 'request'."

No. 24—Schedule 2, page 75, after item 8, insert the following items:

**"8A. Paragraph 150B(1)(a):**

Omit 'required', substitute 'requested'.

**8B. Paragraph 150B(1)(b):**

Omit 'requirement', substitute 'request'.

**8C. Subsection 150B(4):**

Omit 'requirement', substitute 'request'."

No. 25—Schedule 2, pages 75 and 76, items 9 and 10, omit the items, substitute the following items:

**"9. Sections 155A and 155B:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant's tax file number**

'155A.(1) If a claimant for a wife pension is in Australia, the Secretary may request but not compel the claimant:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or

- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

'(2) A wife pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 150A(2) and (3)).

**Secretary may request claimant to give statement of partner's tax file number**

'155B.(1) If the partner of a claimant for a wife pension is in Australia, the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant's partner.

'(2) A wife pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 150B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 150B(4)).'

**10. Sections 171A and 171B:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient's tax file number**

'171A.(1) If a recipient of a wife pension is in Australia, the Secretary may request but not compel the recipient:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A wife pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 150A(2) and (3)).

**Secretary may request recipient to give statement of partner's tax file number**

'171B.(1) If the partner of a wife pension recipient is in Australia, the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A wife pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 150B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 150B(4)).'.

No. 26—Schedule 2, page 76, item 11, proposed paragraph 201A(1)(a), omit "required", substitute "requested".

No. 27—Schedule 2, page 76, after item 11 insert the following item:

**"11A. Paragraph 201A(1)(b):**

Omit 'requirement', substitute 'request'."

No. 28—Schedule 2, page 76, after item 13, insert the following items:

**"13A. Paragraph 201B(1)(b):**

Omit 'required', substitute 'requested'.

**13B. Paragraph 201B(1)(c):**

Omit 'requirement', substitute 'request'.

**13C. Subsection 201B(4):**

Omit 'requirement', substitute 'request'."

No. 29—Schedule 2, page 77, items 14 and 15, omit the items, substitute the following items:

**"14. Sections 206A and 206B:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant's tax file number**

'206A.(1) The Secretary may request but not compel a claimant for a carer pension:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and

- (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

'(2) A carer pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 201A(2) and (3)).

**Secretary may request claimant to give statement of partner's tax file number**

'206B.(1) If:

- (a) a claimant for a carer pension is a member of a couple; and
- (b) the claimant's partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant's partner.

'(2) A carer pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 201B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 201B(4)).'

**15. Sections 221A and 221B:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient's tax file number**

'221A.(1) The Secretary may request but not compel a recipient of a carer pension:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A carer pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.



Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 201A(2) and (3)).

**Secretary may request recipient to give statement of partner's tax file number**

'221B.(1) If:

- (a) a carer pension recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A carer pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 201B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 201B(4)).

No. 30—Schedule 2, page 77, item 16, proposed paragraph 257A(1)(a), omit "required", substitute "requested".

No. 31—Schedule 2, page 77, after item 16 insert the following item:

**"16A. Paragraph 257A(1)(b):**

Omit 'requirement', substitute 'request'.

No. 32—Schedule 2, page 78, after item 18 insert the following items:

**"18A. Paragraph 257B(1)(b):**

Omit 'required', substitute 'requested'.

**18B. Paragraph 257B(1)(c):**

Omit 'requirement', substitute 'request'.

**18C. Subsection 257B(4):**

Omit 'requirement', substitute 'request'.

No. 33—Schedule 2, pages 78 and 79, items 19 and 20, omit the items, substitute the following items:

**"19. Sections 265A and 265B:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant's tax file number**

'265A.(1) If a claimant for a sole parent pension is in Australia, the Secretary may request but not compel the claimant:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or

- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

'(2) A sole parent pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 257A(2) and (3)).

### **Secretary may request claimant to give statement of partner's tax file number**

'265B.(1) If:

- (a) a claimant for a sole parent pension is a member of a couple; and
- (b) the claimant's partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant's partner.

'(2) A sole parent pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 257B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 257B(4)).

### **20. Sections 283A and 283B:**

Repeal the sections, substitute:

### **Secretary may request recipient to give statement of recipient's tax file number**

'283A.(1) If a recipient of a sole parent pension is in Australia, the Secretary may request the recipient:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

‘(2) A sole parent pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient’s tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient’s tax file number (see subsections 257A(2) and (3)).

**Secretary may request recipient to give statement of partner’s tax file number**

‘283B.(1) If:

- (a) a sole parent pension recipient is a member of a couple; and
- (b) the recipient’s partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient’s partner.

‘(2) A sole parent pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner’s tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner’s tax file number (see subsections 257B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 257B(4)).”

No. 34—Schedule 2, page 79, item 21, proposed paragraph 320A(1)(a), omit “required”, substitute “requested”.

No. 35—Schedule 2, page 79, after item 21 insert the following item:

**“21A. Paragraph 320A(1)(b):**

Omit ‘requirement’, substitute ‘request’.”.

No. 36—Schedule 2, pages 79 and 80, items 24 and 25, omit the items, substitute the following items:

**“24. Section 325A:**

Repeal the section, substitute:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘325A.(1) If a claimant for a widowed person allowance is in Australia, the Secretary may request but not compel the claimant:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and

- (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

'(2) A widowed person allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 320A(2) and (3)).

#### **25. Section 340A:**

Repeal the section, substitute:

#### **Secretary may request recipient to give statement of recipient's tax file number**

'340A.(1) If a recipient of a widowed person allowance is in Australia, the Secretary may request but not compel the recipient:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A widowed person allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 320A(2) and (3)).

No. 37—Schedule 2, page 80, item 26, proposed paragraph 367A(1)(a), omit "required", substitute "requested".

No. 38—Schedule 2, page 80, after item 26 insert the following item:

#### **"26A. Paragraph 367A(1)(b):**

Omit 'requirement', substitute 'request'."

No. 39—Schedule 2, pages 80 and 81, items 29 and 30, omit the items, substitute the following items:

#### **"29. Section 372A:**

Repeal the section, substitute:

#### **Secretary may request claimant to give statement of claimant's tax file number**

'372A.(1) If a claimant for a widow B pension is in Australia, the Secretary may request but not compel the claimant:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

'(2) A widow B pension is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 367A(2) and (3)).'

### 30. Section 388A:

Repeal the section, substitute:

#### **Secretary may request recipient to give statement of recipient's tax file number**

'388A.(1) If a recipient of a widow B pension is in Australia, the Secretary may request but not compel the recipient:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A widow B pension is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 367A(2) and (3)).'

No. 40—Schedule 2, page 81, item 31, proposed paragraph 527(1)(a), omit "required", substitute "requested".

No. 41—Schedule 2, page 81, item 31, proposed paragraph 527(1)(b), omit "requirement", substitute "request".

No. 42—Schedule 2, page 81, after item 31 insert the following item:

#### **"31A. Subsection 527(1) (Notes 1 and 2):**

Omit 'require', substitute 'request'."

No. 43—Schedule 2, page 82, after item 33 insert the following items:

**“33A. Paragraph 528(1)(b):**

Omit ‘required’, substitute ‘requested’.

**33B. Paragraph 528(1)(c):**

Omit ‘requirement’, substitute ‘request’.

**33C. Subsection 528(4):**

Omit ‘requirement’, substitute ‘request’.”.

No. 44—Schedule 2, page 82, items 34 and 35, omit the items, substitute the following items:

**“34. Sections 554B and 555:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘554B.(1) The Secretary may request but not compel a claimant for job search allowance:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant’s tax file number after the Commissioner of Taxation has issued it.

‘(2) A job search allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

**Secretary may request claimant to give statement of partner’s tax file number**

‘555.(1) If:

- (a) a claimant for job search allowance is a member of a couple; and
- (b) the claimant’s partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant’s partner.

‘(2) A job search allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner’s tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner’s tax file number (see subsections 528(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 528(4)).’.

**35. Sections 572A and 573:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient's tax file number**

'572A.(1) The Secretary may request but not compel a recipient of job search allowance:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A job search allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

**Secretary may request recipient to give statement of partner's tax file number**

'573.(1) If:

- (a) a job search allowance recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A job search allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 528(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 528(4)).'."

No. 45—Schedule 2, page 83, item 36, proposed paragraph 609(1)(a), omit "required", substitute "requested".

No. 46—Schedule 2, page 83, item 36, proposed paragraph 609(1)(b), omit "requirement", substitute "request".

No. 47—Schedule 2, page 83, after item 36 insert the following item:

**"36A. Subsection 609(1) (Notes 1 and 2):**

Omit 'require', substitute 'request'."

No. 48—Schedule 2, page 83, after item 38 insert the following items:

**“38A. Paragraph 610(1)(b):**

Omit ‘required’, substitute ‘requested’.

**38B. Paragraph 610(1)(c):**

Omit ‘requirement’, substitute ‘request’.

**38C. Subsection 610(4):**

Omit ‘requirement’, substitute ‘request’.”.

No. 49—Schedule 2, pages 83 and 84, items 39 and 40, omit the items, substitute the following items:

**“39. Sections 638B and 639:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘638B.(1) The Secretary may request but not compel a claimant for newstart allowance:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant’s tax file number after the Commissioner of Taxation has issued it.

‘(2) A newstart allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

**Secretary may request claimant to give statement of partner’s tax file number**

‘639.(1) If:

- (a) a claimant for newstart allowance is a member of a couple; and
- (b) the claimant’s partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant’s partner.

‘(2) A newstart allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner’s tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner’s tax file number (see subsections 610(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 610(4)).’.

**40. Sections 655A and 656:**

Repeal the sections, substitute:



**Secretary may request recipient to give statement of recipient's tax file number**

'655A.(1) The Secretary may request but not compel a recipient of newstart allowance:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A newstart allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

**Secretary may request recipient to give statement of partner's tax file number**

'656.(1) If:

- (a) a newstart allowance recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A newstart allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 610(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 610(4)).

No. 50—Schedule 2, page 84, item 41, proposed paragraph 660XCD(1)(a), omit "required", substitute "requested".

No. 51—Schedule 2, page 84, after item 41 insert the following item:

**"41A. Paragraph 660XCD(1)(b):**

Omit 'requirement', substitute 'request'.

No. 52—Schedule 2, page 84, after item 43 insert the following items:

**"43A. Paragraph 660XCE(1)(b):**

Omit 'required', substitute 'requested'.

**43B. Paragraph 660XCE(1)(c):**

Omit 'requirement', substitute 'request'.

**43C. Subsection 660XCE(4):**

Omit 'requirement', substitute 'request'.

No. 53—Schedule 2, page 84, item 44, proposed paragraph 660XCL(1)(a), omit "required", substitute "requested".

No. 54—Schedule 2, page 84, after item 44 insert the following item:

**"44A. Paragraph 660XCL(1)(b):**

Omit 'requirement', substitute 'request'.

No. 55—Schedule 2, page 85, after item 46 insert the following items:

**"46A. Paragraph 660XCM(1)(a):**

Omit 'required', substitute 'requested'.

**46B. Paragraph 660XCM(1)(b):**

Omit 'requirement', substitute 'request'.

**46C. Subsection 660XCM(4):**

Omit 'requirement', substitute 'request'.

No. 56—Schedule 2, page 85, items 47 and 48, omit the items, substitute the following items:

**"47. Sections 660XDF and 660XDG:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant's tax file number**

'660XDF.(1) If a claimant for mature age allowance or mature age partner allowance is in Australia, the Secretary may request but not compel the claimant:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

'(2) A mature age allowance or a mature age partner allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 660XCD(2) and (3) and 660XCL(2) and (3)).

**Secretary may request claimant to give statement of partner's tax file number**

*Claimant for mature age allowance*

'660XDG.(1) If:

- (a) a claimant for mature age allowance is a member of a couple; and
- (b) the claimant's partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant's partner.

*Claimant for mature age partner allowance*

'(2) The Secretary may request but not compel a claimant for mature age partner allowance to give the Secretary a written statement of the tax file number of the claimant's partner if the partner is in Australia.

'(3) A mature age allowance or a mature age partner allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 660XCE(2) and (3) and 660XCM(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsections 660XCE(4) and 660XCM(4)).

**48. Sections 660XIA and 660XIB:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient's tax file number**

'660XIA.(1) If a recipient of mature age allowance or mature age partner allowance is in Australia, the Secretary may request but not compel the recipient:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A mature age allowance or a mature age partner allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 660XCD(2) and (3) and 660XCL(2) and (3)).

**Secretary may request recipient to give statement of partner's tax file number**

*Mature age allowance recipient*

'660XIB.(1) If:

- (a) a mature age allowance recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

*Mature age partner allowance recipient*

'(2) The Secretary may request but not compel a recipient of mature age partner allowance to give the Secretary a written statement of the tax file number of the recipient's partner if the partner is in Australia.

'(3) A mature age allowance or a mature age partner allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 660XCE(2) and (3) and 660XCM(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsections 660XCE(4) and 660XCM(4)).'."

No. 57—Schedule 2, page 86, item 49, proposed paragraph 678(1)(a), omit "required", substitute "requested".

No. 58—Schedule 2, page 86, item 49, proposed paragraph 678(1)(b), omit "requirement", substitute "request".

No. 59—Schedule 2, page 86, after item 49 insert the following item:

**"49A. Subsection 678(1) (Notes 1 and 2):**

Omit 'require', substitute 'request'."

No. 60—Schedule 2, page 86, after item 51 insert the following items:

**"51A. Paragraph 679(1)(b):**

Omit 'required', substitute 'requested'.

**51B. Paragraph 679(1)(c):**

Omit 'requirement', substitute 'request'.

**51C. Subsection 679(4):**

Omit 'requirement', substitute 'request'."

No. 61—Schedule 2, pages 86 and 87, items 52 and 53, omit the items, substitute the following items:

**“52. Sections 704B and 705:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘704B.(1) The Secretary may request but not compel a claimant for sickness allowance:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant’s tax file number after the Commissioner of Taxation has issued it.

‘(2) A sickness allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

**Secretary may request claimant to give statement of partner’s tax file number**

‘705.(1) If:

- (a) a claimant for sickness allowance is a member of a couple; and
- (b) the claimant’s partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant’s partner.

‘(2) A sickness allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner’s tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner’s tax file number (see subsections 679(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 679(4)).’.

**53. Sections 725A and 726:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient’s tax file number**

‘725A.(1) The Secretary may request but not compel a recipient of sickness allowance:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient’s tax file number; or
- (b) if the recipient does not have a tax file number:

- (i) to apply to the Commissioner of Taxation for a tax file number; and
- (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A sickness allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

**Secretary may request recipient to give statement of partner's tax file number**

'726.(1) If:

- (a) a sickness allowance recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A sickness allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 679(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 679(4)).".

No. 62—Schedule 2, page 87, item 54, proposed paragraph 734A(1)(a), omit "required", substitute "requested".

No. 63—Schedule 2, page 87, after item 54 insert the following item:

**"54A. Paragraph 734A(1)(b):**

Omit 'requirement', substitute 'request'."

No. 64—Schedule 2, page 87, after item 56 insert the following items:

**"56A. Paragraph 734B(1)(b):**

Omit 'required', substitute 'requested'.

**56B. Paragraph 734B(1)(c):**

Omit 'requirement', substitute 'request'.

**56C. Subsection 734B(4):**

Omit 'requirement', substitute 'request'."

No. 65—Schedule 2, pages 87 and 88, items 57 and 58, omit the items, substitute the following items:

**"57. Sections 742A and 742B:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant's tax file number**

'742A.(1) The Secretary may request but not compel a claimant for special benefit:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant's tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant's tax file number after the Commissioner of Taxation has issued it.

'(2) A special benefit is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant's tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant's tax file number (see subsections 734A(2) and (3)).

**Secretary may request claimant to give statement of partner's tax file number**

'742B.(1) If:

- (a) a claimant for special benefit is a member of a couple; and
- (b) the claimant's partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant's partner.

'(2) A special benefit is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 734B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 734B(4)).'

**58. Sections 758A and 758B:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient's tax file number**

'758A.(1) The Secretary may request but not compel a recipient of special benefit:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or

- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A special benefit is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 734A(2) and (3)).

**Secretary may request recipient to give statement of partner's tax file number**

'758B.(1) If:

- (a) a special benefit recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A special benefit is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 734B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 734B(4)).'."

No. 66—Schedule 2, page 88, item 59, proposed paragraph 849(1)(a), omit "required", substitute "requested".

No. 67—Schedule 2, page 88, after item 59 insert the following item:

**"59A. Paragraph 849(1)(b):**

Omit 'requirement', substitute 'request'."

No. 68—Schedule 2, page 88, after item 61 insert the following items:

**"61A. Paragraph 850(1)(b):**

Omit 'required', substitute 'requested'.

**61B. Paragraph 850(1)(c):**

Omit 'requirement', substitute 'request'.

**61C. Subsection 850(4):**

Omit 'requirement', substitute 'request'."



No. 69—Schedule 2, pages 88 and 89, item 62, omit the item, substitute the following item:

**“62. Sections 855 and 856:**

Repeal the sections, substitute:

**Secretary may request claimant or recipient to give statement of tax file number**

‘855.(1) If a claimant for, or recipient of, family payment is in Australia, the Secretary may request but not compel the person:

- (a) if the person has a tax file number—to give the Secretary a written statement of the person’s tax file number; or
- (b) if the person does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the person’s tax file number after the Commissioner of Taxation has issued it.

‘(2) Family payment is not payable to a claimant or a recipient if, at the end of the period of 28 days after a request is made:

- (a) the person has failed to satisfy the request; and
- (b) the Secretary has not exempted the person from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant or the recipient about the person’s tax file number and an authority by the person to the Commissioner of Taxation to give the Secretary certain information about the recipient’s or the claimant’s tax file number (see subsections 849(2) and (3)).

**Secretary may request claimant or recipient to give statement of partner’s tax file number**

‘856.(1) If:

- (a) a claimant for, or recipient of, family payment is a member of a couple; and
- (b) the person’s partner is in Australia;

the Secretary may request but not compel the person to give the Secretary a written statement of the tax file number of the person’s partner.

‘(2) Family payment is not payable to a claimant or a recipient if, at the end of the period of 28 days after a request is made:

- (a) the person has failed to satisfy the request; and
- (b) the Secretary has not exempted the person from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner’s tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner’s tax file number (see subsections 850(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 850(4)).

No. 70—Schedule 2, page 89, item 63, proposed paragraph 1039A(1)(a), omit “required”, substitute “requested”.

No. 71—Schedule 2, page 89, after item 63 insert the following item:

**“63A. Paragraph 1039A(1)(b):**

Omit ‘requirement’, substitute ‘request’.”.

No. 72—Schedule 2, page 89, after item 65 insert the following items:

**“65A. Paragraph 1039B(1)(b):**

Omit ‘required’, substitute ‘requested’.

**65B. Paragraph 1039B(1)(c):**

Omit ‘requirement’, substitute ‘request’.

**65C. Subsection 1039B(4):**

Omit ‘requirement’, substitute ‘request’.”.

No. 73—Schedule 2, pages 89 and 90, items 66 and 67, omit the items, substitute the following items:

**“66. Sections 1042A and 1042B:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘1042A.(1) The Secretary may request but not compel a claimant for mobility allowance:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant’s tax file number after the Commissioner of Taxation has issued it.

‘(2) A mobility allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant’s tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant’s tax file number (see subsections 1039A(2) and (3)).

**Secretary may request claimant to give statement of partner’s tax file number**

‘1042B.(1) If:

- (a) a claimant for mobility allowance is a member of a couple; and
- (b) the claimant’s partner is in Australia;

the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant’s partner.

‘(2) A mobility allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 1039B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 1039B(4)).

### **67. Sections 1053A and 1053B:**

Repeal the sections, substitute:

#### **Secretary may request recipient to give statement of recipient's tax file number**

'1053A.(1) The Secretary may request but not compel a recipient of mobility allowance:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A mobility allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 1039A(2) and (3)).

#### **Secretary may request recipient to give statement of partner's tax file number**

'1053B.(1) If:

- (a) a mobility allowance recipient is a member of a couple; and
- (b) the recipient's partner is in Australia;

the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) A mobility allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 1039B(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 1039B(4)).

No. 74—Schedule 2, page 90, item 68, proposed paragraph 771HD(1)(a), omit “required”, substitute “requested”.

No. 75—Schedule 2, page 90, after item 68 insert the following item:

**“68A. Paragraph 771HD(1)(b):**

Omit ‘requirement’, substitute ‘request’.”.

No. 76—Schedule 2, page 91, after item 70 insert the following items:

**“70A. Paragraph 771HE(1)(a):**

Omit ‘required’, substitute ‘requested’.

**70B. Paragraph 771HE(1)(b):**

Omit ‘requirement’, substitute ‘request’.

**70C. Subsection 771HE(4):**

Omit ‘requirement’, substitute ‘request’.”.

No. 77—Schedule 2, page 91, items 71 and 72, omit the items, substitute the following items:

**“71. Sections 771IF and 771IG:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘771IF.(1) The Secretary may request but not compel a claimant for partner allowance:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant’s tax file number after the Commissioner of Taxation has issued it.

‘(2) A partner allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant’s tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant’s tax file number (see subsections 771HD(2) and (3)).

**Secretary may request claimant to give statement of partner’s tax file number**

‘771IG.(1) The Secretary may request but not compel a claimant for partner allowance to give the Secretary a written statement of the tax file number of the claimant’s partner if the partner is in Australia.

‘(2) A partner allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and

- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 771HE(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 771HE(4)).

## **72. Sections 771MA and 771MB:**

Repeal the sections, substitute:

### **Secretary may request recipient to give statement of recipient's tax file number**

'771MA.(1) The Secretary may request but not compel a recipient of partner allowance:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) A partner allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 771HD(2) and (3)).

### **Secretary may request recipient to give statement of partner's tax file number**

'771MB.(1) The Secretary may request but not compel a recipient of partner allowance to give the Secretary a written statement of the tax file number of the recipient's partner if the partner is in Australia.

'(2) A partner allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 771HE(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 771HE(4)).

No. 78—Schedule 2, page 92, item 73, proposed paragraph 913(1)(a), omit "required", substitute "requested".

No. 79—Schedule 2, page 92, after item 73 insert the following item:

**“73A. Paragraph 913(1)(b):**

Omit ‘requirement’, substitute ‘request’.”.

No. 80—Schedule 2, page 92, after item 75 insert the following items:

**“75A. Paragraph 914(1)(a):**

Omit ‘required’, substitute ‘requested’.

**75B. Paragraph 914(1)(b):**

Omit ‘requirement’, substitute ‘request’.

**75C. Subsection 914(4):**

Omit ‘requirement’, substitute ‘request’.”.

No. 81—Schedule 2, pages 92 and 93, items 76 and 77, omit the items, substitute the following items:

**“76. Sections 920 and 921:**

Repeal the sections, substitute:

**Secretary may request claimant to give statement of claimant’s tax file number**

‘920.(1) The Secretary may request but not compel a claimant for home child care allowance:

- (a) if the claimant has a tax file number—to give the Secretary a written statement of the claimant’s tax file number; or
- (b) if the claimant does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the claimant’s tax file number after the Commissioner of Taxation has issued it.

‘(2) A home child care allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the claimant about the claimant’s tax file number and an authority by the claimant to the Commissioner of Taxation to give the Secretary certain information about the claimant’s tax file number (see subsections 913(2) and (3)).

**Secretary may request claimant to give statement of partner’s tax file number**

‘921.(1) If the partner of a claimant for home child care allowance is in Australia, the Secretary may request but not compel the claimant to give the Secretary a written statement of the tax file number of the claimant’s partner.

‘(2) Home child care allowance is not payable to a claimant if, at the end of the period of 28 days after a request is made:

- (a) the claimant has failed to satisfy the request; and
- (b) the Secretary has not exempted the claimant from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 914(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 914(4)).

**77. Sections 941 and 942:**

Repeal the sections, substitute:

**Secretary may request recipient to give statement of recipient's tax file number**

'941.(1) The Secretary may request but not compel a recipient of home child care allowance:

- (a) if the recipient has a tax file number—to give the Secretary a written statement of the recipient's tax file number; or
- (b) if the recipient does not have a tax file number:
  - (i) to apply to the Commissioner of Taxation for a tax file number; and
  - (ii) to give the Secretary a written statement of the recipient's tax file number after the Commissioner of Taxation has issued it.

'(2) Home child care allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note: In some cases the request can be satisfied by giving the Secretary a declaration by the recipient about the recipient's tax file number and an authority by the recipient to the Commissioner of Taxation to give the Secretary certain information about the recipient's tax file number (see subsections 913(2) and (3)).

**Secretary may request recipient to give statement of partner's tax file number**

'942.(1) If the partner of a recipient of home child care allowance is in Australia the Secretary may request but not compel the recipient to give the Secretary a written statement of the tax file number of the recipient's partner.

'(2) Home child care allowance is not payable to a recipient if, at the end of the period of 28 days after a request is made:

- (a) the recipient has failed to satisfy the request; and
- (b) the Secretary has not exempted the recipient from having to satisfy the request.

Note 1: In some cases the request can be satisfied by giving the Secretary a declaration by the partner about the partner's tax file number and an authority by the partner to the Commissioner of Taxation to give the Secretary certain information about the partner's tax file number (see subsections 914(2) and (3)).

Note 2: The Secretary may waive the request in some cases (see subsection 914(4)).

No. 82—After Schedule 2, page 93 insert the following Schedule:

**“SCHEDULE 2A**

Section 39A

**AMENDMENTS OF THE SOCIAL SECURITY ACT 1991 RELATING  
TO DEFERMENT PERIODS FOR JOB SEARCH ALLOWANCE AND  
NEWSTART ALLOWANCE**

**1. Subsection 23(1) (definition of ‘JSA automatic deferment provision’):**

Omit ‘(job search allowance deferment provision)’, substitute ‘(job search allowance automatic deferment provision)’.

**2. Subsection 23(1) (paragraph (b) of the definition of ‘JSA automatic deferment provision’):**

Omit ‘subsection 543(3)’, substitute ‘subsection 546C(4)’.

**3. Subsection 23(1) (paragraph (a) of the definition of ‘JSA discretionary deferment provision’):**

Omit ‘subsection 543(1)’, substitute ‘subsection 546C(1)’.

**4. Subsection 23(1) (definition of ‘NS allowance automatic deferment provision’):**

Omit ‘(newstart automatic allowance deferment provision)’, substitute ‘(newstart allowance automatic deferment provision)’.

**5. Subsection 23(1) (paragraph (d) of the definition of ‘NS allowance automatic deferment provision’):**

Omit ‘subsection 627(3)’, substitute ‘subsection 630C(4)’.

**6. Subsection 23(1) (definition of ‘NS discretionary deferment provision’):**

After ‘NS’ insert ‘allowance’.

**7. Subsection 23(1) (paragraph (a) of the definition of ‘NS discretionary deferment provision’):**

Omit ‘subsection 627(1)’, substitute ‘subsection 630C(1)’.

**8. Subsection 23(1):**

Insert:

‘**“activity test deferment period”** means:

- (a) a period worked out under section 546A in relation to the application of a JSA automatic deferment provision included in Subdivision E of Division 1 of Part 2.11; or
- (b) a period worked out under section 630A in relation to the application of an NS allowance automatic deferment provision included in Subdivision F of Division 1 of Part 2.12;

and includes any period for which, as a result of the application before 4 July 1994 of an automatic deferment provision, job search allowance or newstart allowance was not payable, being a period that commenced before 4 July 1994;

‘**“administrative breach deferment period”** means:

- (a) a period worked out under section 547A in relation to the application of a JSA automatic deferment provision included in Subdivision F of Division 1 of Part 2.11; or



- (b) a period worked out under section 631A in relation to the application of an NS allowance automatic deferment provision included in Subdivision G of Division 1 of Part 2.12;

but does not include any period for which, as a result of the application before 4 July 1994 of an automatic deferment provision, job search allowance or newstart allowance was not payable, being a period that commenced before 4 July 1994;

**“discretionary deferment provision” means:**

- (a) a JSA discretionary deferment provision; or  
 (b) an NS allowance discretionary deferment provision;’.

**9. Paragraph 526(1)(i):**

Omit ‘section 543’, substitute ‘section 546C’.

**10. Subparagraph 526(1)(j)(ii):**

Omit ‘section 543’, substitute ‘section 546C’.

**11. Subdivision E of Division 1 of Part 2.11 (Heading):**

Omit ‘*recipient non-compliance*’, substitute ‘*activity test breaches*’.

**12. Subsection 542(1):**

Omit ‘deferment period’, substitute ‘activity test deferment period’.

**13. Subsections 542(3), (4), (5) and (6):**

Omit the subsections.

**14. Section 542:**

Add at the end the following note:

‘Note: See section 546A for the length of activity test deferment periods and section 546B for the commencement of activity test deferment periods.’.

**15. Subsection 542A(1):**

Omit ‘deferment period’, substitute ‘activity test deferment period’.

**16. Subsections 542A(3), (4), (5) and (6):**

Omit the subsections.

**17. Section 542A:**

Add at the end the following note:

‘Note: See section 546A for the length of activity test deferment periods and section 546B for the commencement of activity test deferment periods.’.

**18. Subsection 542B(1):**

Omit ‘deferment period’, substitute ‘activity test deferment period’.

**19. Subsections 542B(3), (4), (5) and (6):**

Omit the subsections.

**20. Section 542B:**

Add at the end the following note:

‘Note: See section 546A for the length of activity test deferment periods and section 546B for the commencement of activity test deferment periods.’.

**21. Subsection 543(4):**

Omit ‘deferment period’, substitute ‘administrative breach deferment period’.

**22. Subsections 543(5), (6), (7) and (8):**

Omit the subsections.

**23. Section 543:**

(a) Renumber as section 546C and reposition at the beginning of Subdivision F.

(b) Add at the end the following note:

'Note: See section 547A for the length of administrative breach deferment periods and section 547B for the commencement of administrative breach deferment periods.'

**24. Subsection 544(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**25. Subsections 544(2), (3), (4) and (5):**

Omit the subsections.

**26. Section 544:**

Add at the end the following note:

'Note: See section 546A for the length of activity test deferment periods and section 546B for the commencement of activity test deferment periods.'

**27. Subsection 545(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**28. Subsections 545(2), (3), (4) and (5):**

Omit the subsections.

**29. Section 545:**

Add at the end the following note:

'Note: See section 546A for the length of activity test deferment periods and section 546B for the commencement of activity test deferment periods.'

**30. Subsection 546(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**31. Subsections 546(2), (3), (4) and (5):**

Omit the subsections.

**32. Section 546:**

Add at the end the following note:

'Note: See section 546A for the length of activity test deferment periods and section 546B for the commencement of activity test deferment periods.'

**33. After section 546:**

Insert:

**Activity test deferment periods**

'546A.(1) Subject to subsections (2) and (3), if an automatic deferment provision of this Subdivision applies to a person, the deferment period applicable to the person is:

(a) if, at the time the provision becomes applicable, the person's unemployment duration is less than 12 months—2 weeks; or

(b) if, at the time the provision becomes applicable, the person's unemployment duration is 12 months or more, but is less than 18 months—4 weeks; or

- (c) if, at that time, the person's unemployment duration is 18 months or more—6 weeks.

Note: For "automatic deferment provision" see section 23.

'(2) Subject to subsections (3), (4) and (5), if:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) one or more activity test deferment periods had applied to the person within the period of 3 years before that time:

the deferment period is 6 weeks plus:

- (c) in respect of a period (if any) referred to in paragraph (b) of this subsection that was fixed under subsection (1), the number of weeks fixed under that subsection; and
- (d) in respect of each other period (if any) referred to in that paragraph, a further 6 weeks.

Note: For "activity breach deferment period" see section 23.

'(3) If:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) one or more administrative breach deferment periods had applied to the person within the period of 3 years before that time;

the deferment period worked out under subsection (1) or (2) is increased, in respect of each administrative breach deferment period, by:

- (c) if the administrative breach deferment period was worked out under subsection 547A(1)—2 weeks; or
- (d) if it was worked out under subsection 547A(2)—4 weeks; or
- (e) if it was worked out under subsection 547A(3)—6 weeks.

Note: For "administrative breach deferment period" see section 23.

'(4) If:

- (a) a period referred to in paragraph (2)(d) relates to an application of an automatic deferment provision before 4 July 1994; and
- (b) that period had been a period of 2 weeks;

the number of weeks referred to in that paragraph in respect of that period is taken to be 2.

Note: For "automatic deferment provision" see section 23.

'(5) If:

- (a) a period referred to in paragraph (2)(d) relates to an application of an automatic deferment provision before 4 July 1994; and
- (b) the number of weeks in that period had been worked out under the provision by taking into account one previous application of that or any other automatic deferment provision;

the number of weeks referred to in that paragraph in respect of that period is taken to be 4.

Note: For "automatic deferment provision" see section 23.

'(6) A reference in subsection (1) to a person's unemployment duration is a reference to the period during which the person has been continuously receiving a job search allowance.

‘(7) For the purposes of subsection (6), if the person:

- (a) is receiving a job search allowance; and
- (b) ceases for a period of not longer than 6 weeks to receive the allowance; and
- (c) at the end of that period resumes receipt of the allowance;

the person is taken to have been continuously receiving the allowance during that period.

‘(8) For the purposes of subsection (6), if the person:

- (a) is receiving a job search allowance; and
- (b) as a result of the application of an automatic deferment provision or a discretionary deferment provision, ceases for a period to receive the allowance; and
- (c) at the end of that period resumes receipt of the allowance;

the person is taken to have been continuously receiving the allowance during that period.

Note: For “automatic deferment provision” and “discretionary deferment provision” see section 23.

#### **Commencement of activity test deferment periods**

‘546B.(1) The Secretary may determine in writing the day on which an activity test deferment period commences.

Note: For “activity test deferment period” see section 23.

‘(2) An activity test deferment period may not commence before the day the person to whom the period applies:

- (a) has been notified in writing of the determination; and
- (b) following receipt of that notice, has received two instalments of job search allowance as if no determination had been made.

‘(3) Where:

- (a) the Secretary has made a determination under subsection 546B(1);

then for the purposes of Subdivision E of Part 2.11 and despite any other provision in that Subdivision:

- (b) the person remains qualified for job search allowance until the person:
  - (i) has been notified in writing of the determination; and
  - (ii) following receipt of that notice has received two instalments of job search allowance.

‘(4) If the person to whom the period applies is subject to a waiting period, the Secretary must not determine a day that occurs before or during the waiting period.

Note: For “waiting period” see section 23.

‘(5) A reference in subsection (4) to a waiting period includes a reference to a liquid assets test waiting period under section 519.’

**34. Before section 547:**

Insert:

*'Subdivision F—Situations where allowance not payable (administrative breaches).'*

**35. Subsection 547(1):**

Omit 'deferment period', substitute 'administrative breach deferment period'.

**36. Subsections 547(3), (4), (5) and (6):**

Omit the subsections.

**37. Section 547:**

Add at the end the following note:

'Note: See section 547A for the length of administrative breach deferment periods and section 547B for the commencement of administrative breach deferment periods.'

**38. After section 547:**

Insert:

**Administrative breach deferment periods**

'547A.(1) Subject to subsections (2), (3) and (4), if an automatic deferment provision of this Subdivision applies to a person, the deferment period applicable to the person is 2 weeks.

Note: For "automatic deferment provision" see section 23.

'(2) Subject to subsection (4), if:

- (a) subsection (1) applies to a person at a particular time; and
- (b) on one occasion only within the period of 3 years before that time, an administrative breach deferment period applied to the person;

the deferment period is 6 weeks.

Note: For "administrative breach deferment period" see section 23.

'(3) Subject to subsection (4), if:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) an administrative breach deferment period applied to the person on 2 or more occasions within the period of 3 years before that time;

the deferment period is 6 weeks plus 6 weeks for each occasion referred to in paragraph (b) after the first.

Note: For "administrative breach deferment period" see section 23.

'(4) If:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) one or more activity test deferment periods had applied to the person within the period of 3 years before that time;

the deferment period worked out under subsection (1), (2) or (3) is increased, in respect of each activity test deferment period, by:

- (c) if the activity test deferment period was worked out under paragraph 546A(1)(a)—2 weeks; or

- (d) if it was worked out under paragraph 546A(1)(b)—4 weeks; or
- (e) if it was worked out under paragraph 546A(1)(c) or subsection 546A(2)—6 weeks.

Note: For “activity test deferment period” see section 23.

**Commencement of administrative breach deferment periods**

‘547B.(1) The Secretary may determine in writing the day on which an administrative breach deferment period commences.

Note: For “administrative breach deferment period” see section 23.

‘(2) An administrative breach deferment period may not commence before the day the person to whom the period applies:

- (a) has been notified in writing of the determination; and
- (b) following receipt of that notice, has received two instalments of job search allowance as if no determination had been made.

‘(3) Where:

(a) the Secretary has made a determination under subsection 547B(1); then for the purposes of Subdivision E of Part 2.11 and despite any other provision in that Subdivision:

- (b) the person remains qualified for job search allowance until the person:
  - (i) has been notified in writing of the determination; and
  - (ii) following receipt of that notice has received two instalments of job search allowance.

‘(4) If the person to whom the period applies is subject to a waiting period, the Secretary must not determine a day that occurs before or during the waiting period.

Note: For “waiting period” see section 23.

‘(5) A reference in subsection (4) to a waiting period includes a reference to a liquid assets test waiting period under section 519.’

**39. Before section 548:**

Insert:

*‘Subdivision G—Situations where allowance not payable  
(other recipient non-compliance)’.*

**40. Paragraph 608(1)(i):**

Omit ‘section 627’, substitute ‘section 630C’.

**41. Subparagraph 608(1)(j)(iv):**

Omit ‘section 677’, substitute ‘section 630C’.

**42. Subparagraph 608(1)(j)(v):**

After ‘of the person’ insert ‘(see section 628)’.

**43. Subdivision F of Division 1 of Part 2.12 (Heading):**

Omit ‘*recipient non-compliance*’, substitute ‘*activity test breaches*’.

**44. Subsection 624(1):**

Omit ‘deferment period’, substitute ‘activity test deferment period’.

**45. Subsections 624(3), (4), (5) and (6):**

Omit the subsections.

**46. Section 624:**

Add at the end the following note:

'Note: See section 630A for the length of activity test deferment periods and section 630B for the commencement of activity test deferment periods.'

**47. Subsection 625(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**48. Subsections 625(3), (4), (5) and (6):**

Omit the subsections.

**49. Section 625:**

Add at the end the following note:

'Note: See section 630A for the length of activity test deferment periods and section 630B for the commencement of activity test deferment periods.'

**50. Subsection 626(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**51. Subsections 626(3), (4), (5) and (6):**

Omit the subsections.

**52. Section 626:**

Add at the end the following note:

'Note: See section 630A for the length of activity test deferment periods and section 630B for the commencement of activity test deferment periods.'

**53. Subsection 627(4):**

Omit 'deferment period', substitute 'administrative breach deferment period'.

**54. Subsections 627(5), (6), (7) and (8):**

Omit the subsections.

**55. Section 627:**

(a) Renumber as section 630C and reposition at the beginning of Subdivision G.

(b) Add at the end the following note:

'Note: See section 631A for the length of administrative breach deferment periods and section 631B for the commencement of administrative breach deferment periods.'

**56. Subsection 628(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**57. Subsections 628(2), (3), (4) and (5):**

Omit the subsections.

**58. Section 628:**

Add at the end the following note:

'Note: See section 630A for the length of activity test deferment periods and section 630B for the commencement of activity test deferment periods.'

**59. Subsection 629(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**60. Subsections 629(2), (3), (4) and (5):**

Omit the subsections.

**61. Section 629:**

Add at the end the following note:

'Note: See section 630A for the length of activity test deferment periods and section 630B for the commencement of activity test deferment periods.'

**62. Subsection 630(1):**

Omit 'deferment period', substitute 'activity test deferment period'.

**63. Subsections 630(2), (3), (4) and (5):**

Omit the subsections.

**64. Section 630:**

Add at the end the following note:

'Note: See section 630A for the length of activity test deferment periods and section 630B for the commencement of activity test deferment periods.'

**65. After section 630:**

Insert:

**Activity test deferment periods**

'630A.(1) Subject to subsections (2) and (3), if an automatic deferment provision of this Subdivision applies to a person, the deferment period applicable to the person is:

- (a) if, at the time the provision becomes applicable, the person's unemployment duration is less than 12 months—2 weeks; or
- (b) if, at the time the provision becomes applicable, the person's unemployment duration is 12 months or more, but is less than 18 months—4 weeks; or
- (c) if, at that time, the person's unemployment duration is 18 months or more—6 weeks.

Note: For "automatic deferment provision" see section 23.

'(2) Subject to subsections (3) and (4), if:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) one or more activity test deferment periods had applied to the person within the period of 3 years before that time:

the deferment period is 6 weeks plus:

- (c) in respect of a period (if any) referred to in paragraph (b) of this subsection that was fixed under subsection (1), the number of weeks fixed under that subsection; and
- (d) in respect of each other period (if any) referred to in that paragraph, a further 6 weeks.

Note: For "activity test deferment period" see section 23.

'(3) If:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and



(b) one or more administrative breach deferment periods had applied to the person within the period of 3 years before that time; the deferment period worked out under subsection (1) or (2) is increased, in respect of each administrative breach deferment period, by:

- (c) if the administrative breach deferment period was worked out under subsection 631A(1)—2 weeks; or
- (d) if it was worked out under subsection 631A(2)—4 weeks; or
- (e) if it was worked out under subsection 631A(3)—6 weeks.

Note: For “administrative breach deferment period” see section 23.

‘(4) If:

- (a) a period referred to in paragraph (2)(d) relates to an application of an automatic deferment provision before 4 July 1994; and
- (b) that period had been a period of 2 weeks;

the number of weeks referred to in that paragraph in respect of that period is taken to be 2.

Note: For “automatic deferment provision” see section 23.

‘(5) If:

- (a) a period referred to in paragraph (2)(d) relates to an application of an automatic deferment provision before 4 July 1994; and
- (b) the number of weeks in that period had been worked out under the provision by taking into account one previous application of that or any other automatic deferment provision;

the number of weeks referred to in that paragraph in respect of that period is taken to be 4.

Note: For “automatic deferment provision” see section 23.

‘(6) A reference in subsection (1) to a person’s unemployment duration is a reference to the period during which the person has been continuously receiving:

- (a) a newstart allowance; or
- (b) a job start allowance followed by a newstart allowance.

‘(7) For the purposes of subsection (6), if the person:

- (a) is receiving a job search allowance; and
- (b) ceases for a period of not longer than 6 weeks to receive the allowance; and
- (c) at the end of that period resumes receipt of the allowance;

the person is taken to have been continuously receiving the allowance during that period.

‘(8) For the purposes of subsection (6), if the person:

- (a) is receiving a job search allowance; and
- (b) ceases for a period of not longer than 13 weeks to receive the allowance; and
- (c) at the end of that period starts to receive a newstart allowance;

the person is taken to have been continuously receiving the newstart allowance during that period.

‘(9) For the purposes of subsection (6), if the person:

- (a) is receiving a newstart allowance; and
- (b) ceases for a period of not longer than 13 weeks to receive the allowance; and
- (c) at the end of that period resumes receipt of the allowance;

the person is taken to have been continuously receiving the allowance during that period.

‘(10) For the purposes of subsection (6), if the person:

- (a) is receiving a job search allowance or a newstart allowance; and
- (b) as a result of the application of an automatic deferment provision or a discretionary deferment provision, ceases for a period to receive the allowance; and
- (c) at the end of that period starts to receive a newstart allowance, or resumes receipt of the newstart allowance, as the case may be;

the person is taken to have been continuously receiving the newstart allowance during that period.

Note: For “automatic deferment provision” and “discretionary deferment provision” see section 23.

#### **Commencement of activity test deferment periods**

‘630B.(1) The Secretary may determine in writing the day on which an activity test deferment period commences.

Note: For “activity test deferment period” see section 23.

‘(2) An activity test deferment period may not commence before the day the person to whom the period applies:

- (a) has been notified in writing of the determination; and
- (b) following receipt of that notice, has received two instalments of newstart allowance as if no determination had been made.

‘(3) Where:

- (a) the Secretary has made a determination under subsection 630B(1);

then for the purposes of Subdivision E of Part 2.12 and despite any other provision in that Subdivision:

- (b) the person remains qualified for newstart allowance until the person:
  - (i) has been notified in writing of the determination; and
  - (ii) following receipt of that notice has received two instalments of newstart allowance.

‘(4) If the person to whom the period applies is subject to a waiting period, the Secretary must not determine a day that occurs before or during the waiting period.

Note: For “waiting period” see section 23.

‘(5) A reference in subsection (4) to a waiting period includes a reference to a liquid assets test waiting period under section 598.’.

**66. Before section 631:**

Insert:

*'Subdivision F—Situations where allowance not payable  
(administrative breaches).'*

**67. Subsection 631(1):**

Omit 'deferment period', substitute 'administrative breach deferment period'.

**68. Subsections 631(3), (4), (5) and (6):**

Omit the subsections.

**69. Section 631:**

Add at the end the following note:

'Note: See section 631A for the length of administrative breach deferment periods and section 631B for the commencement of administrative breach deferment periods.'

**70. After section 631:**

Insert:

**Administrative breach deferment periods**

'631A.(1) Subject to subsections (2), (3) and (4), if an automatic deferment provision of this Subdivision applies to a person, the deferment period applicable to the person is 2 weeks.

Note: For "automatic deferment provision" see section 23.

'(2) Subject to subsection (4), if:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) on one occasion only within the period of 3 years before that time, an administrative breach deferment period applied to the person;

the deferment period is 6 weeks.

Note: For "administrative breach deferment period" see section 23.

'(3) Subject to subsection (4), if:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) an administrative breach deferment period applied to the person on 2 or more occasions within the period of 3 years before that time;

the deferment period is 6 weeks plus 6 weeks for each occasion referred to in paragraph (b) after the first.

Note: For "administrative breach deferment period" see section 23.

'(4) If:

- (a) an automatic deferment provision of this Subdivision applies to a person at a particular time; and
- (b) one or more activity test deferment periods had applied to the person within the period of 3 years before that time;

the deferment period worked out under subsection (1), (2) or (3) is increased, in respect of each activity test deferment period, by:

- (c) if the activity test deferment period was worked out under paragraph 630A(1)(a)—2 weeks; or
- (d) if it was worked out under paragraph 630A(1)(b)—4 weeks; or
- (e) if it was worked out under paragraph 630A(1)(c) or subsection 630A(2)—6 weeks.

Note: For “activity test deferment period” see section 23.

### **Commencement of administrative breach deferment periods**

‘631B.(1) The Secretary may determine in writing the day on which an administrative breach deferment period commences.

Note: For “administrative breach deferment period” see section 23.

‘(2) An administrative breach deferment period may not commence before the day the person to whom the period applies:

- (a) has been notified in writing of the determination; and
- (b) following receipt of that notice, has received two instalments of newstart allowance as if no determination had been made.

‘(3) Where:

(a) the Secretary has made a determination under subsection 631B(1); then for the purposes of Subdivision E of Part 2.12 and despite any other provision in that Subdivision:

- (b) the person remains qualified for newstart allowance until the person:
  - (i) has been notified in writing of the determination; and
  - (ii) following receipt of that notice has received two instalments of newstart allowance.

‘(4) If the person to whom the period applies is subject to a waiting period, the Secretary must not determine a day that occurs before or during the waiting period.

Note: For “waiting period” see section 23.

‘(5) A reference in subsection (4) to a waiting period includes a reference to a liquid assets test waiting period under section 598.’

### **71. Before section 632:**

Insert:

*‘Subdivision G—Situations where allowance not payable  
(other recipient non-compliance)’.*

### **72. Subparagraph 729(2)(d)(i):**

Omit ‘subsection 543(3) or 627(3)’, substitute ‘subsection 546C(4) or 630C(4)’.

### **73. Schedule 1A:**

Add at the end:

**Transitional provision for job search allowance and newstart allowance deferment periods in force on 1 July 1994**

‘70. If:

- (a) as a result of the application before 4 July 1994 of an automatic deferment period, a job search allowance or newstart allowance

ceased to be payable for a period commencing before 4 July 1994;  
and

(b) that period was still continuing immediately before 4 July 1994;

the automatic deferment provision, as in force immediately before 4 July 1994, continues to apply in relation to the period until, in accordance with that provision, the period ceases.

### **Saving of job search allowance and newstart allowance deferment determinations**

‘71.(1) If:

(a) before 4 July 1994, the Secretary determined under an automatic deferment provision a day on which a deferment period was to commence under that provision; and

(b) that day did not occur before 4 July 1994;

the Secretary’s determination has effect after 4 July 1994 as if it had been made under section 546B, 547B, 630B or 631B, whichever is applicable.

‘(2) For the purposes of the operation of subclause (1), subsection 546B(4), 547B(4), 630B(4) or 631B(4), as the case requires, is taken not to apply.’”.

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security) moved—That the amendments be agreed to.

Mr Ruddock moved, as an amendment to the motion: That all words after “That” be omitted with a view to substituting the following words:

“Senate amendments Nos. 1 to 15 and Nos. 17 to 82 be agreed to, and that Senate amendment No. 16 be amended by omitting ‘1 July 1992’ and substituting ‘1 July 1994’ ”.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Speaker, Mr Martin, in the Chair)—

AYES, 66

Mr Adams	Mr Duffy	Mr Horne	Mr Newell
Mr Baldwin	Mr Duncan	Mr Jenkins	Mr O’Connor
Mr Beazley	Mrs Easson	Mr Johns	Mr O’Keefe
Mr Beddall	Mr Elliott	Mr Jones	Mr Price
Mr Bevis	Mr M. J. Evans	Mrs Kelly	Mr Quick
Mr Bilney	Ms Fatin	Mr Kerr	Mr Sciacca
Mr Brereton	Mr Ferguson	Mr Knott	Mr L. J. Scott
Mr Brown	Mr Fitzgibbon	Mr Langmore	Mr Simmons
Mr Campbell	Mr Free	Mr Lavarch	Mrs S. J. Smith
Mr Chynoweth	Mr Gear	Mr Lee	Mr Snow
Mr Cleland	Mr Gibson	Mr Lindsay	Mr Staples
Ms Crawford	Mr Grace*	Ms McHugh	Dr Theophanous
Mr Crean	Mr Griffin	Mr Mack	Mr Tickner
Mrs Crosio	Mr Haviland	Mr McLeay*	Mr Walker
Mr Cunningham	Ms Henzell	Mr Melham	Mr Willis
Ms Deahm	Mr Holding	Mr A. A. Morris	
Mr Dodd	Mr Hollis	Mr P. F. Morris	

## NOES, 53

Mr Aldred	Mr R. D. C. Evans	Mr McGauran	Mr Slipper
Mr Anderson	Mr Filing	Mr Miles	Mr Somlyay
Mr J. N. Andrew	Mr Forrest	Mrs Moylan	Mrs Sullivan
Mr K. J. Andrews	Mrs Gallus	Mr Nehl	Mr Taylor
Mr Atkinson	Mr Halverson	Mr Neville	Mr Truss
Mrs Bishop	Mr Hawker*	Mr Nugent	Mr Tuckey
Mr Braithwaite	Dr Hewson	Mr Pyne	Mr Vaile
Mr Cadman	Mr Hicks*	Mr Reid	Mr Wakelin
Mr Cameron	Mr Howard	Mr Reith	Mr Williams
Mr Charles	Mr Jull	Mr Ronaldson	Dr Wooldridge
Mr Cobb	Dr Kemp	Mr Ruddock	Ms Worth
Mr Connolly	Mr Lieberman	Mr B. C. Scott	
Mr Costello	Mr Lloyd	Mr Sharp	
Mr Dobie	Mr McArthur	Mr Sinclair	

\* Tellers

And so it was resolved in the affirmative.

Motion agreed to.

#### 40 SPECIAL ADJOURNMENT

Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 23 August 1994, at 12.30 p.m., unless otherwise called together by the Speaker or, in the event of the Speaker being unavailable, by the Deputy Speaker.

Question—put and passed.

#### 41 LEAVE OF ABSENCE TO ALL MEMBERS

Mr Beazley (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

#### 42 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

24 June 1994—Message No. 165—

Appropriation (No. 1) 1994-95.

Appropriation (No. 2) 1994-95.

Appropriation (Parliamentary Departments) 1994-95.

Loan 1994.

29 June 1994—Message—

No. 166—Australian Capital Territory Government Service (Consequential Provisions) 1994.

No. 167—

Sales Tax (Low-alcohol Wine) Amendment 1994.

Superannuation Laws Amendment 1994.

No. 168—Primary Industries and Energy Legislation Amendment 1994.

No. 169—Petroleum (Submerged Lands) Legislation Amendment 1994.

**43 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the following Bill without amendment:

30 June 1994—Message No. 306—Crimes (Child Sex Tourism) Amendment 1994.

**44 WORKING NATION—MINISTERIAL STATEMENT AND PAPERS—MOTION TO TAKE NOTE OF PAPERS**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the papers (*presented on 4 May 1994*), viz.:

Working nation, 4 May 1994—

Ministerial statement.

Policies and programs.

White paper on employment and growth—

Debate resumed.

Debate adjourned (Mr Quick), and the resumption of the debate made an order of the day for the next sitting.

**45 MESSAGE FROM THE SENATE—CORPORATIONS LEGISLATION AMENDMENT BILL 1994**

The following message from the Senate was reported:

Message No. 307

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend laws relating to corporations and securities, and for related purposes*", and acquaints the House that the Senate does not insist upon its amendments nos 1 and 2 disagreed to by the House and has agreed to the amendment made by the House in place thereof with the amendment as indicated by the annexed schedule.

The Senate desires the concurrence of the House in the amendment made by the Senate to the amendment of the House.

MICHAEL BEAHAN  
President

The Senate

Canberra, 30 June 1994

Ordered—That the amendment be considered forthwith.

**SCHEDULE OF THE AMENDMENT MADE BY THE HOUSE OF REPRESENTATIVES AS AMENDED BY THE SENATE**

Schedule 4, page 35, item 20, omit proposed new subsection 195(3), substitute the following subsection:

“(3) The rules of procedural fairness, to the extent that they are not inconsistent with the provisions of this Act and the Regulations made under it, apply to an inquiry.”.

On the motion of Mr Walker (Minister for Administrative Services), the amendment made by the Senate to the amendment of the House was agreed to.

#### 46 MESSAGES FROM THE SENATE

Messages from the Senate, dated 30 June 1994, were reported returning the following Bills without amendment:

Message—

No. 309—National Debt Sinking Fund Repeal 1994.

No. 310—Financial Agreement 1994.

#### 47 ADJOURNMENT

Mr Walker (Minister for Administrative Services) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 9.01 p.m., adjourned until Tuesday, 23 August 1994, at 12.30 p.m., in accordance with the resolution agreed to this day.



#### PAPERS

The following papers were deemed to have been presented on 30 June 1994:

Natural Resources Management (Financial Assistance) Act—Copy of agreement between the Commonwealth of Australia and Queensland for the provision of financial assistance for projects relating to natural resources management, May 1994.

Proclamations by His Excellency the Governor-General fixing the dates on which the following Acts and provisions of Acts shall come into operation—

*Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Act 1994*—1 July 1994.

*Banking Legislation Amendment Act 1992*—Subsections 4(3) and 5(2)—1 July 1994.

*Banking (State Bank of South Australia and Other Matters) Act 1994*—Part 2.1 (other than subsections 5(2) and 6(2))—1 July 1994, being a day not earlier than the day on which the *State Bank (Corporation) Act 1994* of South Australia commenced.

*Corporate Law Reform Act 1994*—Schedule 1—(a) items 1 to 86 (inclusive); and (b) items 95 to 105 (inclusive); and (c) paragraph 113(a); and (d) items 114 to 116 (inclusive)—1 July 1994.

*Supported Accommodation Assistance Act 1989*—Variation agreement in relation to the Supported Accommodation Assistance Program between the Commonwealth and South Australia, 30 May 1994.

*Telecommunications Act 1991*—Telecommunications national code, 30 June 1994.

Veterans' Entitlements Act—Instruments 1994 Nos. 6, 7.





**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Beale, Mr Gorman, Mr Griffiths, Mr Hall, Mr Latham, Dr Lawrence, Mr Punch, Mr Snowdon, Mr Swan and Mr Tanner.

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**L. M. BARLIN**

Clerk of the House of Representatives

1993-94

**HOUSE OF REPRESENTATIVES**  
**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 83

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**MAIN COMMITTEE**

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**MINUTES OF PROCEEDINGS**  
**THURSDAY, 30 JUNE 1994**

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1 The Main Committee met at 10 a.m.

2 **EVIDENCE AND PROCEDURE (NEW ZEALAND) BILL 1993**

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question—put and passed—Bill read a second time.

*Consideration in detail*

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4—

Mr Kerr (Minister for Justice), by leave, moved the following amendments together:

Page 3, subclause (1), lines 25 and 26, omit the subclause, substitute the following subclauses:

“(1) A tribunal is taken for the purposes of a Part of this Act to be a court if the regulations so provide.

“(1A) Regulations made for the purposes of subsection (1) may specify, in relation to a particular tribunal, any one or more Parts of this Act other than this Part or Part 6.

“(1B) A member of a tribunal that, under this section, is taken to be a court for the purposes of a Part of this Act is, for the purposes of that Part, taken to be a judge of such a court.”.

Page 3, subclause (3), lines 31 to 34, omit the subclause, substitute the following subclause:

“(3) In this section:

‘**tribunal**’ means a person or body authorised by or under a law of the Commonwealth, a State, a Territory or New Zealand to take evidence on oath or affirmation, but does not include:

(a) a court; or

(b) a person exercising a power conferred on the person as a judge, magistrate, coroner or officer of a court.”.

*Paper:* Mr Kerr presented a supplementary explanatory memorandum to the Bill. Amendments agreed to.

Clause, as amended, agreed to.

Clauses 5 to 27, by leave, taken together, and agreed to.

Clause 28—

On the motion of Mr Kerr, the following amendment was made: Page 11, add at the end the following subclause:

“(2) Regulations made for the purposes of subsection 4(1) that provide that a particular tribunal (within the meaning of section 4) established by a law of the Commonwealth is a court for the purposes of this Part may also provide that the tribunal cannot make an order under this section against a person other than the Commonwealth.”.

Clause, as amended, agreed to.

Clauses 29 to 46, by leave, taken together, and agreed to.

*New clause—*

On the motion of Mr Kerr, the following new clause was inserted in Part 7 of the Bill:

**Application of the *Foreign Judgments Act 1991***

“46A.(1) This section applies to an order made by a New Zealand court under the Evidence Amendment Act 1994 of New Zealand for the payment of expenses incurred:

- (a) by a witness in complying with a subpoena served on the witness in Australia under Part 3 of this Act; or
- (b) in connection with taking evidence or receiving submissions by video link or telephone under Part 5 of this Act.

“(2) The *Foreign Judgments Act 1991* applies to such an order as if it were an enforceable money judgment within the meaning of that Act.

“(3) For the purposes of the application of that Act to such an order:

- (a) Part 2 of that Act is taken to apply to the order; and
- (b) unless the order was made by the High Court of New Zealand—the court that made the order is taken to have been an inferior court (within the meaning of that Act) to which that Part applies; and
- (c) the court is taken to have had jurisdiction to make the order; and
- (d) subparagraphs 7(2)(a)(iv) and (v), paragraph 7(2)(b) and subsections 7(3) and (4) of that Act do not apply in respect of the order.”.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill agreed to with amendments.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

**3 EVIDENCE AND PROCEDURE (NEW ZEALAND) (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1993**

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Question—put and passed—Bill read a second time.

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Kerr (Minister for Justice), Bill to be reported to the House without amendment.

#### 4 ADJOURNMENT

On the motion of Mr McLeay (Chief Government Whip) the Main Committee adjourned at 11 a.m.

The Deputy Speaker fixed Wednesday, 24 August 1994, at 10 a.m., for the next meeting of the Main Committee, unless an alternative day or hour is fixed.

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**I. C. HARRIS**

Clerk of the Main Committee