

1993-94

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 104

TUESDAY, 8 NOVEMBER 1994

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **POSTPONEMENT OF ORDERS OF THE DAY**

Ordered—That orders of the day Nos. 1 and 2, government business, be postponed until a later hour this day.

3 **FAMILY LAW REFORM BILL 1994 [NO. 2]**

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

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

4 **SOCIAL SECURITY (PARENTING ALLOWANCE AND OTHER MEASURES) LEGISLATION AMENDMENT BILL 1994**

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—*And on the amendment moved thereto by Mr Ruddock, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House condemns the Government for:

- (1) its inability to solve the unemployment crisis;
- (2) the continued failure to provide adequate assistance to low income families;
- (3) its harsh treatment of older single women with limited employment experience, including the abolition of the widow B pension;
- (4) financially disadvantaging groups of unemployed low income earners by way of changes to the job search/newstart allowance income tests;
- (5) the public confusion created by the introduction of the home child care allowance regime, and the subsequent confusion which will result from the parenting allowance, partner allowance and wife pension changes; and
- (6) its failure to provide additional home child care support to low income families, principally the unemployed”—

Debate resumed.

Mrs Sullivan addressing the House—

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.

## 5 QUESTIONS

Questions without notice were asked.

## 6 PAPERS

The Speaker presented the following papers:

Commonwealth Banks Act—

Commonwealth Bank of Australia and controlled entities—Report for 1993-94.

Commonwealth Development Bank of Australia—Financial statements for 1993-94.

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

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 6 of 1994-95—Efficiency audit—Australian Taxation Office: Information technology security.

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

- (1) this House authorises the publication of the Auditor-General's audit report No. 6 of 1994-95; and
- (2) the report be printed.

Question—put and passed.

## 8 PAPERS

The following papers were presented:

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission—Report for 1993-94.

Aboriginal Deaths in Custody—Royal Commission—Implementation of New South Wales Government responses to the recommendations of the Royal Commission—Report for 1992-93.

Administrative Appeals Tribunal Act—Administrative Review Council—18th report, for 1993-94.

Australian Broadcasting Corporation Act—Australian Broadcasting Corporation—Report for 1993-94.

Australian Centre for International Agricultural Research Act—Australian Centre for International Agricultural Research—Report for 1993-94.

Australian Federal Police Act—Australian Federal Police—Report for 1993-94—Erratum.

Australian Film Commission Act—Australian Film Commission—Report for 1993-94.

Australian Film Finance Corporation Pty Ltd—Report for 1993-94.

- Australian Institute of Marine Science Act—Australian Institute of Marine Science—Report for 1993-94.
- Australian Nuclear Science and Technology Organisation Act—Nuclear Safety Bureau—Report for 1993-94.
- Australian Trade Commission Act—Australian Trade Commission—Report for 1993-94.
- Commonwealth Law Enforcement Board—Report for period 24 March to 30 June 1994.
- Dairy Produce Act—Australian Dairy Corporation—Report for 1993-94.
- Electoral Matters—Joint Standing Committee—Interim report—Financial reporting by political parties: Inquiry into the conduct of the 1993 election and matters related thereto, June 1994—Government response.
- Environment, Recreation and the Arts—Standing Committee—Report—Biodiversity: The contribution of community-based programs, 4 June 1992—Government response.
- Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—
- Film Australia Pty Limited—Report for 1993-94.
  - Health Insurance Commission—Report for 1993-94.
  - Reserve Bank of Australia—Report for 1993-94.
- House of Representatives standing orders—Explanatory notes on proposed amendments to the standing orders of a machinery nature following the initial operation of changes consequential to the report by the Standing Committee on Procedure entitled “About time”, 8 November 1994.
- Law Reform Commission Act—Law Reform Commission—Report No. 70 (interim)—Child care for kids: Review of legislation administered by the Department of Human Services and Health.
- Leasing by the Commonwealth of accommodation in Centenary House—Royal Commission—Report of the Commissioner (Hon. T. R. Morling, QC).
- Murray-Darling Basin Act—Murray-Darling Basin Commission—Report for 1993-94.
- National Film and Sound Archive—Review for 1993-94.
- National Occupational Health and Safety Commission Act—National Occupational Health and Safety Commission (Worksafe Australia)—Report for 1993-94.
- National Science and Technology Centre—Report for 1993-94.
- Primary Industries and Energy Research and Development Act—
- Fisheries Research and Development Corporation—Report for 1993-94.
  - Land and Water Resources Research and Development Corporation—Report for 1993-94.
  - Rural Industries Research and Development Corporation—Report for 1993-94.
- Public Lending Right Act—Public Lending Right Committee—Report for 1993-94.
- Public Service Act—
- Department of Administrative Services—Report for 1993-94.

Department of Finance—Report for 1993-94.

Department of Immigration and Ethnic Affairs—Report, including a report on the Adult Migrant English Program pursuant to the Immigration (Education) Act and a statement pursuant to the Australian Citizenship Act, for 1993-94.

Department of Industrial Relations—Report, incorporating a report on the operation of Part V of the Industrial Relations Act, for 1993-94.

Refugee Review Tribunal—Report for 1993-94.

Safety, Rehabilitation and Compensation Act—Comcare Australia and Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees—Report for 1993-94—Erratum.

Snowy Mountains Council—Report for 1993-94.

## **9 PAPERS—MOTION TO TAKE NOTE OF PAPERS**

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

Aboriginal and Torres Strait Islander Commission Act—Aboriginal and Torres Strait Islander Commission—Report for 1993-94.

Aboriginal Deaths in Custody—Royal Commission—Implementation of New South Wales Government responses to the recommendations of the Royal Commission—Report for 1992-93.

Administrative Appeals Tribunal Act—Administrative Review Council—18th report, for 1993-94.

Australian Centre for International Agricultural Research Act—Australian Centre for International Agricultural Research—Report for 1993-94.

Commonwealth Law Enforcement Board—Report for period 24 March to 30 June 1994.

Electoral Matters—Joint Standing Committee—Interim report—Financial reporting by political parties: Inquiry into the conduct of the 1993 election and matters related thereto, June 1994—Government response.

Environment, Recreation and the Arts—Standing Committee—Report—Biodiversity: The contribution of community-based programs, 4 June 1992—Government response.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Reserve Bank of Australia—Report for 1993-94.

House of Representatives standing orders—Explanatory notes on proposed amendments to the standing orders of a machinery nature following the initial operation of changes consequential to the report by the Standing Committee on Procedure entitled “About time”, 8 November 1994.

Law Reform Commission Act—Law Reform Commission—Report No. 70 (interim)—Child care for kids: Review of legislation administered by the Department of Human Services and Health.

Leasing by the Commonwealth of accommodation in Centenary House—Royal Commission—Report of the Commissioner (Hon. T. R. Morling, QC).

Murray-Darling Basin Act—Murray-Darling Basin Commission—Report for 1993-94.

National Occupational Health and Safety Commission Act—National Occupational Health and Safety Commission (Worksafe Australia)—Report for 1993-94.

Public Service Act—

Department of Administrative Services—Report for 1993-94.

Department of Finance—Report for 1993-94.

Department of Immigration and Ethnic Affairs—Report, including a report on the Adult Migrant English Program pursuant to the Immigration (Education) Act and a statement pursuant to the Australian Citizenship Act, for 1993-94.

Department of Industrial Relations—Report, incorporating a report on the operation of Part V of the Industrial Relations Act, for 1993-94.

Refugee Review Tribunal—Report for 1993-94.

Snowy Mountains Council—Report for 1993-94.

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

#### 10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH SYSTEM

The House was informed that Mrs Bishop had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The funding crisis in our health system resulting from the Government’s failure to recognise the essential contribution of private health insurance to the health care of individual Australians and the overall health system”.

The proposed discussion having received the necessary support—

Mrs Bishop addressed the House.

*Paper:* Mrs Bishop, by leave, presented the following paper:

Private health insurance—Copy of memorandum from Ms Robyn Cleland, Adviser to the Victorian Minister for Health, to Mrs Bishop, 8 November 1994.

Discussion ensued.

Discussion concluded.

#### 11 MESSAGE FROM THE SENATE—AUSTRALIAN POSTAL CORPORATION AMENDMENT BILL 1994

Message No. 348, dated 19 October 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Australian Postal Corporation Act 1989’ and Part VIIA of the ‘Crimes Act 1914’, and for related purposes*”.

Bill read a first time.

*Paper:* Mr Punch (Minister for Defence Science and Personnel) presented an explanatory memorandum to the Bill.

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

#### 12 BILLS REFERRED TO MAIN COMMITTEE

Mr McLeay (Chief Government Whip), having amended, by leave, notice No. 1, government business, moved—That the following Bills be referred to the Main Committee for consideration:

Merit Protection (Australian Government Employees) Amendment 1994;  
International Air Services Commission Amendment 1994;  
ANL Guarantee 1994; and  
Australian Postal Corporation Amendment 1994.

Question—put and passed.

### 13 SELECTION COMMITTEE—REPORT

Mr Jenkins (Chairman) presented the following report:

Selection Committee—Report relating to the program of business prior to 2.45 p.m. on Monday, 14 November 1994.

### 14 ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS—STANDING COMMITTEE

The House was informed that the Chief Government Whip had nominated Mr Cleeland to be a member of the Standing Committee on Aboriginal and Torres Strait Islander Affairs in place of Mr Horne.

### 15 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORTS—STATEMENT BY MEMBER

Mr Hollis (Chairman) presented the following reports:

Public Works—Parliamentary Standing Committee—Reports—

Upgrade of transonic wind tunnel at DSTO Fishermens Bend, Vic. (6th report of 1994).

Construction of a new chancery at Port Moresby, Papua New Guinea (8th report of 1994).

Severally ordered to be printed.

Mr Hollis, by leave, made a statement in connection with the reports.

### 16 SOCIAL SECURITY (PARENTING ALLOWANCE AND OTHER MEASURES) LEGISLATION AMENDMENT BILL 1994

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—*And on the amendment moved thereto by Mr Ruddock, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House condemns the Government for:

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- (3) its harsh treatment of older single women with limited employment experience, including the abolition of the widow B pension;
- (4) financially disadvantaging groups of unemployed low income earners by way of changes to the job search/newstart allowance income tests;
- (5) the public confusion created by the introduction of the home child care allowance regime, and the subsequent confusion which will result from the parenting allowance, partner allowance and wife pension changes; and
- (6) its failure to provide additional home child care support to low income families, principally the unemployed”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Mr Rocher, in the Chair)—

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Mr Adams	Mrs Easson	Mr Humphreys	Mr O'Keefe
Mr Baldwin	Mr Elliott	Mr Jenkins	Mr Price
Mr Beddall	Mr M. J. Evans	Mr Jones	Mr Punch
Mr Bevis	Ms Fatin	Mr Kerr	Mr Quick
Mr Bilney	Mr Ferguson	Mr Knott	Mr Sawford*
Mr Brereton	Mr Fitzgibbon	Mr Langmore	Mr Sciacca
Mr Brown	Mr Free	Mr Latham	Mr L. J. Scott
Mr Campbell	Mr Gear	Mr Lavarch	Mr Simmons
Mr Chynoweth	Mr Gibson	Dr Lawrence	Mrs S. J. Smith
Mr Cleeland	Mr Grace*	Mr Lee	Mr S. F. Smith
Ms Crawford	Mr Griffiths	Mr Lindsay	Mr Snow
Mr Crean	Mr Haviland	Mr McLeay	Mr Swan
Mrs Crosio	Ms Henzell	Mr Melham	Mr Tanner
Mr Cunningham	Mr Holding	Mr A. A. Morris	Dr Theophanous
Ms Deahm	Mr Hollis	Mr P. F. Morris	Mr Tickner
Mr Dodd	Mr Horne	Mr Newell	Mr Walker
Mr Duffy	Mr Howe	Mr O'Connor	Mr Woods

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Mr Abbott	Mr Filing	Mr McArthur	Mr B. C. Scott
Mr Anderson	Mr Fischer	Mr McGauran	Mr Sharp
Mr J. N. Andrew	Mr Forrest	Mr McLachlan	Mr Sinclair
Mr K. J. Andrews	Mrs Gall	Mr Miles	Mr Somlyay
Mr Atkinson	Mr Hall	Mr Moore	Mrs Sullivan
Mr Beale	Mr Halverson	Mrs Moylan	Mr Truss
Mrs Bishop	Mr Hawker*	Mr Nehl	Mr Tuckey
Mr Bradford	Dr Hewson	Mr Neville	Mr Vaile
Mr Cadman	Mr Hicks*	Mr Nugent	Mr Wakelin
Mr Cameron	Mr Howard	Mr Prosser	Mr Williams
Mr Charles	Mr Jull	Mr Pyne	Dr Wooldridge
Mr Cobb	Mr Katter	Mr Reid	Ms Worth
Mr Connolly	Dr Kemp	Mr Reith	
Mr Dobie	Mr Lieberman	Mr Ronaldson	
Mr R. D. C. Evans	Mr Lloyd	Mr Ruddock	

\* Tellers

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

*Message from the Administrator:* Message No. 202, dated 18 October 1994, from His Excellency the Administrator was announced recommending an appropriation for the purposes of the Bill.

*Message from the Governor-General:* Message No. 203, dated 8 November 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of an amendment to the Bill.

*Consideration in detail*

Bill, by leave, taken as a whole.

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), by leave, moved the following amendments together:

Clause 2, page 2, omit subclause (2), lines 4 to 7, substitute the following subclause:

“(2) Items 27 and 33A to 33E of Schedule 3 are taken to have commenced on 20 September 1994, and subsection 5(2) is taken to have commenced on that day to the extent necessary in order to enable those items to be taken to have commenced on that day.”

Clause 15, page 4, lines 28 to 31, omit the clause, substitute the following clause:

**Application of amendments of the *Income Tax Assessment Act 1936***

“15.(1) The amendments of the *Income Tax Assessment Act 1936* made by subsection 3(2) and items 162A to 162D of Schedule 1 apply in relation to payments made on or after 1 July 1995.

“(2) The amendments of the *Income Tax Assessment Act 1936* made by subsection 3(2) and item 162E of Schedule 1 apply in relation to payments made on or after 29 September 1994.

“(3) The amendments of the *Income Tax Assessment Act 1936* made by subsection 6(2) and Divisions 1 and 2 of Part 3 of Schedule 4 apply in relation to payments made on or after 1 July 1994.”

Schedule 1, Part 4, page 90, after item 162 insert the following heading and items before the heading “*Social Security (Home Child Care and Partner Allowances) Legislation Amendment Act 1994*”:

**“*Income Tax Assessment Act 1936***

**162A. Section 24AB (Table—after the entry for Newstart allowance):**

Insert:

‘Parenting allowance 24ABXB’.

**162B. Subsection 24ABA(1) (Table—after the entry for Special benefit):**

Insert:

‘Parenting allowance’.

**162C. Before section 24ABY:**

Insert:

**Parenting allowance**

‘24ABXB.(1) Payments of non-benefit parenting allowance under Part 2.18 of the *Social Security Act 1991* are exempt.

‘(2) The treatment of payments of benefit parenting allowance under Part 2.18 of the *Social Security Act 1991* is as follows:

- (a) the supplementary amount of each payment is exempt;
- (b) so much of each payment as:

- (i) was included in the payment by way of provisional rate of parenting allowance in accordance with the Method statement in point 1068A-A3 of the *Social Security Act 1991*; and

- (ii) does not exceed the maximum basic component of parenting allowance;

is exempt;

- (c) the balance of each payment is not exempt.

‘(3) Payments under sections 951Y and 951ZB of the *Social Security Act 1991* (which deal with bereavement payments) are exempt.



'(4) If a taxpayer derives a payment under section 951ZC of the *Social Security Act 1991*:

- (a) so much of the sum of that payment and other payments under the *Social Security Act 1991* derived by the taxpayer during the bereavement lump sum period as does not exceed the tax-free amount calculated using the exempt bereavement payment calculator AB in section 24ABZD is exempt; and
- (b) the balance of the sum is not exempt.'

**162D. Subsection 160AAA(1) (after paragraph (a) of definition of 'rebtable benefit'):**

Insert:

'(aa) paid by way of parenting allowance under Part 2.18 of the *Social Security Act 1991*, to the extent that the amount is not exempt under Division 1AA of this Part; or'.

**162E. Subsection 160AAA(1) (paragraph (b) of definition of 'rebtable pension'):**

Omit 'or 2.15A', substitute ', 2.15A or 2.18'.

Schedule 3, Part 2, page 116, after item 33 insert the following heading and items before the heading "*National Health Act 1953*":

***"Income Tax Assessment Act 1936***

**33A. Subsection 24ABL(2):**

Omit the subsection, substitute:

'(2) Payments under section 589B of the *Social Security Act 1991* (which deals with bereavement payments) are exempt.'

**33B. Subsection 24ABM(2):**

Omit the subsection, substitute:

'(2) Payments under section 660LB of the *Social Security Act 1991* (which deals with bereavement payments) are exempt.'

**33C. Subsection 24ABO(2):**

Omit the subsection, substitute:

'(2) Payments under section 728PB of the *Social Security Act 1991* (which deals with bereavement payments) are exempt.'

**33D. Subsection 24ABP(2):**

Omit the subsection, substitute:

'(2) Payments under section 768B of the *Social Security Act 1991* (which deals with bereavement payments) are exempt.'

**33E. Subsection 160AAA(1) (paragraph (b) of definition of 'rebtable pension'):**

Omit 'or 2.15', substitute ',2.15 or 2.15A'.

Schedule 4—

Part 1, page 120, proposed section 408BB, omit "unless", substitute "if".

Part 3, page 157, after item 49 insert the following items before the heading "*Veterans' Entitlements Act 1986*":

**"49A. Subsection 160AAA(1) (paragraph (a) of definition of 'rebtable benefit'):**

Before '2.11', insert '2.8A,'.

**49B. Subsection 160AAA(1) (paragraph (b) of definition of 'rebatable pension'):**

Before '2.11', insert '2.8A, '.

*Paper:* Mrs Crosio presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mrs Crosio, by leave, the Bill was read a third time.

**17 MIGRATION LEGISLATION AMENDMENT BILL (NO. 4) 1994**

The order of the day having been read for the second reading—Mrs Crosio (Parliamentary Secretary to the Minister for Social Security) moved—That the Bill be now read a second time.

Debate ensued.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

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

**18 FAMILY LAW REFORM BILL 1994 [NO. 2]**

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.

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**19 ADJOURNMENT**

It being approximately 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

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**PAPERS**

The following papers were deemed to have been presented on 8 November 1994:

Defence Act—Determination under section 58B 1994 No. 49.

Natural Resources Management (Financial Assistance) Act—Copy of agreement for the provision of financial assistance for projects relating to natural resources management between the Commonwealth of Australia and the Northern Territory, 30 September 1994.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Braithwaite\*, Mr Gorman, Mr Griffin, Mr Johns, Mr Keating, Mrs Kelly, Ms McHugh, Mr Mack\*, Mr Snowdon and Mr Staples\*.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives