

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 111

MONDAY, 5 DECEMBER 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 RETURN TO WRIT—KOOYONG DIVISION**

The Speaker announced that he had received a return to the writ which he had issued on 14 October 1994 for the election of a Member to serve for the electoral division of Kooyong, in the State of Victoria, to fill the vacancy caused by the resignation of the Honourable Andrew Sharp Peacock and that, by the endorsement on the writ, it was certified that Petro Georgiou had been elected.

**3 OATH OF ALLEGIANCE BY MEMBER**

Petro Georgiou was introduced and made and subscribed the oath of allegiance required by law.

**4 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER**

The Speaker presented the following paper:

Australian Parliamentary Delegation to Estonia, Latvia and Lithuania and the Inter-Parliamentary Union—92nd Conference, Copenhagen, 1-17 September 1994—Report—

and made a statement in connection with the report.

The time allotted for making statements on the report having expired—

Mr Taylor moved—That the House take note of the paper.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Taylor was granted leave to continue his speech when the debate is resumed.

**5 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER**

Mr Humphreys presented the following paper:

Australian Parliamentary Delegation to southern Africa, July 1994—Report.

Mr Humphreys made a statement in connection with the report.

The time allotted for making statements on the report having expired—

Mr Humphreys moved—That the House take note of the paper.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Humphreys was granted leave to continue his speech when the debate is resumed.

**6 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER**

Mr Price presented the following paper:

Australian Parliamentary Delegation to France and the European Institutions, September-October 1994—Report.

Mr Price made a statement in connection with the report.

Mr Price moved—That the House take note of the paper.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Price was granted leave to continue his speech when the debate is resumed.

**7 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER**

Mr Halverson presented the following report and related papers:

Foreign Affairs, Defence and Trade—Joint Standing Committee—A review of Australia's efforts to promote and protect human rights—

Report, incorporating a minority report, November 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Halverson made a statement in connection with the report.

Mr Halverson moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Halverson was granted leave to continue his speech when the debate is resumed.

**8 TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORTS—STATEMENT BY MEMBER—MOTIONS TO TAKE NOTE OF PAPERS**

Mr P. F. Morris (Chair) presented the following reports and related papers:

Transport, Communications and Infrastructure—Standing Committee—Reports and minutes of proceedings—

Inquiry into the Sydney 2000 Olympics: The adequacy of existing and planned aviation services and infrastructure, 16 November 1994.

Review inquiry into ship standards and safety, 16 November 1994—Progress report.

Efficiency audit review—The national highway: ‘Lifeline of the nation’, 16 November 1994.

Ordered—That the reports be printed.

Mr P. F. Morris made a statement in connection with the reports.

The time allotted for making statements on the reports having expired—

Mr P. F. Morris moved—That the House take note of the report on the inquiry into the Sydney 2000 Olympics: The adequacy of existing and planned aviation services and infrastructure, 16 November 1994.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr P. F. Morris was granted leave to continue his speech when the debate is resumed.

Mr P. F. Morris moved—That the House take note of the progress report on the review inquiry into ship standards and safety, 16 November 1994.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr P. F. Morris was granted leave to continue his speech when the debate is resumed.

Mr P. F. Morris moved—That the House take note of the report on the efficiency audit review—The national highway: ‘Lifeline of the nation’, 16 November 1994.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr P. F. Morris was granted leave to continue his speech when the debate is resumed.

**9 PROCEDURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Brown (Chair) presented the following report and related papers:

Procedure—Standing Committee—Application of modern technology to committee proceedings—

Report, 17 November 1994.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Brown and Mr Filing made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Brown moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Mr Brown was granted leave to continue his speech when the debate is resumed.

**10 ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER**

Ms Henzell presented the following report and related papers:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Justice under scrutiny: Inquiry into the implementation by governments of the recommendations of the Royal Commission into Aboriginal Deaths in Custody—

Report, 17 November 1994.

Minutes of proceedings.

Ordered—That the report be printed.

Ms Henzell making a statement in connection with the report—

The time allotted for making statements on the report having expired—

*Suspension of standing and sessional orders*

Mr Duncan (Parliamentary Secretary to the Attorney-General), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the time for presentation of committee and delegation reports and statements on those reports being extended until 1.20 p.m. this day.

Question—put and passed.

Ms Henzell continued her statement.

The additional time allotted for making statements on the report having expired—

Ms Henzell moved—That the House take note of the report.

In accordance with standing order 102B, the debate was adjourned, the resumption of the debate made an order of the day for the next sitting Monday, and Ms Henzell was granted leave to continue her speech when the debate is resumed.

#### 11 MOTOR VEHICLE STANDARDS AMENDMENT BILL 1994

Mr Hawker, pursuant to notice, presented a Bill for an Act to amend the *Motor Vehicle Standards Act 1989*.

Mr Hawker made a statement in relation to the Bill.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting Monday, in accordance with standing order 104A.

#### 12 PRISONERS FROM KUWAIT

Mr Grace, pursuant to notice, moved—That the House:

(1) notes that—

- (a) on 2 August 1990 military forces from Iraq invaded the sovereign territory of the State of Kuwait and illegally proceeded to occupy that state, totally disregarding UN resolutions 660 and 661;
- (b) the unambiguous illegality of the Iraqi action was reflected in the speed with which a coalition of forces was brought together by the UN, a coalition that included the USA, the UK and Australia; and
- (c) after several months of occupation an offensive was launched by the coalition forces on 24 February 1991 that culminated in the liberation of Kuwait on 28 February 1991;

(2) further notes that—

- (a) in their withdrawal before the advancing coalition forces the Iraqis took several thousand prisoners from Kuwait and used them as a human shield in their retreat; and

- (b) most importantly, while a large number of the Kuwaiti prisoners were released shortly after the war ended, to this date the whereabouts of some 625 detainees remain undisclosed and that the Kuwaiti people will continue to suffer, emotionally and psychologically, the effects of their terrible experience so long as the Iraqi Government refuses to comply with UN resolutions 686 and 687 and fails to disclose either the fate or the location of their friends and relatives; and
- (3) calls on the Government to continue to support Kuwait in whatever manner it can to help ensure the return of their citizens.

*Paper:* Mr Grace, by leave, presented the following paper:

Australia-Kuwait Parliamentary Friendship Group—A place in the sun: Report of an unofficial visit to Kuwait at the invitation of Sheikh Salem Sabah Al-Salem Al-Sabah, October-November 1994.

Debate ensued.

The time allotted for the debate having expired—

Mr Vaile, by leave, addressed the House.

Ordered—That the resumption of the debate be made an order of the day for the next sitting Monday.

### 13 UNIVERSITY FACILITIES—USE FOR CONSULTING WORK

Mr Filing, pursuant to notice, moved—That this House:

- (1) deplores the practice of university-employed academics utilising uncosted university facilities to unfairly compete with the private sector for consulting work; and
- (2) calls on the Government to legislate to stop the practice.

Debate ensued.

Mr Filing, by leave, again addressed the House without closing the debate.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting Monday.

### 14 PUBLIC HOUSING ESTATES

Mr Latham, pursuant to notice, moved—That this House declare its support for:

- (1) the success of the Defence Housing Authority and Better Cities demonstration projects in capital stock renewal for public housing estates;
- (2) a new category of funding under the next Commonwealth-State Housing Agreement to continue the progress made with public housing renewal; and
- (3) a national target to bring the amenity and design standards of public housing estates in Australia to comparable private sector standards through the life of the next two Commonwealth-State Housing Agreements.

Debate ensued.

It being 2.45 p.m., the debate was interrupted in accordance with standing order 104A and the resumption of the debate made an order of the day for the next sitting Monday.

### 15 MEMBERS' STATEMENTS

Members' statements were made.

**16 DEATH OF FORMER SENATOR (SIR MAGNUS CORMACK)**

The Speaker informed the House of the death, on 26 November 1994, of Sir Magnus Cormack, a Senator for the State of Victoria from 1951 to 1953 and from 1962 to 1978 and President of the Senate from 1971 to 1974.

As a mark of respect to the memory of the deceased all Members present stood, in silence.

**17 PAPER**

Mr Beazley (Leader of the House) presented the following paper:

Roster of Ministers to attend question time as at 5 December 1994.

**18 QUESTIONS**

Questions without notice being asked—

*Member ordered to withdraw:* At 4 p.m. Mr Costello (Deputy Leader of the Opposition) was ordered, under standing order 304A, to withdraw from the House for 1 hour for interjecting while the Speaker was addressing the House, and he accordingly withdrew from the Chamber.

Questions without notice continued.

**19 PETITIONS**

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Abbott, Mr Cadman, Mr Cobb, Mrs Easson, Mr Elliott, Mr Fitzgibbon, Mr Hicks, Mr Howard, Mr Ruddock and Mr Snow, from 78, 127, 57, 27, 56, 132, 170, 278, 67 and 35 petitioners, respectively, praying that importation and use of the drug RU486 be banned.

Mr K.J. Andrews, Mr Griffin, Ms Henzell, Mr A.A. Morris and Mr Slipper, from 382, 296, 1003, 850 and 444 petitioners, respectively, praying for certain changes to the Family Law Act and the Child Support Scheme.

Dr Lawrence, Mr Sinclair and Ms Worth, from 1577, 15 and 250 petitioners, respectively, praying that funding for breast cancer research be increased tenfold in the Budget and initiatives to encourage donations for research be considered.

Mr Baldwin, from 16 petitioners, praying that legislative action be taken to implement the Earth Repair Charter.

Mr Cameron, from 67 residents of Western Australia, praying that greater restrictions be introduced on the export of dogs to Asia.

Mr Downer, from 132 petitioners, praying that Australia remain a democratic constitutional monarchy with the Queen as head of state, represented in Australia by a Governor-General.

Mr Duncan, from 1468 secondary school students in Adelaide, praying that foreign aid to Rwanda be increased.

Mr R.D.C. Evans, from 48 petitioners, praying that greater resources be made available for research into breast cancer.

Mr Fischer, from 11 petitioners, praying that certain action be taken to establish by referendum whether the Constitution should be amended to ensure parliamentary scrutiny of all international treaties, conventions and agreements before they come into force in Australia.

Mr Free, from 14 petitioners, praying that certain actions be taken to protect all native old growth, wilderness and other high conservation value forests in Australia.

Mr Johns, from 47 petitioners, praying that section 13 of the Customs (Cinematograph Films) Regulations be retained and certain other action be taken in relation to censorship.

Dr Lawrence, from 9073 petitioners, praying that funding for breast cancer research be increased substantially and initiatives to encourage donations for research be considered.

Dr Lawrence, from 910 petitioners, in similar terms.

Dr Lawrence, from 730 petitioners, in similar terms.

Dr Lawrence, from 204 petitioners, praying that the Silver Chain Nursing Association in Western Australia receive Medicare funding.

Dr Lawrence, from 80 petitioners, praying that certain action be taken to recognise the clinical relevance of complementary medicine to publicly funded health care.

Ms McHugh, from 863 petitioners, praying that changes to the runway system at Sydney Airport be delayed until an agreement is reached over acceptable increased impacts on the affected community.

Mr Melham, from 11 petitioners, praying that women remain eligible for the age pension from the age of 60.

Mrs Moylan, from 1120 petitioners, praying that the limit on subsidised procedures associated with infertility treatment be removed and unrestricted assistance be provided.

Mrs Moylan, from 1040 petitioners, in similar terms.

Mr B.C. Scott, from 29 electors of the Division of Maranoa, praying that the national flag not be changed, replaced or diminished without being voted upon and approved in a national referendum.

Mr S.F. Smith, from 68 petitioners, praying that Mr Li Shi Ping and Miss Liu Xiu Ling be granted refugee status and released from custody.

Mr S.F. Smith, from 44 petitioners, praying that Anzac Day be declared Australia's National Day of Commemoration and that it be held on 25 April each year and on no other day.

Mr Tuckey, from 4210 petitioners, praying that tax deductibility in the order of 150 per cent on approved land care expenditures be granted.

Petitions received.

## 20 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

It being 5.15 p.m., the debate was interrupted in accordance with standing order 106.

Question—That grievances be noted—put and passed.

**21 AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS**

The Deputy Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1994-95—

No. 10—Efficiency audit—Cash management in Commonwealth Government Departments.

No. 11—Project audit—ANL: Valuation issues.

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit reports Nos. 10 and 11 of 1994-95; and
- (2) the reports be printed.

Question—put and passed.

**22 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:

18 November 1994—Message No. 212—Primary Industries Legislation Amendment 1994.

28 November 1994—Message—

No. 213—Taxation Laws Amendment (No. 3) 1994.

No. 214—

International Air Services Commission Amendment 1994.

Superannuation Industry (Supervision) Legislation Amendment 1994.

Law and Justice Legislation Amendment (No. 2) 1994.

**23 STANDING ORDERS—AMENDMENT**

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), for Mr Beazley (Leader of the House), pursuant to notice, moved—That standing order 38 be omitted and the following substituted:

“38. All proceedings of the House shall be recorded by the Clerk, and such records shall constitute the Votes and Proceedings of the House, shall be signed by the Clerk and shall be the record of the proceedings of the House.”.

Question—put and passed.

**24 VOTES AND PROCEEDINGS**

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), for Mr Beazley (Leader of the House), pursuant to notice, moved—That:

- (1) the House declares the *Votes and Proceedings* to be the record of the proceedings of the House of Representatives; and
- (2) this resolution continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Question—put and passed.

**25 MESSAGE FROM THE SENATE—ROYAL COMMISSION INTO THE NEW SOUTH WALES POLICE SERVICE (ACCESS TO INFORMATION) BILL 1994**

Message No. 354, dated 16 November 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Financial Transaction Reports Act 1988’ and the ‘Telecommunications (Interception) Act 1979’*”.

Bill read a first time.

*Paper:* Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) presented an explanatory memorandum to the Bill.

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

**26 MESSAGE FROM THE SENATE—QANTAS SALE AMENDMENT BILL 1994**

Message No. 359, dated 30 November 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Qantas Sale Act 1992’ and the ‘Air Navigation Act 1920’*”.

Bill read a first time.

*Paper:* Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) presented an explanatory memorandum to the Bill.

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

**27 MESSAGE FROM THE SENATE—PIPELINE LEGISLATION AMENDMENT BILL 1994**

Message No. 362, dated 1 December 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Moomba-Sydney Pipeline System Sale Act 1994’ and the ‘Pipeline Authority Act 1973’*”.

Bill read a first time.

*Paper:* Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) presented an explanatory memorandum to the Bill.

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

**28 CERTAIN FAMILY LAW ISSUES—JOINT SELECT COMMITTEE—REPORT—PUBLICATION—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

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

Certain Family Law Issues—Joint Select Committee—Child Support Scheme:  
An examination of the operation and effectiveness of the scheme—

Report, incorporating a dissenting report, November 1994.

Evidence received by the committee.

Recommendations and conclusions.

Ordered—That the report be printed.

Mr Price, by leave, moved—That this House authorises the publication of the recommendations and conclusions and the electronic version on disk of the report of the Joint Select Committee on Certain Family Law Issues entitled “Child Support Scheme: An examination of the operation and effectiveness of the scheme”.

Question—put and passed.

Mr Price and Mr K. J. Andrews, by leave, made statements in connection with the report.

Mr Price, by leave, moved—That the House take note of the report.

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 the next sitting.

**29 CRIMES AND OTHER LEGISLATION AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Crimes and Other Legislation Amendment Bill 1994 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 Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), by leave, the Bill was read a third time.

**30 ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (FINANCIAL SUPPORT FUND) REPEAL BILL 1994—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Organisation for Economic Co-operation and Development (Financial Support Fund) Repeal Bill 1994 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 Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), by leave, the Bill was read a third time.

**31 QUARANTINE AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Quarantine Amendment Bill 1994 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 Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), by leave, the Bill was read a third time.

**32 COMPLAINTS (AUSTRALIAN FEDERAL POLICE) AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Complaints (Australian Federal Police) Amendment Bill 1994 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 Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), by leave, the Bill was read a third time.

**33 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER**

Mr Hollis (Chairman) presented the following report:

Public Works—Parliamentary Standing Committee—Report relating to a new laboratory complex at DSTO Salisbury, SA (7th report of 1994).

Ordered to be printed.

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

**34 LONG TERM STRATEGIES—STANDING COMMITTEE—REPORT— STATEMENT BY MEMBER—MOTION TO TAKE NOTE OF PAPER**

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

Long Term Strategies—Standing Committee—Australia's population 'carrying capacity': One Nation—Two ecologies—

Report, December 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

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

Mr Jones, by leave, moved—That the House take note of the report.

Mr Jones 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 the next sitting.

**35 MESSAGE FROM THE SENATE—HIGHER EDUCATION FUNDING LEGISLATION AMENDMENT BILL 1994**

The following message from the Senate was reported:

Message No. 357

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to funding for higher education*", and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

NOEL CRICHTON-BROWN  
Deputy President

The Senate

Canberra, 28 November 1994

Ordered—That the amendment be considered forthwith.

**SCHEDULE OF THE AMENDMENT MADE BY THE SENATE**

Clause 12, line 27 (page 4) to line 32 (page 9), omit the clause.

On the motion of Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), the amendment was agreed to.

**36 MESSAGE FROM THE SENATE—VETERANS' AFFAIRS (1994-95 BUDGET MEASURES) LEGISLATION AMENDMENT BILL (NO. 2) 1994**

The following message from the Senate was reported:

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Veterans' Entitlements Act 1986', and for related purposes*", and requests the House to amend the bill as indicated by the annexed schedule.

MICHAEL BEAHAN  
President

The Senate

Canberra, 1 December 1994

Ordered—That the amendment requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN  
AMENDMENT

After clause 53, page 53, insert the following clause:

**Insertion of sections**

"**53A.** After section 196ZM of the Principal Act the following sections are inserted in Part XIB:

**Medical expenses**

'196ZN.(1) The Commonwealth may, subject to this section, pay to an applicant who asks the Review Council to conduct a review as provided for by this Part an amount to cover the medical expenses incurred by him or her in respect of relevant documentary medical evidence obtained for the purposes of the review and submitted to the Review Council.

'(2) The applicant is not to be paid:

- (a) if the applicant has submitted to the Review Council relevant documentary medical evidence relating to only one medical condition—more than \$425 for medical expenses; or
- (b) if the applicant has submitted to the Review Council relevant documentary medical evidence relating to more than one medical condition—more than \$425 for the medical expenses incurred in respect of the evidence relating to any one of those conditions.

'(3) An amount is not payable in respect of medical expenses unless:

- (a) the person who has incurred the expenses; or
- (b) any person approved by that person or by the Commission;

applies in writing to the Commission for payment.

'(4) The application for payment must be:

- (a) in accordance with a form approved by the Commission; and
- (b) made within 3 months after the relevant documentary medical evidence was submitted to the Review Council; and
- (c) lodged, together with any document that the applicant considers relevant, at an office of the Department in Australia.

'(5) For the purposes of this section "relevant documentary medical evidence" in relation to an application has the same meaning as is specified in section 133.

**Travelling expenses for obtaining medical evidence**

'196ZO.(1) If an applicant has had to travel to obtain any relevant documentary medical evidence submitted to the Review Council, the applicant is, subject to this section, entitled to be paid in relation to that travel the travelling expenses that are prescribed.

'(2) If:

- (a) the applicant is accompanied by an attendant when travelling to obtain the evidence; and
- (b) the Commission is of the view that it is reasonable for the applicant to be so accompanied by an attendant;

the attendant is, subject to this section, entitled to be paid in relation to that travel the travelling expenses that are prescribed.

'(3) Travelling expenses are not payable in respect of travel outside Australia.

'(4) Travelling expenses are not payable unless:

- (a) the person who has incurred the expenses; or
- (b) any person approved by that person or by the Commission;

applies in writing to the Commission for payment under subsection (5).

'(5) The application for payment must be:

- (a) in accordance with a form approved by the Commission; and
- (b) made within 3 months after the end of the travel; and
- (c) lodged, together with any document that the applicant considers relevant, at an office of the Department in Australia.

'(6) The Commonwealth is to pay the travelling expenses to which a person is entitled under this section.

**Advance of travelling expenses**

'196ZP.(1) If the Commission is satisfied that:

- (a) it is reasonable to expect that a person may become entitled to travelling expenses under section 196ZO; and
- (b) it is appropriate, in all the circumstances, that the person should be paid an advance on account of those expenses;

the Commission may authorise the payment of that advance to the person.

'(2) If:

- (a) a person has received an advance on account of any travelling expenses that the person is likely to incur; and
- (b) the person:
  - (i) does not incur those travelling expenses; or
  - (ii) incurs travelling expenses that are less than the amount of the advance;

the person is liable to repay to the Commonwealth:

- (c) the amount of the advance; or
- (d) the difference between the amount of the advance and the amount of the travelling expenses;

as the case requires.'".

On the motion of Mr Sciacca (Minister for Veterans' Affairs), the requested amendment was made, after debate.

### 37 MESSAGE FROM THE SENATE—DEPARTURE TAX COLLECTION AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 364

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Departure Tax Collection Act 1978', and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN  
President

The Senate

Canberra, 1 December 1994

Ordered—That the amendment be considered forthwith.

#### SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Clause 12, page 3, lines 16 to 18, omit the clause, substitute the following clause:

#### **Special arrangements for payment of passenger movement charge**

"12. Section 10 of the Principal Act is amended:

- (a) by omitting from subsections (1) and (2) 'tax' and substituting 'charge';
- (b) by adding at the end the following subsection:

'(4) In spite of anything in this section, the Minister must not make an arrangement under this section that is to apply in respect of the departure from Australia, before 1 July 1995, of any person on an international flight.'"

On the motion of Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), the amendment was agreed to.

### 38 MESSAGES FROM THE SENATE

Messages from the Senate were reported:

- (a) returning the following Bills without amendment:

30 November 1994—Message—

No. 360—AeroSpace Technologies of Australia Limited Sale 1994.

No. 361—ANL Guarantee 1994.

1 December 1994—Message—

No. 363—Departure Tax Amendment 1994.

No. 365—Veterans' Affairs Legislation Amendment (No. 2) 1994.

- (b) transmitting a resolution agreed to by the Senate extending the time for the presentation of the report of the Joint Standing Committee on Migration on the Immigration Review Tribunal appointments process to 8 December 1994—Message No. 358, dated 28 November 1994.

39 **DECLARATION OF BILLS AS COGNATE BILLS**

Mr Gear (Assistant Treasurer), by leave, declared that the Taxation Laws Amendment (Infrastructure Borrowings) Bill 1994 and the Infrastructure Certificate Cancellation Tax Bill 1994 were cognate Bills.

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

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

Debate ensued.

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

*Consideration in detail*

Bill, by leave, taken as a whole.

Mr Gear, by leave, moved the following amendments together:

Clause 7—

Page 3, at the end of proposed paragraph 93B(e), add the following sentence:  
“In such a case, the holder will be liable to pay an amount that recoups some or all of the tax benefits of the certificate.”.

Page 5, lines 25 to 31, omit the proposed definition of “Crown lease”, substitute the following definition:

“ **‘Crown lease’** means:

- (a) a lease of land; or
- (b) an easement in connection with land; or
- (c) any other right, power or privilege over, or in connection with, land;

if the lease, easement, right, power or privilege was granted by:

- (d) the Commonwealth, a State or a Territory; or
- (e) an authority of the Commonwealth, a State or a Territory, where, assuming that the authority derived income at the time of the grant, that income would be exempt from income tax under the Tax Act because of a relevant exempting provision (within the meaning of section 160K of that Act);”.

Page 15, after proposed paragraph 93L(7)(a) insert the following paragraph:

“(aa) bores that are to be used for extracting water for public consumption, or other use by the public, at a charge to them;”.

Page 15, omit proposed paragraph 93L(7)(c), lines 23 and 24, substitute the following paragraph:

“(c) pumps and associated structures that are to be used:

- (i) in extracting water from bores covered by paragraph (aa); or
- (ii) for pumping water along channels or pipelines covered by paragraph (b);”.

Clause 23—

Page 31, proposed section 159GZZZZD, after the definition of “infrastructure borrowing” insert the following definition:

“ **‘infrastructure period’**, in relation to a certificate that is cancelled, means the period from the time of the borrowing to which the certificate applied until the conditions under section 93R of the DAA Act would, if the certificate had not been cancelled, have ceased to apply to the holder;”.

Page 31, proposed section 159GZZZZD, add at the end the following definition:  
 “ **‘tax benefit amount’**, in relation to a certificate that is cancelled, in relation to a year of income (being the year of income in which the cancellation occurs or any earlier or later year of income), means:

- (a) a payment of interest, or in the nature of interest, that, because of paragraph 159GZZZZE(1)(a), is not allowable as a deduction from the assessable income of the year of income of a taxpayer in respect of the borrowing to which the certificate applies; or
- (b) an amount that, because of paragraph 159GZZZZE(2)(d), is not allowable as a deduction under section 159GT from the assessable income of the year of income of a taxpayer in respect of the borrowing to which the certificate applies.”

Clause 25—

Page 34, proposed section 159GZZZZG, add at the end the following subsection:

“ (5) The inclusion of an IB amount in the assessable income of a person under this section does not affect the denial of allowability of a deduction to another person in respect of the same amount under subsection 159GZZZZE(1) or (2).”

Page 34, after proposed section 159GZZZZG, insert the following section:

**Tax payable where infrastructure borrowing certificate cancelled**

*Tax payable*

“ 159GZZZZH.(1) If:

- (a) the DAA cancels a certificate in relation to an infrastructure borrowing; and
- (b) for any year of income (whether the one in which the cancellation takes place or an earlier or later one), there is a tax benefit amount in relation to the certificate;

the holder of the certificate at the time of the cancellation is liable to pay tax on an amount (an “**infrastructure certificate cancellation amount**”) worked out using the formula:

$$15\% \times \text{Tax benefit amount} \times \text{Factor}$$

where:

“**Factor**” means:

- (a) if the year of income to which the tax benefit amount relates is:
    - (i) the year of income in which the act or omission that was the ground, or the first act or omission that was a ground, relied on by the DAA for cancelling the certificate occurred; or
    - (ii) an earlier year of income;
- the fraction worked out using the formula:

$$\frac{\text{Part of infrastructure period occurring after the act or omission}}{\text{Infrastructure period}}$$

; or

- (b) in any other case—the number 1.

*Assessment of amount*

‘(2) The Commissioner may make an assessment of the tax payable by a taxpayer under this section. In making or amending the assessment, and in dealing with any objection, appeal or review in relation to the assessment or amended assessment, the Commissioner may rely in whole or in part on advice given by the DAA under section 93ZF of the DAA Act.

*Incorporation in other notices*

‘(3) This Act does not prevent notice of the assessment being incorporated in a notice of any other assessment made in respect of the taxpayer under this Act.

*References in other provisions*

‘(4) Unless the contrary intention appears, in sections 170, 172, 174, 204, 205, 206, 207, 207A, 208, 209, 214, 215, 216, 254, 255, 258, 259 and 265, but not in any other section of this Act, “income tax” or “tax” includes tax payable under this section.’.”

Clause 26—

Page 34, subclause (1), line 20, omit “subsection (2)”, substitute “this section”.

Page 34, at the end of the clause add the following subclause:

“(3) The amendments made by this Part do not apply to an infrastructure borrowing made on or after the day on which this Act receives the Royal Assent if subscriptions to the borrowing were invited by a prospectus issued before the day on which this Act receives the Royal Assent.”

*Paper:* Mr Gear presented a revised supplementary explanatory memorandum to the Bill.

Debate ensued.

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*Adjournment negatived:* It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Gear requiring the question to be put forthwith without debate—

Question—put and negatived.

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Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Gear, by leave, the Bill was read a third time.

**41 INFRASTRUCTURE CERTIFICATE CANCELLATION TAX BILL 1994**

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Gear, the Bill was read a third time.

**42 ADJOURNMENT**

Dr Theophanous (Parliamentary Secretary to the Prime Minister) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Deputy Speaker adjourned the House until tomorrow at 12.30 p.m.

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**PAPERS**

The following papers were deemed to have been presented on 5 December 1994:

Aboriginal and Torres Strait Islander Commission Act—Regulations—Statutory Rules 1994 No. 390.

Air Navigation Act—Regulations—Statutory Rules 1994 Nos. 383, 384.

Audit Act—Regulations—Statutory Rules 1994 No. 365.

Australian Meat and Live-stock Corporation Act—Orders Nos. MQ58/94, MQ59/94, MQ60/94.

Australian War Memorial Act—Regulations—Statutory Rules 1994 No. 375.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1994 No. 385.

Christmas Island Act—Casino Control Ordinance—

Declaration, 3 November 1994.

Delegation, 10 November 1994.

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Orders—Parts—

20—Amendment, 16 November 1994.

105—Amendments 1994, 3, 7, 9, 15(4), 17, 18(3), 21, 23(4) November.

106—Amendments 1994, 14, 17, 21 November.

107—Amendments 1994, 14(2) November.

Exemption 1994 No. 7.

Regulations—Statutory Rules 1994 Nos. 382, 396.

Customs Act—Regulations—Statutory Rules 1994 Nos. 366, 367, 378, 379, 391, 392.

Defence Act—Determinations under section 58B 1994 Nos. 50, 51, 52, 53, 54, 55, 56, 57.

Export Control Act—Export Control Orders 1994 No. 4.

Export Finance and Insurance Corporation Act—Regulations—Statutory Rules 1994 No. 380.

Export Inspection (Quantity Charge) Act—Regulations—Statutory Rules 1994 Nos. 371, 395.

Export Inspection (Service Charge) Act—Regulations—Statutory Rules 1994 No. 370.

Export Inspection and Meat Charges Collection Act—Regulations—Statutory Rules 1994 No. 369.

Fisheries Act—Variations to the agreement between the Commonwealth of Australia and Tuna Longline Development Cooperation Pty Ltd, 29 November 1994.

Health Insurance Act—Determination 1994 No. 4.

Industrial Chemicals (Notification and Assessment) Act—Regulations—Statutory Rules 1994 No. 368.

Industrial Relations Act—Regulations—Statutory Rules 1994 No. 386.

Lands Acquisition Act—

Regulations—Statutory Rules 1994 No. 389.

Statement under section 40.

Migration Act and Migration Reform Act—Regulations—Statutory Rules 1994 No. 377.

Migration Act—Regulations—Statutory Rules 1994 No. 376.

National Health Act—

Declarations 1994 Nos. PB 17, PB 18.

Determination 1994 No. PB 19.

Parliament Act—Parliamentary Zone—Proposal and site plan for installation of a sculpture between the High Court of Australia and National Gallery of Australia buildings.

Pasture Seed Levy Act—Declaration 1994 No. 1.

Patents Act—Regulations—Statutory Rules 1994 No. 387.

Primary Industries Levies and Charges Collection Act, Horticultural Levy Act, and Horticultural Export Charge Act—Regulations—Statutory Rules 1994 Nos. 372, 373, 393.

Public Service Act—Determinations 1994 Nos. 86, 90, 164, 165, 166, 167, 183, 191.

Radiocommunications (Permit Tax) Act—Determination 1994 No. 1.

Radiocommunications (Receiver Licence Tax) Act—Determination 1994 No. 1.

Radiocommunications (Transmitter Licence Tax) Act—Determination 1994 No. 1.

States Grants (Petroleum Products) Act—Amendment of schemes No. 94/02.

States Grants (Primary and Secondary Education Assistance) Act—Regulations—Statutory Rules 1994 No. 381.

Superannuation (Resolution of Complaints) Act—Regulations—Statutory Rules 1994 No. 374.

Therapeutic Goods Act—Regulations—Statutory Rules 1994 No. 364.

Treaties—

List of multilateral treaties under negotiation or active consideration for Australian Government signature or adherence.

Texts of—

*Bilateral*—

- (1) Agreement with France on the establishment and use of the “DORIS” Precise Satellite Location Beacon System in Australia, done at Canberra on 18 October 1994. The Agreement entered into force on signature pursuant to Article 10.1.

- (2) Agreement with the United States of America on Co-operative and Collaborative Research, Development and Engineering, done at Washington on 20 October 1994. The Agreement entered into force on signature pursuant to Article 16.
- (3) Science and Technology Agreement with Indonesia, done at Canberra on 24 August 1994. The Agreement will enter into force when Notes are exchanged pursuant to Article 11.1.
- (4) Agreement with Israel on Mutual Legal Assistance in Criminal Matters, done at Canberra on 24 August 1994. The Agreement will enter into force 30 days after an exchange of Notes pursuant to Article 22.1.
- (5) Extradition Treaty with Brazil, done at Canberra on 22 August 1994. The Treaty will enter into force 30 days after an exchange of Notes pursuant to Article 21.1.
- (6) Economic and Commercial Agreement with Estonia, done at Tallinn on 8 July 1994. The Agreement entered into force on signature pursuant to Article 11.
- (7) Air Services Agreement with Russia, done at Moscow on 11 July 1994. The Agreement entered into force on signature pursuant to Article 22.
- (8) Social Security Agreement with New Zealand, done at Wellington on 19 July 1994. The Agreement will enter into force on 1 January 1995 if Notes are exchanged pursuant to Article 22.1 before that date or on the first day of the second month following an exchange of Notes after that date.
- (9) Agreement with New Zealand relating to Nauru, done at Canberra on 23 May 1994. The Agreement entered into force on signature in accordance with its terms.
- (10) Amendment, done at Canberra and Waigani on 30 April and 23 May 1994, to the Development Cooperation Agreement, and Exchange of Letters, with Papua New Guinea of 24 May 1989. The Amendment entered into force on 23 May 1994 in accordance with its terms.
- (11) Development Cooperation Agreement with Nauru, done at Bridgetown, Barbados, on 5 May 1994. The Agreement entered into force on signature pursuant to Article 22.

*Multilateral—*

- (12) Convention abolishing the Requirement of Legalisation for Foreign Public Documents, done at The Hague on 5 October 1961. Instrument of accession deposited for Australia on 11 July 1994. The Convention enters into force for Australia on 16 March 1995.
- (13) United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982. Instrument of ratification deposited for Australia on 5 October 1994. The Convention entered into force on 16 November 1994.
- (14) Agreement, done at New York on 28 July 1994, relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. Signed for Australia on 29 July 1994 and instrument of ratification deposited for Australia on 5 October 1994. The Agreement entered into force provisionally on 16 November 1994.
- (15) United Nations Convention to Combat Desertification in those Countries experiencing Serious Drought and/or Desertification, particularly in Africa, done at Paris on 17 June 1994. Signed for Australia, subject to ratification, on 14 October 1994. The Convention is not yet in force.

- (16) Agreement between Papua New Guinea and Fiji, Tonga, Solomon Islands, Vanuatu, Australia and New Zealand, concerning the Status of Elements of the Defence Forces of those Countries Deployed in the North Solomons Province of Papua New Guinea as Part of the South Pacific Peacekeeping Force, done at Suva on 28 September 1994. Signed definitively for Australia on 7 October 1994. The Agreement entered into force on 7 October 1994.
- (17) Anti-Doping Convention, done at Strasbourg on 16 November 1989. Instrument of accession deposited for Australia on 5 October 1994. The Convention enters into force for Australia on 1 December 1994.
- (18) International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 18 December 1971. Instrument of accession deposited for Australia on 10 October 1994. The Convention enters into force for Australia on 8 January 1995.
- (19) Protocol, done at London on 19 November 1976, to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 18 December 1971. Instrument of accession deposited for Australia on 10 October 1994. The Protocol enters into force for Australia on 8 January 1995.
- (20) Annex III to the Protocol, done at London on 17 February 1978, relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Regulations for the Prevention of Pollution by Harmful Substances carried by Sea in Packaged Form). Instrument of accession deposited for Australia on 10 October 1994. The Annex enters into force for Australia on 10 January 1995.
- (21) Convention on Nuclear Safety, done at Vienna on 17 June 1994. Signed for Australia, subject to ratification, on 20 September 1994. The Convention is not yet in force.
- (22) Agreement on the Establishment of the International Plant Genetic Resources Institute, done at Rome on 9 October 1991. Instrument of accession deposited for Australia on 20 October 1994. The Agreement entered into force for Australia on 1 November 1994.
- (23) International Telecommunication Union Constitution, Convention, and Optional Protocol on the Settlement of Disputes, done at Geneva on 22 December 1992. Instrument of ratification deposited for Australia on 29 September 1994. The instruments entered into force for Australia on 29 September 1994.
- (24) Asian-Pacific Postal Union Convention and General Regulations, done at Rotorua on 6 December 1990. Instrument of ratification deposited for Australia on 17 August 1994. The instruments entered into force generally on 1 July 1992.
- (25) Universal Postal Union: Fourth Additional Protocol to the Constitution; General Regulations; Convention, and Final Protocol; Postal Parcels Agreement, and Final Protocol, done at Washington on 14 December 1989. Instrument of ratification deposited for Australia on 25 August 1994. The instruments entered into force generally on 1 January 1991.
- (26) Amendment, done at Copenhagen on 25 November 1992, to the Montreal Protocol on Substances that Deplete the Ozone Layer of 16 September 1987. Instrument of acceptance deposited for Australia on 30 June 1994. The Amendment entered into force for Australia on 28 September 1994.

- (27) Amendments on Institutionalization of the Facilitation Committee, done at London on 7 November 1991, to the Convention on the International Maritime Organization of 6 March 1948. Instrument of acceptance deposited for Australia on 1 July 1994. The Amendments are not yet in force.
- (28) International Labour Organisation Convention (No. 173) concerning the Protection of Workers' Claims in the Event of the Insolvency of their Employer, done at Geneva on 23 June 1992. Instrument of ratification registered for Australia on 8 June 1994. The Convention enters into force for Australia on 8 June 1995.
- (29) Agreement to Ban Smoking on International Passenger Flights, done at Chicago on 1 November 1994. Signed definitively for Australia on 1 November 1994. The Agreement enters into force on 1 March 1995.
- (30) Marrakesh Agreement establishing the World Trade Organization, done at Marrakesh on 15 April 1994. Subject to Government approval, authorisation for the deposit of an instrument of acceptance of the Agreement for Australia will be sought from Federal Executive Council in December 1994.
- (31) International Dairy Agreement, done at Marrakesh on 15 April 1994. Subject to Government approval, authorisation for the deposit of an instrument of acceptance of the Agreement for Australia will be sought from Federal Executive Council in December 1994.
- (32) International Bovine Meat Agreement, done at Marrakesh on 15 April 1994. The Government is considering taking action toward becoming a party to the Agreement.
- (33) Protocol relating to an Amendment to Article 50(a) of the Convention on International Civil Aviation, done at Montreal on 26 October 1990. An instrument of ratification of the Protocol will be deposited for Australia in late November 1994.
- (34) Protocol relating to an Amendment to Article 56 of the Convention on International Civil Aviation, done at Montreal on 6 October 1989. An instrument of ratification of the Protocol will be deposited for Australia in late November 1994.
- (35) Protocol relating to an Amendment (insertion of new Article 83 *bis*) to the Convention on International Civil Aviation, done at Montreal on 6 October 1980. An instrument of ratification of the Protocol will be deposited for Australia in late November 1994.
- (36) Amendments to Articles II, III, IV and XIV (concerning financial obligations) of the Plant Protection Agreement for the Asia and Pacific Region of 27 February 1956, as adopted by the Food and Agriculture Organization Council at Rome on 3 November 1983. An instrument of acceptance of the Amendments will be deposited for Australia in early December 1994.

Veterans' Entitlements Act—Instruments 1994 Nos. 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74.

Wheat Marketing Act—Regulations—Statutory Rules 1994 No. 394.

World Heritage Properties Conservation Act—Regulations—Statutory Rules  
1994 No. 388.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Beale, Mr Braithwaite\*, Mr Crean, Mr Katter, Mr Nehl, Mr Sawford, Mr Staples\*, Mr Walker and Mr Willis.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives