

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 135

WEDNESDAY, 10 MAY 1995

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 EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

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

Employment, Education and Training—Standing Committee—A best kept secret: Report on the role and effectiveness of group training—

Report, March 1995.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Fitzgibbon, Mr Charles, Mr Chynoweth, Mr Neville and Mr Ronaldson, by leave, made statements in connection with the report.

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

Mr Fitzgibbon 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.

3 DAIRY PRODUCE AMENDMENT BILL 1995

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.

Message from the Governor-General: Message No. 261, dated 13 March 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Kerr (Minister for Justice), by leave, the following amendments were made together:

Schedule—

Page 4, item 14, after proposed subsection 102(5) insert:

“ (5A) If:

- (a) an amount is paid by the Commonwealth to the Corporation; and
- (b) but for this subsection, the Corporation would be required by a provision of this Act (“**the relevant provision**”) to credit the amount to the Market Support Fund; and
- (c) the amount is paid to the Corporation after the Market Support Fund has been wound up;

the relevant provision is to be taken to require the money to be credited to the Domestic Fund.’”.

Page 5, item 15, proposed section 102A, omit the definition of “dairy produce”, substitute:

“ **‘acquisition offset levy’** means acquisition offset levy imposed by the first Levy Act, as in force on and after 1 July 1995;

‘import offset levy’ means import offset levy imposed by section 8A of the second Levy Act, as in force on and after 1 July 1995;”.

Page 7, item 15, proposed subsection 106(2), omit paragraphs (a) and (b), substitute:

“(a) acquisition offset levy; or

(b) levy imposed by section 8 or 8A of the *Dairy Produce Levy (No.2) Act 1986*; or

(c) penalty payable under the Levies and Charges Collection Act in relation to levy referred to in paragraph (a) or (b).”.

Page 9, item 15, proposed section 108B, add at the end:

“ (5) For the purposes of subsections (3) and (4), a notice given to the Corporation by an authorised person is to be taken to have been given by the Secretary of the Department.’”.

Page 9, item 15, proposed subsection 108C(1), omit “Subject to section 108D, a person”, substitute “A person”.

Pages 10 and 11, item 15, omit proposed section 108D.

Page 14, after item 15 insert:

“15A. After section 109:

Insert:

Reduction of acquisition offset and import offset levy amounts in certain circumstances

‘109A.(1) If:

- (a) a prescribed exporter is liable to pay acquisition offset levy and import offset levy in respect of the same financial year; and
- (b) the total amount so payable by the prescribed exporter would, but for this section, exceed the amount that, under the first Levy Act, is the maximum amount in relation to acquisition offset levy payable by the prescribed exporter in respect of that year;

the prescribed exporter is not liable to pay so much of each of those levies as exceeds the adjusted amount of that levy for that year.

‘(2) The adjusted amount of a levy for a financial year is the amount worked out according to the formula:

$$\text{Maximum amount} \times \frac{\text{Levy}}{\text{Total levies}}$$

where:

“**Maximum amount**” means the amount that, under the first Levy Act, is the maximum amount in relation to acquisition offset levy payable by the prescribed exporter in respect of that year;

“**Levy**” means the amount of the levy in respect of which the calculation is being made;

“**Total levies**” means the total amount that, but for this subsection, would be payable by the prescribed exporter by way of acquisition offset levy and import offset levy in respect of the financial year.

‘(3) In this section, “**acquisition offset levy**” and “**import offset levy**” have the same meaning as in Division 5 of Part VII.

‘(4) A reference in this section to the milk fat rate for a month or the protein rate for a month has the same meaning as in section 7 of the *Dairy Produce Levy (No.1) Act 1986*.

Reduction of levies to avoid double payment

‘109B.(1) This section has effect if:

- (a) dairy produce is acquired or imported by a body corporate (“**the operative company**”) that is not a prescribed exporter; and
- (b) 2 or more other bodies corporate (“**the levy-paying companies**”) would, but for this section, be liable to pay acquisition offset levy or import offset levy, as the case may be, in relation to the dairy produce referred to in paragraph (a) or dairy produce that includes that dairy produce.

‘(2) In a case in which this section has effect because of the acquisition of dairy produce, the amount of acquisition offset levy that would, but for this section, be payable by each of the levy-paying companies is reduced to the amount that would be payable if:

- (a) the operative company had not acquired any of the dairy produce referred to in paragraph (1)(a); and
- (b) each levy-paying company had acquired a relevant part of that dairy produce.

‘(3) In a case in which this section has effect because of the importation of dairy produce, the amount of import offset levy that would, but for this section, be payable by each of the levy-paying companies is reduced to the amount that would be payable if:

- (a) the operative company had not imported any of the dairy produce referred to in paragraph (1)(a); and
- (b) each levy-paying company had imported a relevant part of that dairy produce.

‘(4) The relevant part referred to in paragraph (2)(b) or (3)(b) is ascertained by dividing the quantity of the dairy produce by the number of levy-paying companies.

‘(5) Section 109A has effect as if an amount of levy, as reduced by subsection (2) of this section, were the amount of that levy payable under the first or second Levy Act, as the case requires.

Appointment of authorised persons

‘109C. The Secretary of the Department may, in writing:

- ‘(a) appoint a person employed by, or in the service of, a collecting authority or collecting organisation within the meaning of the Levies and Charges Collection Act to be an authorised person for the purposes of section 108B; and
- (b) appoint an officer of the Australian Public Service to be an authorised person for the purposes of section 108B.’.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

4 DAIRY PRODUCE LEVY (NO. 1) AMENDMENT BILL 1995

The order of the day having been read for the second reading—Mr Kerr (Minister for Justice) moved—That the Bill be now read a second time.

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Kerr, by leave, the following amendments were made together:

Schedule—

Page 3, item 3, omit proposed subsection 4(2), substitute:

“ ‘(2) For the purposes of this Act, a person who applies any process to relevant dairy produce is taken to use the relevant dairy produce in the manufacture of dairy produce unless:

- (a) the process consists only of chilling; and
- (b) the person is the producer of the relevant dairy produce.

‘(3) For the purposes of this Act, a person is a prescribed exporter in relation to a financial year if:

- (a) the person has an export milk fat component or an export protein component, or both, within the meaning of section 7, for a month or months of the year; or
- (b) during the year, the person has exported dairy produce and:
 - (i) manufacturing milk levy was imposed on relevant dairy produce used, whether by that person or by another person, in the manufacture of the exported dairy produce; and
 - (ii) the export of the dairy produce has not been taken into account for the purposes of subsection 7(2).

‘(4) For the purposes of this Act, an export of dairy produce constitutes a relevant export if:

- (a) the export of the dairy produce has been taken into account for the purposes of subsection 7(2); or
- (b) both of the following conditions are satisfied:
 - (i) manufacturing milk levy was imposed on relevant dairy produce used, whether by the person who exported the dairy produce or by another person, in the manufacture of the exported dairy produce;
 - (ii) the export of the dairy produce has not been taken into account for the purposes of subsection 7(2).

‘(5) For the purposes of this Act, the question whether a body corporate is related to another body corporate is to be determined in the same way as the question whether bodies corporate are related to each other is determined for the purposes of the Corporations Law.’”.

Page 3, item 4, heading to proposed Part II, omit “RELEVANT”.

Page 4, item 4, proposed subsection 5(1), after paragraph (b) insert:

“(ba) a levy to be known as the acquisition offset levy is imposed on the total quantity of dairy produce acquired by a prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate (other than a prescribed exporter) that is related to the prescribed exporter, during a financial year commencing on or after 1 July 1995, being dairy produce imported into Australia on or after 1 July 1995 and on which levy has not been paid, and is not payable, under section 8 or 8A of the *Dairy Produce Levy (No.2) Act 1986*.”

Page 5, item 4, proposed subsection 7(5), omit “and after any application of subsection (7)”.

Pages 5 and 6, item 4, omit proposed subsections 7(6) to (8).

Page 6, item 4, after proposed section 7 insert:

Amount of acquisition offset levy

“7A.(1) Subject to subsection (2), the amount of the levy imposed by paragraph 5(1)(ba) on dairy produce acquired by a prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed exporter, during a financial year is calculated as follows:

- (a) in respect of each quantity of dairy produce acquired:
 - (i) an amount is calculated at the milk fat rate for the month in which the dairy produce was acquired on the milk fat content of the dairy produce when acquired; and
 - (ii) an amount is calculated at the protein rate for the month in which the dairy produce was acquired on the protein content of the dairy produce when acquired;
- (b) the amount of the levy is an amount equal to the total of the amounts calculated under paragraph (a) in respect of dairy produce acquired during the year.

‘(2) If, but for this subsection, the amount of the levy imposed by paragraph 5(1)(ba) on dairy produce acquired by a prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed

exporter, during a financial year would exceed the maximum amount, the amount of the levy imposed in respect of that dairy produce is an amount equal to the maximum amount.

‘(3) Except in a case to which subsection (4) applies, the maximum amount of the levy imposed by paragraph 5(1)(ba) on dairy produce acquired by a prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed exporter, during a financial year is an amount calculated as follows:

- (a) in respect of each quantity of dairy produce the subject of a relevant export by the prescribed exporter during the financial year:
 - (i) an amount is calculated at the milk fat rate for the month in which the dairy produce was exported on the milk fat content of the dairy produce; and
 - (ii) an amount is calculated at the protein rate for the month in which the dairy produce was exported on the protein content of the dairy produce;
- (b) the amounts calculated under paragraph (a) are added together;
- (c) if levy has been paid, or is payable, by the prescribed exporter under section 8 of the *Dairy Produce Levy (No.2) Act 1986* in respect of the importation, during the financial year, of any dairy produce and the amount so paid or payable is less than the amount arrived at under paragraph (b), the maximum amount is the amount equal to the difference between the amount arrived at under paragraph (b) and the amount of levy paid or payable;
- (d) if no deduction is made under paragraph (c), the total amount arrived at under paragraph (b) is the maximum amount.

‘(4) If:

- (a) levy has been paid, or is payable, by the prescribed exporter under section 8 of the *Dairy Produce Levy (No.2) Act 1986* in respect of the importation, during the financial year, of any dairy produce; and
- (b) the amount so paid or payable equals or exceeds the amount arrived at under paragraph (3)(b);

acquisition offset levy is not imposed on the acquisition of the dairy produce by the prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate related to that prescribed exporter.

‘(5) In subsections (1) and (3), a reference to the milk fat rate or the protein rate for a month is a reference to the milk fat rate or the protein rate, as the case may be, prescribed in relation to the manufacturing milk levy for that month.’”.

Page 7, item 4, after proposed subsection 11(2) insert:

“ ‘(2A) The acquisition offset levy imposed on dairy produce acquired by a prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed exporter, is payable by the prescribed exporter.’ ”.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

5 DAIRY PRODUCE LEVY (NO. 2) AMENDMENT BILL 1995

The order of the day having been read for the second reading—Mr Kerr (Minister for Justice) moved—That the Bill be now read a second time.

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Kerr, by leave, the following amendments were made together:

Schedule—

Page 3, before item 1 insert the following item:

“1AA. Section 4:

Add at the end:

‘(2) For the purposes of this Act, a person is a prescribed exporter in relation to a financial year if:

- (a) the person has an export milk fat component or an export protein component, or both, within the meaning of section 7 of the *Dairy Produce Levy (No.1) Act 1986*, for a month or months of the year; or
- (b) during the year, the person has exported dairy produce and:
 - (i) relevant dairy produce used, whether by that person or by another person, in the manufacture of the exported dairy produce has been taken into account in the calculation of manufacturing milk levy; and
 - (ii) the export of the dairy produce has not been taken into account for the purposes of subsection 7(2) of the *Dairy Produce Levy (No.1) Act 1986*.

‘(3) For the purposes of this Act, an export of dairy produce constitutes a relevant export if:

- (a) the export of the dairy produce has been taken into account for the purposes of subsection 7(2) of the *Dairy Produce Levy (No.1) Act 1986*; or
- (b) both of the following conditions are satisfied:
 - (i) manufacturing milk levy was imposed on relevant dairy produce used, whether by the person who exported the dairy produce or by another person, in the manufacture of the exported dairy produce;
 - (ii) the export of the dairy produce has not been taken into account for the purposes of subsection 7(2) of the *Dairy Produce Levy (No.1) Act 1986*.

‘(4) For the purposes of this Act, the question whether a body corporate is related to another body corporate is to be determined in the same way as the question whether bodies corporate are related to each other is determined for the purposes of the Corporations Law.’”.

Page 3, item 2, the heading to proposed Part III, omit “LEVY”, substitute “LEVIES”.

Page 3, item 2, omit proposed paragraph 8(b), substitute:

“(b) one of the following conditions is satisfied:

- (i) an amount has been paid, or is payable, to a person by way of a market support payment under the *Dairy Produce Act 1986* in respect of the dairy produce;
- (ii) the export of the dairy produce has been taken into account for the purposes of subsection 7(2) of the *Dairy Produce Levy (No.1) Act 1986*;
- (iii) a person has been paid, or is entitled to be paid, a manufacturing milk levy rebate under section 108C of the *Dairy Produce Act 1986* in relation to the export of the dairy produce; and”.

Page 3, item 2, after proposed section 8 insert:

Import offset levy

“ ‘8A. Levy is imposed on the total quantity of dairy produce imported into Australia by a prescribed exporter during a financial year commencing on or after 1 July 1995 or, if the prescribed exporter is a body corporate, by a body corporate (other than a prescribed exporter) that is related to the prescribed exporter, not being dairy produce in relation to which levy has been paid, or is payable, under section 8.’ ”.

Page 3, item 2, proposed subsection 9(2), omit the subsection, substitute:

“ ‘(2) Subject to subsection (3), the amount of the levy imposed by section 8A on dairy produce imported during a financial year is calculated as follows:

- (a) in respect of each quantity of dairy produce imported:
 - (i) an amount is calculated at the milk fat rate for the month in which the dairy produce was imported on the milk fat content of the dairy produce when imported; and
 - (ii) an amount is calculated at the protein rate for the month in which the dairy produce was imported on the protein content of the dairy produce when imported;
- (b) the amount of the levy is an amount equal to the total of the amounts calculated under paragraph (a) in respect of the dairy produce imported during the year.

‘(3) Subject to subsection (4), the maximum amount of the levy imposed by section 8A on dairy produce imported by a prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed exporter, during a financial year is an amount calculated as follows:

- (a) in respect of each quantity of dairy produce the subject of a relevant export by the prescribed exporter during the financial year:
 - (i) an amount is calculated at the milk fat rate for the month in which the dairy produce was exported on the milk fat content of the dairy produce; and
 - (ii) an amount is calculated at the protein rate for the month in which the dairy produce was exported on the protein content of the dairy produce;
- (b) the amounts calculated under paragraph (a) are added together;
- (c) if levy has been paid, or is payable, by the prescribed exporter under section 8 in respect of the importation, during the financial year, of any dairy produce and the amount so paid or payable is less than the amount

arrived at under paragraph (b), the maximum amount is the amount equal to the difference between the amount arrived at under paragraph (b) and the amount of levy so paid or payable;

- (d) if no deduction is made under paragraph (c), the total arrived at under paragraph (b) is the maximum amount.

‘(4) If:

- (a) levy has been paid, or is payable, by the prescribed exporter under section 8 in respect of the importation, during the financial year, of any dairy produce; and
 (b) the amount so paid or payable equals or exceeds the amount arrived at under paragraph (3)(b);

import offset levy is not imposed on the importation of dairy produce by the prescribed exporter or, if the prescribed exporter is a body corporate, by a body corporate that is related to the prescribed exporter, during the financial year.

‘(5) In this section, a reference to the milk fat rate for a month or the protein rate for a month has the same meaning as in section 7 of the *Dairy Produce Levy (No.1) Act 1986*.’.”

Page 3, item 2, proposed section 10, omit the proposed section, substitute:

By whom levy payable

“ ‘10.(1) Levy imposed on dairy produce by section 8 is payable by the importer of the dairy produce.

‘(2) Levy imposed on dairy produce by section 8A is payable by the prescribed exporter referred to in that subsection.’.”

Bill, as amended, agreed to.

Consideration in detail concluded.

Mr Kerr, by leave, moved—That the Bill be now read a third time.

Papers: Mr Kerr, by leave, presented supplementary explanatory memorandums to the following Bills:

Dairy Produce Amendment 1995;

Dairy Produce Levy (No. 1) Amendment 1995; and

Dairy Produce Levy (No. 2) Amendment 1995.

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

6 WEAPONS OF MASS DESTRUCTION (PREVENTION OF PROLIFERATION) BILL 1995

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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Elliott (Parliamentary Secretary to the Treasurer), the Bill was read a third time.

7 DECLARATION OF BILLS AS COGNATE BILLS

Mr Elliott (Parliamentary Secretary to the Treasurer), by leave, declared that the Small Superannuation Accounts Bill 1995 and the Superannuation Laws Amendment (Small Accounts and Other Measures) Bill 1995 were cognate Bills.

8 SMALL SUPERANNUATION ACCOUNTS BILL 1995

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

Debate ensued.

Mr Cadman 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.

9 QUESTIONS

Questions without notice were asked.

10 PAPERS

Mr Hollis, by leave, during a personal explanation, presented the following papers:

Damages claim between Michael Baume and Colin Hollis—Facsimile of—

Ordinary statement of claim issued in the District Court of NSW at Nowra, 14 November 1983.

Letter from T. I. Johnston, Boylson and Dalley, Solicitors and Attorneys, to Mr Hollis, 13 May 1983.

11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BUDGET

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 deceptive nature of the Federal Budget delivered by the Treasurer last night and the impact of new taxes".

The proposed discussion having received the necessary support—

Mr Costello addressed the House.

Discussion ensued.

Discussion concluded.

12 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ROUTINE OF BUSINESS FOR 11 MAY 1995

Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the routine of business for Thursday, 11 May 1995, being as follows, unless otherwise ordered:

1. Members' statements.
2. Grievance debate (at 9.45 a.m.).
3. Reports from committees (at 11 a.m.).
4. Notices and other orders of the day, government business.
5. Questions without notice (at 3 p.m.).
6. Presentation of papers.
7. Ministerial statements, by leave.

8. Matter of public importance.
9. Notices and orders of the day, government business.

Question—put and passed.

13 AUSTRALIAN PARLIAMENTARY CONSULTATIVE DELEGATION—REPORT—STATEMENTS BY MEMBERS

Mr Downer, by leave, presented the following paper:

Australian Parliamentary Consultative Delegation to Vietnam, 5-12 April 1995—Australia-Vietnam dialogue: The currents of change—Report, 5 May 1995.

Mr Downer and Mr Taylor, by leave, made statements in connection with the report.

14 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos. 6 and 7, government business, be postponed until a later hour this day.

15 QANTAS SALE AMENDMENT BILL 1995

Mr Bevis (Parliamentary Secretary to the Minister for Defence), for Mr Beazley (Minister for Finance), pursuant to notice, presented a Bill for an Act to amend the *Qantas Sale Act 1992*.

Bill read a first time.

Paper: Mr Bevis presented an explanatory memorandum to the Bill.

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

16 LOCAL GOVERNMENT (FINANCIAL ASSISTANCE) BILL 1995

Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), pursuant to notice, presented a Bill for an Act to provide for financial assistance for local government purposes by means of grants to the States, the Australian Capital Territory and the Northern Territory, and for related purposes.

Bill read a first time.

Paper: Ms Crawford presented an explanatory memorandum to the Bill.

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

17 SMALL SUPERANNUATION ACCOUNTS BILL 1995

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.

Paper: Mr Elliott (Parliamentary Secretary to the Treasurer) presented a supplementary explanatory memorandum to the Bill.

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

Message from the Governor-General: Message No. 262, dated 10 May 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Message from the Administrator: Message No. 263, dated 8 May 1995, from His Excellency the Administrator was announced recommending an appropriation for the purposes of amendments to the Bill.

Consideration in detail

Clauses 1 to 7, by leave, taken together, and agreed to.

Clause 8—

On the motion of Mr Elliott, by leave, the following amendments were made together:

Page 5, subclause (2), line 10, omit “The”, substitute “After the commencement of the *Financial Management and Accountability Act 1995*, the”.

Page 5, at the end of the clause add the following subclause:

Transitional—Audit Act 1901

“(3) Before the commencement of the *Financial Management and Accountability Act 1995*:

- (a) the Reserve is a trust account for the purposes of section 62A of the *Audit Act 1901*; and
- (b) the *Audit Act 1901* has effect as if the purposes of the Reserve were to make payments and debits from the Reserve as required or permitted by this Act or by the *Superannuation Guarantee (Administration) Act 1992*.

Note 1: Under subsection 62A(6) of the *Audit Act 1901*, money in the Reserve may be expended for the purposes of the Reserve.

Note 2: Money in the Reserve may be invested under section 62B of the *Audit Act 1901*.

Note 3: Under section 81 of the Constitution, income from investments must be paid into the Consolidated Revenue Fund.”.

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10—

On the motion of Mr Elliott, the following amendment was made: Page 5, at the end of the clause add the following subclause:

“(2) Subsection (1) does not have effect until the commencement of the *Financial Management and Accountability Act 1995*.”.

Clause, as amended, agreed to.

Clauses 11 to 18, by leave, taken together, and agreed to.

Clause 19—

On the motion of Mr Elliott, the following amendment was made: Page 12, at the end of the clause add the following subclause:

“(3) Paragraph (1)(b) does not have effect until the commencement of the *Financial Management and Accountability Act 1995*.”.

Clause, as amended, agreed to.

Clauses 20 to 32, by leave, taken together, and agreed to.

Clause 33—

On the motion of Mr Elliott, the following amendment was made: Page 17, at the end of the clause add the following subclause:

“(3) Paragraph (1)(b) does not have effect until the commencement of the *Financial Management and Accountability Act 1995*.”.

Clause, as amended, agreed to.

Clauses 34 to 94, by leave, taken together, and agreed to.

Proposed new clauses—

Mr Connolly, by leave, moved—That the following new clauses be together added to the Bill:

Negotiations with finance industry etc. during period of operation of Act

“94A.(1) During the period of operation of this Act specified by sections 2 and 94B, the Commissioner of Taxation after consultation with the Insurance and Superannuation Commission (ISC) must confer with representatives of the finance industry and other appropriate persons with a view to the finance industry assuming responsibility for administering, for the purposes specified by this Act, the funds constituting the Superannuation Holding Accounts Reserve.

“(2) The Commissioner of Taxation must include details of consultations conducted pursuant to subsection (1) in the report to the Minister required under section 93.”.

Cessation of operation of Act

“94B. This Act, unless sooner repealed, shall cease to be in force at the expiration of 2 years after the date of commencement of this Act.”.

Debate ensued.

Question—That the new clauses proposed to be added be so added—put.

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

AYES, 60

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

NOES, 71

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

* Tellers

And so it was negatived.

New clause—

On the motion of Mr Elliott, the following new clause was added to the Bill:

Transitional—transfers from the Consolidated Revenue Fund

“95.(1) This section applies if a provision of this Act or the *Superannuation Guarantee (Administration) Act 1992* requires or permits an amount to be transferred from the Consolidated Revenue Fund to the Reserve.

“(2) The Consolidated Revenue Fund is appropriated for the transfer by force of this subsection.

“(3) Subsections (1) and (2) cease to have effect on the commencement of the *Financial Management and Accountability Act 1995*.

Note: After the commencement of the *Financial Management and Accountability Act 1995*, subsection 20(7) of that Act will appropriate the Consolidated Revenue Fund for the purposes of such a transfer.”

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

18 SUPERANNUATION LAWS AMENDMENT (SMALL ACCOUNTS AND OTHER MEASURES) BILL 1995

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

Paper: Mr Elliott presented a supplementary explanatory memorandum to the Bill.

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

Messages from the Administrator: The following messages from His Excellency the Administrator were announced:

No. 264, dated 8 May 1995, recommending an appropriation for the purposes of the Bill; and

No. 265, dated 8 May 1995, recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Clauses 1 to 4, by leave, taken together, and agreed to.

Schedules 1 to 6, by leave, taken together, and agreed to.

New schedule—

On the motion of Mr Elliott, the following new schedule was added to the Bill:

“SCHEDULE 7

Section 3

SOCIAL SECURITY ACT 1991

1. Section 3 (after the entry relating to the expression ‘assurance of support debt’):

Insert the following entry:

‘ATO small superannuation account 9(1)’.

2. Section 3 (the entry relating to the expression ‘investment’):

Omit ‘9(9)’, substitute ‘9(9), (9A)’.

3. Section 3 (before the entry relating to the expression ‘Jobskills’):

Insert:

‘investor 9(1)’.

4. Subparagraph 8(8)(b)(iii):

Add at the end ‘or’.

5. After subparagraph 8(8)(b)(iii):

Insert:

‘(iia) an ATO small superannuation account;’.

6. Paragraph 8(8)(b)(Note 2):

Omit ‘and “deferred annuity”’, substitute ‘, “deferred annuity” and “ATO small superannuation account”’.

7. Subsection 9(1):

Insert:

‘**“ATO small superannuation account”** means an account kept in the name of an individual under the *Small Superannuation Accounts Act 1995*;

“investor”, in relation to an ATO small superannuation account, means the person in whose name the account is kept;’.

8. Subsection 9(1) (definition of ‘investment’):

Omit the definition, substitute:

‘**“investment”**:

(a) in relation to a superannuation fund, approved deposit fund or deferred annuity—has the meaning given by subsection (9); or

(b) in relation to an ATO small superannuation account—has the meaning given by subsection (9A);’.

9. Subsection 9(1) (definition of ‘return’):

Omit the definition, substitute:

‘“return”:

- (a) in relation to an ATO small superannuation account—means so much of the balance of the account as is attributable to interest; or
- (b) in relation to any other investment (including an investment in the nature of superannuation)—means any increase, whether of a capital or income nature and whether or not distributed, in the value or amount of the investment;’.

10. Subsection 9(1) (definition of ‘superannuation benefit’):

Omit the definition, substitute:

‘“superannuation benefit”, in relation to a person, means:

- (a) a benefit arising directly or indirectly from amounts contributed (whether by the person or by any other person) to a superannuation fund in respect of the person; or
- (b) a payment under Part 7 of the *Small Superannuation Accounts Act 1995*, where the payment is in respect of an ATO small superannuation account kept in the name of the person;’.

11. Subsection 9(1B):

Add at the end:

‘(g) an investment in an ATO small superannuation account.

Note: See paragraph (1C)(ca) for investments in ATO small superannuation accounts held before pension age is reached.’.

12. After paragraph 9(1C)(c):

Insert:

‘(ca) an investment in an ATO small superannuation account if the investor has not yet turned pension age;’.

13. After subsection 9(9):

Insert:

‘(9A) For the purposes of this Act:

- (a) a person has an **investment** in an ATO small superannuation account if:
 - (i) the account is kept in the name of the person; and
 - (ii) the balance of the account exceeds nil; and
- (b) the amount or value of that investment equals the balance of the account.’.

14. After paragraph 9(10)(b):

Insert:

‘(ba) where the investment is an ATO small superannuation account—the balance of the account is taken to have been withdrawn for the purposes of the *Small Superannuation Accounts Act 1995*; or’.

15. Paragraph 1080(a):

Omit ‘or deferred annuity’, substitute ‘, deferred annuity or ATO small superannuation account’.

16. Subparagraph 1097(a)(iii):

Omit 'and', substitute 'or'.

17. Paragraph 1097(a):

Add at the end:

'(iv) an ATO small superannuation account; and'.

18. Subparagraph 1118(1)(f)(iii):

Add at the end 'or'.

19. After subparagraph 1118(1)(f)(iii):

Insert:

'(iiia) an ATO small superannuation account;'

Title agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

**19 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL
(NO. 2) 1995**

The order of the day having been read for the second reading—Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs) moved—That the Bill be now read a second time.

Debate ensued.

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

20 ADJOURNMENT

Mr Punch (Minister for Defence Science and Personnel) 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 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 10 May 1995:

Air Navigation Act—Regulations—Statutory Rules 1995 No. 78.

Environment Protection (Impact of Proposals) Act—Order under section 6, 2 May 1995.

Health Insurance Act—Declaration QAA No. 2/1995.

Industrial Chemicals (Notification and Assessment) Act—Regulations—Statutory Rules 1995 No. 81.

Patents Act—Regulations—Statutory Rules 1995 No. 82.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 1995 Nos. 84, 85.

Primary Industries Levies and Charges Collection Act, Horticultural Levy Act and Horticultural Export Charge Act—Regulations—Statutory Rules 1995 No. 83.

Proceeds of Crime Act—Regulations—Statutory Rules 1995 No. 80.

Sales Tax Assessment Act—Regulations—Statutory Rules 1995 No. 86.

Sales Tax Procedure Act—Regulations—Statutory Rules 1995 No. 87.

Superannuation (Resolution of Complaints) Act—Regulations—Statutory Rules 1995 No. 77.

Superannuation Act 1990—Declaration—Statutory Rules 1995 No. 79.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Holding, Mr Howe, Mr Jones, Mr Keating and Mr Sciacca.

L. M. BARLIN

Clerk of the House of Representatives