

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 172

THURSDAY, 19 OCTOBER 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 COMMONWEALTH BANK SALE BILL 1995

Mr Willis (Treasurer), for Mr Gear (Assistant Treasurer), pursuant to notice, presented a Bill for an Act to facilitate the sale of the Commonwealth's shares in the Commonwealth Bank, and for related purposes.

Bill read a first time.

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

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

3 SUPERANNUATION INDUSTRY (SUPERVISION) LEGISLATION AMENDMENT BILL 1995

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

Bill read a first time.

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

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

4 MESSAGE FROM THE SENATE—HEALTH AND OTHER SERVICES (COMPENSATION) BILL 1994

The following message from the Senate was reported:

Message No. 550

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to the consequences of certain compensation payments, and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN
President

The Senate

Canberra, 16 October 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Clause 3, page 2, subclause (1), definition of “**administration fee**”, lines 9 and 10, omit the definition.
- No. 2—Clause 3, page 2, subclause (1), definition of “**Administration Fee Act**”, lines 11 and 12, omit the definition.
- No. 3—Clause 3, page 2, subclause (1), after definition of “**amount of compensation**” insert the following definition:
 “**‘bulk payment agreement’** means an agreement of a kind referred to in subsection 32B(1);”.
- No. 4—Clause 3, page 2, subclause (1), after definition of “**Charges Act**” insert the following definition:
 “**‘claim’** means a claim in writing;”.
- No. 5—Clause 3, page 5, subclause (1), after definition of “**settlement**” insert the following definition:
 “**‘small amount’** has the meaning given in section 32F;”.
- No. 6—Clause 3, page 6, at end of clause add the following subclauses:
 “(9) If an injury is a disease, a reference in this Act to the day on which the injury occurs is a reference to the first day on which a professional service was rendered in respect of the disease.
 “(10) A reference in this Act to the period of a bulk payment agreement is a reference to the period to which the bulk payment agreement is expressed to apply.”.
- No. 7—Clause 4, page 7, at end of subclause (2) add the following word and paragraph:
 “; or (d) an amount paid in respect of a fatal injury to a person, unless all or part of that amount relates to medical expenses or expenses incurred in respect of nursing home care for that person.”.
- No. 8—Part 2, page 8, Division 1, heading, note, lines 3 and 4, omit the note, substitute the following notes:
 “Note 1: See also sections 5 and 6 of the *Health and Other Services (Compensation) Care Charges Act 1995*.
 Note 2: The obligations under this Division may be affected by the operation of Part 3.14 of the *Social Security Act 1991* (see section 27).”.
- No. 9—Clause 8, page 8, subclause (1), line 33, omit “subsections (2) and (3)”, substitute “subsections (2), (3), (6) and (9)”.
- No. 10—Clause 8, page 9, at end of clause after note add the following subclauses:
 “(6) Subject to subsections (7) and (8) and section 32E, this section does not apply if:
 (a) the notifiable person in relation to the claim for compensation concerned has entered into a bulk payment agreement with the Commission; and

- (b) the notifiable person has complied with all the conditions of the bulk payment agreement; and
- (c) the judgment or settlement is made during the period of the bulk payment agreement; and
- (d) the judgment or settlement determines all the outstanding liability of the compensation payer in relation to the claim.

“(7) Subsection (6) does not apply in relation to a judgment or settlement of a kind referred to in that subsection if:

- (a) the judgment or settlement was made during the period of the bulk payment agreement; and
- (b) at the time the judgment or settlement was made, it purported to determine all the outstanding liability of the compensation payer in relation to the claim; and
- (c) another judgment or settlement in respect of the claim is made after the end of the period of the bulk payment agreement.

“(8) Subsection (6) does not affect the validity of a payment of money pursuant to a notice under section 24 if the payment occurred before the judgment or settlement referred to in that subsection was made.

“(9) This section does not apply if:

- (a) the judgment or settlement has been made before a notice under section 11 or 12 in relation to the claim for compensation concerned would, apart from section 32F, have been required to be given to the Commission; and
- (b) the amount of compensation fixed by the judgment or settlement is a small amount; and
- (c) the amount of compensation so fixed is the entire amount of compensation for the injury to which the claim relates.

Note: For ‘small amount’ see section 32F.”.

No. 11—Part 2, page 9, Division 2, heading, note, lines 28 and 29, omit the note, substitute the following notes:

“Note 1: See also sections 7 and 8 of the *Health and Other Services (Compensation) Care Charges Act 1995*.

Note 2: The obligations under this Division may be affected by the operation of Part 3.14 of the *Social Security Act 1991* (see section 27).”.

No. 12—Clause 10, page 10, subclause (1), line 20, omit “subsection (2)”, substitute “subsections (2), (2A), (5) and (8)”.

No. 13—Clause 10, page 10, subclause (2), line 30, omit “If:”, substitute “Subject to subsection (2A), if:”.

No. 14—Clause 10, page 10, after subclause (2) insert the following subclause:

“(2A) If:

- (a) the amount of compensation is fixed by a judgment that specifies an amount (the ‘**past nursing home care component**’), being a portion of the amount of compensation, to be a component for the nursing home care expenses already incurred relating to the injury; and
- (b) the amount that, apart from this subsection, would be payable to the Commonwealth under this section exceeds the past nursing home care component;

the amount payable under subsection (1) is taken to be the past nursing home care component.”.

No. 15—Clause 10, page 11, at end of clause after note add the following subclauses:

“(5) Subject to subsections (6) and (7) and section 32E, this section does not apply if:

- (a) the notifiable person in relation to the claim for compensation concerned has entered into a bulk payment agreement with the Commission; and
- (b) the notifiable person has complied with all the conditions of the bulk payment agreement; and
- (c) the judgment or settlement is made during the period of the bulk payment agreement; and
- (d) the judgment or settlement determines all the outstanding liability of the compensation payer in relation to the claim.

“(6) Subsection (5) does not apply in relation to a judgment or settlement of a kind referred to in that subsection if:

- (a) the judgment or settlement was made during the period of the bulk payment agreement; and
- (b) at the time the judgment or settlement was made, it purported to determine all the outstanding liability of the compensation payer in relation to the claim; and
- (c) another judgment or settlement in respect of the claim is made after the end of the period of the bulk payment agreement.

“(7) Subsection (5) does not affect the validity of a payment of money pursuant to a notice under section 24 if the payment occurred before the judgment or settlement referred to in that subsection was made.

“(8) This section does not apply if:

- (a) the judgment or settlement has been made before a notice under section 11 or 12 in relation to the claim for compensation concerned would, apart from section 32F, have been required to be given to the Commission; and
- (b) the amount of compensation fixed by the judgment or settlement is a small amount; and
- (c) the amount of compensation so fixed is the entire amount of compensation for the injury to which the claim relates.

Note: For ‘small amount’ see section 32F.”.

No. 16—Part 3, page 11, Division 1, after heading insert the following note:

“Note: The obligations under this Division will not apply in circumstances covered by Division 3.”.

No. 17—Clause 12, page 13, subclause (1), line 7, omit “subsections (2), (7) and (8)”, substitute “subsections (2), (7), (8) and (8A)”.

No. 18—Clause 12, page 14, after subclause (8) insert the following subclauses:

“(8A) Subject to subsection (8B), this section does not require notice of a claim to be given to the Commission if:

- (a) the claim was made more than 5 years before the commencement of this Act; and
- (b) the claimant did not take active steps to pursue the claim during the 5 years prior to that commencement; and
- (c) the claimant does not take active steps to pursue the claim during the 12 months after that commencement.

“(8B) Despite subsection (8A), if:

- (a) apart from that subsection, a person would have been obliged under this section to give notice of a claim; and
- (b) after the 12 months following the commencement of this Act, the claimant notifies the person of his or her intention to pursue the claim; the person must give to the Commission notice of the claim within 28 days after the notification.”

No. 19—Clause 14, page 15, subclause (1), lines 18 and 19, omit “, the Charges Act or the Administration Fee Act”, substitute “or the Charges Act”.

No. 20—Clause 15, page 15, lines 27 to 31, omit the clause.

No. 21—After clause 16, page 16, insert the following clause:

Notice that claim is unlikely to become active again

“16A. The notifiable person may notify the Commission in writing if the notifiable person is satisfied that there has been no activity in relation to the claim for such a long period that the claim is unlikely to become active again.”

No. 22—Clause 18, page 17, subclause (3), lines 1 to 3, omit the subclause, substitute the following subclauses:

“(3) Subject to subsection (3A) and section 20, the Managing Director may, by notice in writing, grant the claimant one or more extensions of the period.

“(3A) The period cannot be extended if:

- (a) the notice in question under subsection 17(1) was given in relation to a claim for compensation in respect of which a judgment or settlement had already been made; and
- (b) the Managing Director had not given a notice under section 21, in respect of the claim for compensation, during the 3 months preceding the judgment or settlement.”

No. 23—Clause 21, page 18, subclause (4), line 26, omit “, or under the Administration Fee Act”.

No. 24—Clause 21, page 18, after subclause (4) insert the following subclauses:

“(4A) Without limiting the matters that the notice may include, it may include a statement to the effect that, if a judgment or settlement is made in respect of the claim within 3 months after the notice was given, the notice is taken to be a notice of charge under section 24, given by the Managing Director on the day on which the judgment or settlement is made.

“(4B) If a notice contains a statement of a kind referred to in subsection (4A), it must also contain a statement to the effect that, subject to subsection (4C), if:

- (a) the notice is taken to be a notice of charge under section 24; and
- (b) the judgment or settlement fixes the amount of compensation on the basis that liability for the injury should be apportioned between the compensable person and the compensation payer; and

- (c) as a result, the amount of compensation is less than it would have been if liability had not been so apportioned;

the amount specified in the notice as payable to the Commonwealth is reduced by the proportion corresponding to the proportion of liability for the injury that is apportioned to the compensable person by the judgment or settlement.

“(4C) If a notice contains a statement of a kind referred to in subsection (4A), it must also contain a statement to the effect that, if:

- (a) the notice is taken to be a notice of charge under section 24; and
- (b) the amount of compensation is fixed by a judgment that specifies an amount (the ‘**past expenses component**’), being a portion of the amount of compensation, to be a component for either or both of the following:
 - (i) the medical expenses already incurred relating to the injury;
 - (ii) the expenses in respect of nursing home care already incurred relating to the injury;

the past expenses component is taken to be the amount specified in the notice as payable to the Commonwealth.

“(4D) Without limiting the matters that the notice may include, it may include a statement to the effect that if a reimbursement arrangement is made in respect of the claim, the notice is taken to be a notice of charge under section 25, given by the Managing Director on:

- (a) if the reimbursement arrangement was made before the Managing Director gives the notice to the notifiable person—the day on which the Managing Director gives the notice to the notifiable person; or
- (b) in any other case—the day on which the reimbursement arrangement is made.”.

No. 25—Clause 22, page 19, subclause (1), lines 11 to 15, omit the subclause, substitute the following subclause:

“**22.(1)** The notifiable person must not make a settlement in respect of the claim for compensation unless:

- (a) the notifiable person has informed the compensable person that the compensable person may be liable to pay amounts under this Act or the Charges Act as a result of the settlement being made; or
- (b) the Managing Director has, within the 3 months prior to the settlement, given to the notifiable person a notice under section 21 in respect of the claim.”.

No. 26—Clause 23, page 19, after paragraph (3)(c) insert the following word and paragraph:

“; and (ca) the names of all the parties to the settlement, or the names of all the parties to which the judgment relates, as the case requires; and”.

No. 27—Clause 23, page 20, paragraph (3)(g), line 4, omit “determined in writing by the Minister”, substitute “prescribed by the regulations made for the purposes of this subsection”.

No. 28—Clause 23, page 20, subclause (4), lines 5 and 6, omit the subclause, substitute the following subclauses:

“(4) If:

- (a) the judgment or settlement fixes the amount of compensation on the basis that liability for the injury should be apportioned between the compensable person and the compensation payer; and
- (b) as a result, the amount of compensation is less than it would have been if liability had not been so apportioned;

the notice given to the Commission under subsection (1) must also state by how much, expressed as a percentage, the amount of compensation has been reduced as a result of the apportionment.

“(4A) If the amount of compensation is fixed by a judgment that specifies an amount (the ‘**past expenses component**’), being a portion of the amount of compensation, to be a component for either or both of the following:

- (a) the medical expenses already incurred relating to the injury;
- (b) the expenses in respect of nursing home care already incurred relating to the injury;

the notice given to the Commission under subsection (1) must state the past expenses component and (if applicable) the proportion of the past expenses component applicable to expenses of a kind referred to in paragraphs (a) and (b) respectively.

“(4B) The notice must be signed by the notifiable person and the compensable person.”.

No. 29—Clause 23, page 20, paragraph (5)(b), line 12, omit “future medical care needs”, substitute “future medical care or nursing home care needs”.

No. 30—Clause 23, page 20, at end of subclause (5) add the following word and paragraph:

“; and (c) inclusion of any amount fixed by a judgment or settlement in respect of expenses for past medical care or nursing home care needs relating to the injury is prohibited by law.”.

No. 31—Clause 23, page 20, subclause (6), lines 14 and 15, omit the subclause.

No. 32—Clause 24, page 20, subclause (1), line 25, omit “, and under the Administration Fee Act”.

No. 33—Clause 24, page 20, subclause (2), lines 26 to 32, omit the subclause, substitute the following subclause:

“(2) The notice must also specify, in relation to each kind of eligible benefit that the Commonwealth has paid in respect of any service or care rendered or provided in the course of treatment of, or as a result of, the claimant’s injury, the sum of the amounts (if any) that will be payable to the Commonwealth under this Act or the Charges Act.”.

No. 34—Clause 24, page 21, at end of clause add the following subclauses:

“(6) A notice under section 21 is taken also to be a notice under this section given by the Managing Director to the insurer or compensation payer (as the case requires) on the day on which the judgment or settlement is made if:

- (a) the notice under section 21 includes statements of the kinds referred to in subsections 21(4A), (4B) and (4C); and
- (b) the judgment or settlement is made within 3 months after the notice was given.

“(7) Subject to subsections (8) and (9), if subsection (6) applies to a notice, the amount specified in the notice pursuant to paragraph 21(2)(b) is taken to be the amount set out for the purpose of paragraph (2)(a) of this section.

“(8) Despite subsection (7), if:

- (a) subsection (6) applies to a notice; and
- (b) the judgment or settlement fixes the amount of compensation on the basis that liability for the injury should be apportioned between the compensable person and the compensation payer; and
- (c) as a result, the amount of compensation is less than it would have been if liability had not been so apportioned; and
- (d) subsection (9) does not apply;

the amount specified in the notice pursuant to paragraph 21(2)(b), reduced by the proportion corresponding to the proportion of liability for the injury that is apportioned to the compensable person by the judgment or settlement, is taken to be the amount set out for the purpose of paragraph (2)(a).

“(9) Despite subsection (7), if:

- (a) subsection (6) applies to a notice; and
- (b) the amount of compensation is fixed by a judgment that specifies an amount (the ‘**past expenses component**’), being a portion of the amount of compensation, to be a component for either or both of the following:
 - (i) the medical expenses already incurred relating to the injury;
 - (ii) the expenses in respect of nursing home care already incurred relating to the injury;

the past expenses component is taken to be the amount set out for the purpose of paragraph (2)(a).”

No. 35—Clause 25, page 21, subclause (1), line 14, omit “, and under the Administration Fee Act”.

No. 36—Clause 25, page 21, subclause (2), lines 15 to 21, omit the subclause, substitute the following subclause:

“(2) The notice must also specify, in relation to each kind of eligible benefit that the Commonwealth has paid in respect of any service or care rendered or provided in the course of treatment of, or as a result of, the claimant’s injury, the sum of the amounts (if any) that will be payable to the Commonwealth under this Act or the Charges Act.”

No. 37—Clause 25, page 21, at end of clause add the following subclauses:

“(7) A notice under section 21 is taken also to be a notice under this section given by the Managing Director to the insurer or compensation payer (as the case requires), on a day worked out in accordance with subsection (8), if:

- (a) the notice under section 21 includes a statement of a kind referred to in subsection 21(4D); and
- (b) a reimbursement arrangement has been made in relation to the claim.

“(8) If subsection (7) applies, the notice is taken to have been given by the Managing Director on:

- (a) if the reimbursement arrangement was made before the Managing Director gives the notice to the notifiable person—the day on which the Managing Director gives the notice to the notifiable person; or

(b) in any other case—the day on which the reimbursement arrangement is made.”.

No. 38—Clause 26, page 22, subclause (1), line 3, omit “, 15”.

No. 39—Clause 26, page 22, subclause (2), line 7, omit “, 15”.

No. 40—Clause 26, page 22, at end of clause after note add the following subclauses:

“(3) For the purposes of subsection (1), a person is not taken to have reasonable excuse for refusing or failing to comply with a requirement of section 11, 12, 13, 16 or 23 to give a notice to the Commission only because:

- (a) the information required to be contained in the notice is, or could be, subject to a claim of privilege that would prevent the information being given in evidence in proceedings before a court or tribunal; or
- (b) the person is under a contractual obligation that prevents the person giving the information required to be contained in the notice; or
- (c) an order of a court or tribunal prevents the person giving the information required to be contained in the notice; or
- (d) an Australian law prevents the person giving the information required to be contained in the notice.

“(4) Without limiting subsection (3), a person is not excused from giving a notice under section 11, 12, 13, 16 or 23 on the ground that the information required to be contained in the notice may tend to incriminate the person.

“(5) In any criminal proceeding:

- (a) evidence of any information given under section 11, 12, 13, 16 or 23; and
- (b) evidence of any information, document or thing obtained as a direct or indirect result of the person having given the information;

cannot be used against the person. However, this subsection does not apply to a proceeding for an offence against subsection (1) or (2) of this section.

“(6) If:

- (a) a person gives a notice to the Commission under section 11, 12, 13, 16 or 23; and
- (b) in so doing, the person would, apart from this section, contravene an Australian law;

the person is taken not to have contravened that law by giving the notice.”.

No. 41—Part 3, page 22, Division 2, after heading insert the following note:

“Note: The obligations under this Division will not apply in circumstances covered by Division 3.”.

No. 42—Clause 29, page 23, subclause (1), lines 14 and 15, omit “, or under the Administration Fee Act”.

No. 43—Clause 30, page 24, subclause (3), lines 22 to 24, omit the subclause.

No. 44—Clause 31, page 24, subclause (1), lines 27 and 28, omit “(other than an amount payable under the Administration Fee Act)”.

No. 45—Clause 31, page 24, subclause (2), lines 36 and 37, omit “(other than an amount payable under the Administration Fee Act)”.

No. 46—At end of Part 3, page 26, add the following clause:

Interest not payable on amount withheld

“32A. If:

- (a) a judgment or settlement has been made in respect of an amount of compensation; and
- (b) a compensation payer or insurer has paid to the compensable person a part of the compensation, but withheld an amount referred to in paragraph 32(1)(b); and
- (c) an Australian law would, apart from this section, make the compensation payer or insurer liable to pay interest on the sum withheld, because the sum is withheld after the judgment or settlement has been made;

despite that law, the compensation payer or insurer is not liable to pay that interest.”.

No. 47—At end of Part 3, page 26, add the following Division:

“Division 3—Waiver of the requirements of this Part

Bulk payment agreements

“32B.(1) The Commission may, on behalf of the Commonwealth, at any time after 18 months following the commencement of this Act, enter into an agreement with a person that contains provisions to the effect that:

- (a) the person will pay the Commonwealth a specified amount; and
- (b) the person will:
 - (i) give the Commission information of a kind specified in a determination made by the Managing Director under subsection (2); and
 - (ii) give the information in a way specified in the determination; and
- (c) if the person is or becomes a notifiable person in relation to a claim for compensation:
 - (i) the person will be, to the extent provided for in sections 32C, 32D and 32E, exempt from Divisions 1 and 2 in relation to the claim; and
 - (ii) the compensable person concerned will be, to the extent provided for in subsections 8(6), (7) and (8), exempt from section 8 in respect of the injury to which the claim relates; and
 - (iii) the compensable person concerned will be, to the extent provided for in subsections 10(5), (6) and (7), exempt from section 10 in respect of the injury to which the claim relates; and
 - (iv) the compensable person concerned will be, to the extent provided for in subsections 6(6), (7) and (8) of the Charges Act, exempt from section 6 of that Act in respect of the injury to which the claim relates; and
 - (v) the compensable person concerned will be, to the extent provided for in subsections 8(5), (6) and (7) of the Charges Act, exempt from section 8 of that Act in respect of the injury to which the claim relates.

“(2) The Managing Director may determine in writing:

- (a) the kinds of information that must be given; and
- (b) the way in which such information must be given;

for the purposes of provisions of a kind referred to in paragraph (1)(b).

“(3) Without limiting subsection (2), the determination may require the giving of information about settlements, judgments and reimbursement arrangements in relation to injuries that occur within the period to which the contract is expressed to apply, including:

- (a) in the case of a settlement—the full names of all the parties to the settlement; and
- (b) in the case of a judgment or reimbursement arrangement—the full names of all the parties to whom the judgment or reimbursement arrangement relates; and
- (c) the date of the settlement, judgment or reimbursement arrangement; and
- (d) in the case of a judgment or settlement—the amount of compensation to be paid under the judgment or settlement.

“(4) Determinations under subsection (2) are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Waiver—bulk payment agreements

“32C.(1) Subject to this section and section 32E, during the period of a bulk payment agreement, Divisions 1 and 2 do not apply in relation to a claim if:

- (a) the notifiable person in relation to the claim has entered into the bulk payment agreement with the Commission; and
- (b) the notifiable person has complied with all the conditions of the bulk payment agreement.

“(2) This section does not affect the operation of Divisions 1 and 2 in relation to a judgment or settlement that has been made, in respect of the claim, prior to the start of the period of the bulk payment agreement.

“(3) This section does not affect the operation of Divisions 1 and 2 (other than sections 11 and 12) in relation to a reimbursement arrangement that has been made in respect of the claim.

“(4) Subject to section 32D, a notice of claim under section 11 or 12, or a notice of discontinuance under section 16 must be given under those sections if:

- (a) the claim is made or discontinued during the period of the bulk payment agreement; and
- (b) the period within which the claim must be notified under section 11 or 12, or the discontinuance must be notified under section 16, extends beyond the period of the bulk payment agreement.

Extended waiver—settlements during periods of bulk payment agreements

“32D.(1) Subject to this section and section 32E, Divisions 1 and 2 do not apply in relation to a claim for compensation if:

- (a) the notifiable person in relation to the claim has entered into a bulk payment agreement with the Commission; and
- (b) the notifiable person has complied with all the conditions of the bulk payment agreement; and

- (c) a judgment or settlement is made in respect of the claim during the period of the bulk payment agreement; and
- (d) the judgment or settlement determines all the outstanding liability of the compensation payer in relation to the claim.

“(2) For the avoidance of doubt, subsection (1) applies in relation to a claim even if a reimbursement arrangement in respect of the claim has been made before, during or after the period of the bulk payment agreement.

“(3) For the avoidance of doubt, subsection (1) applies in relation to a judgment or settlement even if:

- (a) the judgment or settlement was made before the start of the period of the bulk payment agreement; and
- (b) the judgment or settlement did not determine all the outstanding liability of the compensation payer in relation to the claim; and
- (c) during the period of the bulk payment agreement, a further judgment or settlement is made of a kind referred to in subsection (1).

“(4) This section does not affect the operation of Divisions 1 and 2 in relation to a judgment or settlement of a kind referred to in subsection (1) if:

- (a) the judgment or settlement was made during the period of the bulk payment agreement; and
- (b) at the time the judgment or settlement was made, it purported to determine all the outstanding liability of the compensation payer in relation to the claim; and
- (c) another judgment or settlement in respect of the claim is made after the end of the period of the bulk payment agreement.

“(5) This section does not affect the validity of a payment of money pursuant to a notice under section 24 or 25 if the payment occurred before the judgment or settlement referred to in subsection (1) was made.

Limits of waiver—bulk payment agreements

“32E.(1) This section has effect despite:

- (a) subsections 8(6), 8(7), 8(8), 10(5), 10(6) and 10(7); and
- (b) sections 32C and 32D; and
- (c) subsections 6(6), 6(7), 6(8), 8(5), 8(6) and 8(7) of the Charges Act; (the ‘**exempting provisions**’).

“(2) The exempting provisions do not affect the operation of a provision of Division 1 or 2 that creates an offence, if that provision was breached before the start of the period of the bulk payment agreement concerned.

“(3) The exempting provisions do not affect the operation of a provision of Division 1 or 2 imposing an obligation to do something within a certain time limit, if:

- (a) the time limit expired before the start of the period of the bulk payment agreement concerned; and
- (b) the thing was not done within that time limit.

Waiver—small amounts of compensation

“32F.(1) Despite Divisions 1 and 2, those Divisions do not apply in relation to a claim for compensation in respect of an injury if:

- (a) a judgment or settlement has been made in respect of the claim before a notice under section 11 or 12 would, but for this section, have been required to be given to the Commission; and
- (b) the amount of compensation fixed by the judgment or settlement is a small amount; and
- (c) the amount of compensation so fixed is the entire amount of compensation in respect of the injury.

“(2) An amount of compensation is a **small amount** if it is less than the amount prescribed for the purposes of this subsection by the regulations.”.

No. 48—Clause 36, page 27, paragraph (1)(d), lines 28 and 29, omit “, or under the Administration Fee Act”.

No. 49—Clause 38, page 29, subclause (3), lines 14 to 22, omit the subclause.

No. 50—Clause 38, page 29, subclause (4), line 23, omit “Without limiting subsection (3), a person”, substitute “A person”.

On the motion of Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), the amendments were agreed to.

5 MESSAGE FROM THE SENATE—HEALTH AND OTHER SERVICES (COMPENSATION) CARE CHARGES BILL 1994

The following message from the Senate was reported:

Message No. 551

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act relating to charges in respect of certain compensation payments*”, and requests the House to amend the bill as indicated by the annexed schedule.

MICHAEL BEAHAN
President

The Senate

Canberra, 16 October 1995

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

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

No. 1—Clause 6, page 3, subclause (1), line 9, omit “subsections (2) and (3)”, substitute “subsections (2), (3), (6) and (9)”.

No. 2—Clause 6, page 4, at end of clause after note add the following subclauses:

“(6) Subject to subsections (7) and (8), and section 32E of the *Health and Other Services (Compensation) Act 1995*, this section does not apply if:

- (a) the notifiable person in relation to the claim for compensation concerned has entered into a bulk payment agreement with the Commission; and
- (b) the notifiable person has complied with all the conditions of the bulk payment agreement; and
- (c) the judgment or settlement is made during the period of the bulk payment agreement; and
- (d) the judgment or settlement determines all the outstanding liability of the compensation payer in relation to the claim.

“(7) Subsection (6) does not apply in relation to a judgment or settlement of a kind referred to in that subsection if:

- (a) the judgment or settlement was made during the period of the bulk payment agreement; and
- (b) at the time the judgment or settlement was made, it purported to determine all the outstanding liability of the compensation payer in relation to the claim; and
- (c) another judgment or settlement in respect of the claim is made after the end of the period of the bulk payment agreement.

“(8) Subsection (6) does not affect the validity of a payment of money pursuant to a notice under section 24 of the *Health and Other Services (Compensation) Act 1995* if the payment occurred before the judgment or settlement referred to in that subsection was made.

“(9) This section does not apply if:

- (a) the judgment or settlement has been made before a notice under section 11 or 12 of the *Health and Other Services (Compensation) Act 1995* in relation to the claim for compensation concerned would, apart from section 32F of that Act, have been required to be given to the Commission; and
- (b) the amount of compensation fixed by the judgment or settlement is a small amount; and
- (c) the amount of compensation so fixed is the entire amount of compensation for the injury to which the claim relates.

Note: For ‘small amount’ see section 32F of the *Health and Other Services (Compensation) Act 1995*.”.

No. 3—Clause 8, page 4, subclause (1), line 33, omit “subsection (2)”, substitute “subsections (2), (2A), (5) and (8)”.

No. 4—Clause 8, page 5, subclause (2), line 5, omit “If:”, substitute “Subject to subsection (2A), if:”.

No. 5—Clause 8, page 5, after subclause (2) insert the following subclause:

“(2A) If:

- (a) the amount of compensation is fixed by a judgment that specifies an amount (the ‘**past nursing home care component**’), being a portion of the amount of compensation, to be a component for the nursing home care expenses already incurred relating to the injury; and
- (b) the amount that, apart from this subsection, would be payable to the Commonwealth under this section exceeds the past nursing home care component;

the amount payable under subsection (1) is taken to be the past nursing home care component.”.

No. 6—Clause 8, page 5, at end of clause after note add the following subclauses:

“(5) Subject to subsections (6) and (7), and section 32E of the *Health and Other Services (Compensation) Act 1995*, this section does not apply if:

- (a) the notifiable person in relation to the claim for compensation concerned has entered into a bulk payment agreement with the Commission; and

- (b) the notifiable person has complied with all the conditions of the bulk payment agreement; and
- (c) the judgment or settlement is made during the period of the bulk payment agreement; and
- (d) the judgment or settlement determines all the outstanding liability of the compensation payer in relation to the claim.

“(6) Subsection (5) does not apply in relation to a judgment or settlement of a kind referred to in that subsection if:

- (a) the judgment or settlement was made during the period of the bulk payment agreement; and
- (b) at the time the judgment or settlement was made, it purported to determine all the outstanding liability of the compensation payer in relation to the claim; and
- (c) another judgment or settlement in respect of the claim is made after the end of the period of the bulk payment agreement.

“(7) Subsection (5) does not affect the validity of a payment of money pursuant to a notice under section 24 of the *Health and Other Services (Compensation) Act 1995* if the payment occurred before the judgment or settlement referred to in that subsection was made.

“(8) This section does not apply if:

- (a) the judgment or settlement has been made before a notice under section 11 or 12 of the *Health and Other Services (Compensation) Act 1995* in relation to the claim for compensation concerned would, apart from section 32F of that Act, have been required to be given to the Commission; and
- (b) the amount of compensation fixed by the judgment or settlement is a small amount; and
- (c) the amount of compensation so fixed is the entire amount of compensation for the injury to which the claim relates.

Note: For ‘small amount’ see section 32F of the *Health and Other Services (Compensation) Act 1995*.”

On the motion of Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), the requested amendments were made.

6 MESSAGE FROM THE SENATE—HEALTH AND OTHER SERVICES (COMPENSATION) (CONSEQUENTIAL AMENDMENTS) BILL 1994

The following message from the Senate was reported:

Message No. 552

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to make certain amendments relating to the ‘Health and Other Services (Compensation) Act 1994’*”, 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, 16 October 1995

Ordered—That the amendment be considered forthwith.

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Schedule, page 3, after item 2 insert the following item:

“2A. Subsection 130(25) (definition of ‘officer’):

Omit ‘under, or in relation to, this Act’, substitute ‘, under or in relation to this Act or the *Health Insurance Commission Act 1973*’.”.

On the motion of Mr Tickner (Minister for Aboriginal and Torres Strait Islander Affairs), the amendment was agreed to.

7 VOCATIONAL EDUCATION AND TRAINING FUNDING AMENDMENT BILL 1995

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Debate ensued.

Papers: Mr Aldred, by leave, presented the following papers:

Retirement records—Robert Philip Wilson (32).

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

Message from the Governor-General: Message No. 322, dated 5 September 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Dr Theophanous (Parliamentary Secretary to the Prime Minister), the Bill was read a third time.

8 DECLARATION OF BILLS AS COGNATE BILLS

Dr Theophanous (Parliamentary Secretary to the Prime Minister), by leave, declared that the Primary Industries Levies Bill 1995, the Primary Industries Charges Bill 1995 and the Primary Industries Levies and Charges (Consequential Amendments) Bill 1995 were cognate Bills.

9 PRIMARY INDUSTRIES LEVIES BILL 1995

The order of the day having been read for the second reading—Dr Theophanous (Parliamentary Secretary to the Prime Minister) moved—That the Bill be now read a second time.

Debate ensued.

Question—put.

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

AYES, 71

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

NOES, 57

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

* Tellers

And so it was resolved in the affirmative—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.

10 PRIMARY INDUSTRIES CHARGES 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.

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

Leave granted for third reading to be moved forthwith.

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

11 PRIMARY INDUSTRIES LEVIES AND CHARGES (CONSEQUENTIAL AMENDMENTS) 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.

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

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 323, dated 24 August 1995, recommending an appropriation for the purposes of the Bill; and

No. 324, dated 23 September 1995, recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

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

Clause 4—

Page 3, table in subclause (2), the entry relating to the *Dairy Produce Levy (No. 2) Act 1986*, omit “dairy products”, substitute “dairy produce”.

Page 5, table in subclause (2), after the entry relating to the *National Residue Survey (Coarse Grains) Levy Act 1992* insert the following entry:

“ <i>National Residue Survey (Dairy Produce) Levy Act 1992</i>	” milk fat content of dairy produce produced on after 1 July 1996 ”.
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Add at the end:

“SCHEDULE 15

Section 3

DAIRY PRODUCE ACT 1986

1. Subsection 3(1) (definitions of *corporation levy, dairy products levy, exotic animal disease levy, first Levy Act, market support levy, milk fat levy, promotion levy, research levy, second Levy Act*):

Omit the definitions.

2. Subsection 3(1) (definition of *relevant dairy produce*):

Omit the definition, substitute:

‘*relevant dairy produce* means dairy produce that is:

- (a) whole milk; or
- (b) whole milk products.’

3. Subsection 3(1):

Insert:

‘*Corporation component of levy* has the meaning given by section 70A.

milk fat means the fatty substance of milk.

old corporation levy means corporation levy imposed by the old first Levy Act, and includes amounts of penalty (if any) payable under the Levies and Charges Collection Act in relation to that levy.

old dairy products levy means the levy imposed by:

- (a) section 9 of the old first Levy Act; or
- (b) section 5 or 8 of the old second Levy Act;

as in force on 30 June 1995, and includes amounts of penalty (if any) payable under the Levies and Charges Collection Act in relation to that levy.

old first Levy Act means the repealed *Dairy Produce Levy (No. 1) Act 1986*.

old market support levy means market support levy imposed by the old first Levy Act, and includes amounts of penalty (if any) payable under the Levies and Charges Collection Act in relation to that levy.

old promotion levy means promotion levy imposed by the old first Levy Act, and includes amounts of penalty (if any) payable under the Levies and Charges Collection Act in relation to that levy.

old research levy means research levy imposed by the old first Levy Act, and includes amounts of penalty (if any) payable under the Levies and Charges Collection Act in relation to that levy.

old second Levy Act means the repealed *Dairy Produce Levy (No. 2) Act 1986*.

promotion component of levy has the meaning given by section 89A.

whole milk means whole milk produced in Australia.

whole milk product means a product that:

- (a) is produced by modifying, or extracting material from, whole milk; and
- (b) consists of, or contains, milk fat.’

4. Subsection 3(3):

Omit the subsection.

5. Before section 71:

Insert:

Corporation component of levy

‘70A.(1) This section applies if a levy is imposed on relevant dairy produce by regulations under the *Primary Industries Levies Act 1995*.

‘(2) The regulations may declare:

- (a) the whole of the levy; or
- (b) the percentage of the levy ascertained in accordance with the regulations;

to be the Corporation component of the levy for the purposes of this Act.

‘(3) The declaration has effect accordingly.’

6. Before paragraph 71(1)(a):

Insert:

‘(aa) amounts received by the Commonwealth as the Corporation component of levy; and’.

7. Paragraphs 71(1)(a) and (b):

Omit ‘Corporation levy’, substitute ‘old corporation levy.’

8. After subsection 71(1):

Insert:

‘(1A) The reference in paragraph (1)(aa) to amounts received by the Commonwealth as the Corporation component of levy includes a reference to:

- (a) amounts received by the Commonwealth under section 7 of the Levies and Charges Collection Act in relation to such a component of levy; and
- (b) amounts received by the Commonwealth by way of penalty under section 15 of the Levies and Charges Collection Act in relation to such a component of levy.’

9. Subparagraph 74(1)(ca)(i):

Omit '71(1)(a)', substitute '71(1)(aa), (a)'.

10. Paragraph 88(1)(d):

Omit the paragraph, substitute:

'(d) in making payments to an R&D Corporation, so long as a levy imposed on relevant dairy produce by regulations under the *Primary Industries Levies Act 1995* is attached to the R&D Corporation under section 5 of the *Primary Industries and Energy Research and Development Act 1989*;'.

11. After section 89:

Insert:

Promotion component of levy

'89A.(1) This section applies if a levy is imposed on relevant dairy produce by regulations under the *Primary Industries Levies Act 1995*.

'(2) The regulations may declare:

(a) the whole of the levy; or

(b) the percentage of the levy ascertained in accordance with the regulations; to be the promotion component of the levy for the purposes of this Act.

'(3) The declaration has effect accordingly.'

12. Before paragraph 90(1)(a):

Insert:

'(aa) amounts received by the Commonwealth as the promotion component of levy; and'.

13. Paragraphs 90(1)(a) and (b):

Before 'promotion levy' insert 'old'.

14. After subsection 90(1):

Insert:

'(1A) The reference in paragraph (1)(aa) to amounts received by the Commonwealth as the promotion component of levy includes a reference to:

(a) amounts received by the Commonwealth under section 7 of the *Levies and Charges Collection Act* in relation to such a component of levy; and

(b) amounts received by the Commonwealth by way of penalty under section 15 of the *Levies and Charges Collection Act* in relation to such a component of levy.'

15. Subparagraph 91(aa)(i):

Omit '90(1)(a)', substitute '90(1)(aa), (a)'.

16. Section 92:

Add at the end:

'Note: Section 102 provides that, as soon as practicable after 1 July 1995, the Market Support Fund is to be wound up.'

17. Paragraphs 93(1)(a) and (c):

Before 'market support levy' insert 'old'.

18. Paragraph 93(1)(b):

Before 'dairy products levy' insert 'old'.

19. Paragraph 93(1)(b):

Before 'second Levy Act' insert 'old'.

20. Section 103 (definitions of *acquisition offset levy*, *import offset levy*, *manufacturing milk levy*, *market milk levy*, *milk fat rate* and *protein rate*):

Omit the definitions, substitute:

'*acquisition offset levy* means:

- (a) a levy imposed on dairy produce by regulations under the *Primary Industries Levies Act 1995*, where the levy is declared by regulations under this Act to be an acquisition offset levy; or
- (b) acquisition offset levy imposed by the old first Levy Act, as in force on and after 1 July 1995.

***import offset levy* means:**

- (a) a charge imposed on the import of dairy produce by regulations under the *Primary Industries Charges Act 1995*, where the charge is declared by regulations under this Act to be an import offset levy; or
- (b) import offset levy imposed by the old second Levy Act, as in force on and after 1 July 1995.

***manufacturing milk levy* means:**

- (a) a levy imposed on dairy produce by regulations under the *Primary Industries Levies Act 1995*, where the levy is declared by regulations under this Act to be a manufacturing milk levy; or
- (b) manufacturing milk levy imposed by the old first Levy Act, as in force on and after 1 July 1995;

and includes amounts of penalty (if any) payable under the Levies and Charges Collection Act in relation to such a levy.

***market milk levy* means:**

- (a) a levy imposed on dairy produce by regulations under the *Primary Industries Levies Act 1995*, where the levy is declared by regulations under this Act to be a market milk levy; or
- (b) market milk levy imposed by the old first Levy Act, as in force on and after 1 July 1995;

and includes amounts of penalty (if any) payable under the Levies and Charges Collection Act in relation to such a levy.

***milk fat rate* means:**

- (a) in relation to a month beginning on or after 1 July 1996—the rate specified in the regulations; or
- (b) in relation to a month beginning before 1 July 1996—the milk fat rate prescribed, under the old first Levy Act, in relation to the manufacturing milk levy for that month.

***protein rate* means:**

- (a) in relation to a month beginning on or after 1 July 1996—the rate specified in the regulations; or
- (b) in relation to a month beginning before 1 July 1996—the protein rate prescribed, under the old first Levy Act, in relation to the manufacturing milk levy for that month.'

21. After paragraph 107(2)(a):

Insert:

‘(aa) charge imposed on the import of dairy produce by regulations under the *Primary Industries Charges Act 1995*; or’.

22. Paragraph 107(2)(b):

Omit ‘*Dairy Produce Levy (No. 2) Act 1986*’, substitute ‘old second Levy Act’.

23. Paragraph 107(2)(c):

Omit ‘referred to in paragraph (a) or (b)’, substitute ‘or charge referred to in paragraph (a), (aa) or (b)’.

24. Paragraph 108D(1)(b):

Omit the paragraph, substitute:

‘(b) if that month begins before 1 July 1996—apart from the operation of subsection 7(5) of the old first Levy Act, the amount of the manufacturing milk levy so imposed would be a negative amount; and

(c) if that month begins on or after 1 July 1996—the regulations provide that this paragraph applies to the manufacturer for that month.’.

25. Subsection 108D(2):

Omit ‘The amount’, substitute ‘In the case of a month that begins before 1 July 1996—the amount’.

26. After subsection 108D(2):

Insert:

‘(2A) In the case of a month that begins on or after 1 July 1996—the amount of the negative levy entitlement is ascertained in accordance with the regulations.’.

27. Subsection 108D(4):

Omit ‘(1)’, substitute ‘(3)’.

28. Paragraph 108E(1)(c):

Omit the paragraph, substitute:

‘(c) if that month begins before 1 July 1996—the export of the dairy produce has not been taken into account under paragraphs 7(2)(c) and (d) of the old first Levy Act; and

(d) if that month begins on or after 1 July 1996—the regulations provide that this paragraph applies to the person for that month.’.

29. Paragraph 109A(1)(b):

Before ‘the total amount’ insert ‘if the financial year is earlier than the financial year beginning on 1 July 1996 —’.

30. Paragraph 109A(1)(b):

Before ‘first Levy Act’ insert ‘old’.

31. Paragraph 109A(1)(b):

Add at the end ‘and’.

32. After paragraph 109A(1)(b):

Insert:

‘(c) if the financial year begins on or after 1 July 1996—the total amount so payable by the prescribed exporter would, apart from this section, exceed the amount ascertained in accordance with the regulations;’.

33. Subsection 109A(2) (definition of *Maximum amount*):

Omit the definition, substitute:

'Maximum amount means:

- (a) in the case of a financial year earlier than the financial year beginning on 1 July 1996—the amount that, under the old first Levy Act, is the maximum amount in relation to acquisition offset levy payable by the prescribed exporter in respect of that year; or
- (b) in the case of a financial year beginning on or after 1 July 1996—the amount ascertained in accordance with the regulations.'

34. Subsection 109A(2) (definition of *Levy*):

Omit 'the levy', substitute 'the acquisition offset levy or the import offset levy'.

35. Subsection 109B(5):

Omit 'of levy', substitute 'acquisition offset levy or import offset levy'.

36. Subsection 109B(5):

Omit all the words after 'payable', substitute:

'under:

- (a) regulations under the *Primary Industries Levies Act 1995*; or
- (b) regulations under the *Primary Industries Charges Act 1995*; or
- (c) the old first Levy Act; or
- (d) the old second Levy Act;

as the case requires.'

37. Section 109B:

Add at the end:

'(6) In this section:

acquisition offset levy has the same meaning as in Division 5 of Part VII.

import offset levy has the same meaning as in Division 5 of Part VII.'

38. Paragraph 111A(1)(a):

Omit the paragraph, substitute:

- '(a) it is necessary to determine the milk fat content of dairy produce for the purposes of a provision of:
 - (i) this Act; or
 - (ii) regulations under the *Primary Industries Levies Act 1995*; or
 - (iii) regulations under the *Primary Industries Charges Act 1995*; or
 - (iv) the old first Levy Act; or
 - (v) the old second Levy Act; and'

39. Paragraph 111A(2)(a):

Omit the paragraph, substitute:

- '(a) it is necessary to determine the protein content of dairy produce for the purposes of a provision of:
 - (i) this Act; or

- (ii) regulations under the *Primary Industries Levies Act 1995*; or
- (iii) regulations under the *Primary Industries Charges Act 1995*; or
- (iv) the old first Levy Act; or
- (v) the old second Levy Act; and’.”.

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

Amendments 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.

12 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL 1995

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.

Leave granted for third reading to be moved forthwith.

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

13 POSTPONEMENT OF NOTICE

Ordered—That notice No. 3, government business, be postponed until a later hour this day.

14 CUSTOMS TARIFF BILL 1995

The order of the day having been read for the second reading—Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) 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 Lindsay, the Bill was read a third time.

15 MESSAGE FROM THE GOVERNOR-GENERAL—PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1995

Message No. 325, dated 3 October 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of an amendment to a Bill for an Act to amend various Acts administered by the Department of Primary Industries and Energy, and for related purposes.

16 MESSAGE FROM THE SENATE—PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1995

The following message from the Senate was reported:

Message No. 556

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend various Acts administered by the Department of Primary Industries and Energy, and for related purposes*”, and requests the House to amend the bill as indicated by Schedule A annexed.

The Senate desires to inform the House that the amendments indicated by Schedule B annexed have been made by the Senate in the bill.

MICHAEL BEAHAN
President

The Senate
Canberra, 18 October 1995

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

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN AMENDMENT

At end of bill, page 6, add the following Schedule:

“SCHEDULE 5

Section 3

EXOTIC ANIMAL DISEASE CONTROL ACT 1989

**PART 1—AMENDMENTS RELATING TO THE CLOSURE OF THE
EXOTIC ANIMAL DISEASE PREPAREDNESS TRUST ACCOUNT**

1. Object

The object of this Part is to enable the Exotic Animal Disease Preparedness Trust Account to be closed before 31 December 1995.

2. Before subsection 24(1):

Insert:

‘(1A) The Account must be closed on a day not later than 31 December 1995.’.

3. Subsection 24(1):

Omit all the words to and including ‘shall’ (second occurring), substitute:

‘Any money standing to the credit of the Account on the day before the day on which it is to be closed must’.

4. Paragraph 24(1)(c):

Omit the paragraph, substitute:

‘(c) the Australian Wool Research and Promotion Organisation (being the corporation established by subsection 5(1) of the *Australian Wool Research and Promotion Organisation Act 1993*); and’.

5. Subsection 24(2) (definition of ‘ASC’):

Omit ‘at the time when it is closed’.

6. Paragraph 24(3)(f):

Omit the paragraph, substitute:

‘(f) in the case of the Australian Wool Research and Promotion Organisation—the total of the amounts received by the Commonwealth under section 53A of the *Wool Marketing Act 1987*, section 26 of the *Australian Wool Corporation Act 1991* and section 79 of the *Australian Wool Research and Promotion Organisation Act 1993*; and’.

PART 2—TRANSITIONAL PROVISIONS

7. Object

The object of this Part is to ensure that certain payments received by the Commonwealth in relation to the *Exotic Animal Disease Control Act 1989* can be paid into the Exotic Animal Disease Preparedness Trust Account, before that account is closed.

8. Payments into Account

(1) There must be paid into the Account:

- (a) in respect of each amount of Exotic Animal Disease Levy received by the Commonwealth after 30 June 1995—an amount equal to that amount of levy; and
- (b) in respect of each amount of penalty received by the Commonwealth after 30 June 1995 for non-payment of Exotic Animal Disease Levy—an amount equal to that amount of penalty; and
- (c) in respect of each amount of prescribed levy received by the Commonwealth after 30 June 1995—an amount equal to the exotic animal disease component of the levy; and
- (d) in respect of each amount of penalty received by the Commonwealth after 30 June 1995 for non-payment of a prescribed levy—an amount equal to so much of that amount of penalty as is attributable to non-payment of the exotic animal disease component of the levy.

(2) Interest received after 30 June 1995 from the investment of money standing to the credit of the Account must be paid into the Account.

(3) In this item:

Account means the Exotic Animal Disease Preparedness Trust Account established under section 21 of the *Exotic Animal Disease Control Act 1989*.

Exotic Animal Disease Levy means the exotic animal disease levy imposed by section 5 of the *Dairy Produce Levy (No. 1) Act 1986*.

prescribed levy means a levy imposed by an Act specified in the Schedule to the *Exotic Animal Disease Control Act 1989*.

9. Appropriation

Amounts payable into the Exotic Animal Disease Preparedness Trust Account under item 8 are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.”

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the requested amendment was made, after debate.

17 CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 1995—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Crimes Amendment (Forensic Procedures) Bill 1995 had been considered in the Main Committee and was returned with an unresolved question (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the unresolved question.

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

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

AYES, 73

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

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

* 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.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Kerr (Minister for Justice), clause 2 was omitted, and the following clause substituted, after debate:

Commencement

“2.(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

“(2) Item 8A of Schedule 2 is taken to have commenced immediately after the commencement of the *Crimes Amendment Act 1995*.

“(3) Subject to subsection (4), Schedules 1 and 3, and the remaining items of Schedule 2, commence on a day to be fixed by Proclamation.

“(4) If the provisions specified in subsection (3) have not commenced under that subsection within the period of 6 months beginning on the day on which this Act receives the Royal Assent, those provisions commence on the first day after the end of that period.”.

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

Schedule 1—

Page 7, item 1, heading to proposed Division 2, omit the heading, substitute:

“Division 2—Authority and time limits for forensic procedures—summary of rules”.

Page 8, item 1, after proposed section 23WC insert in proposed Division 2:

Time limits for carrying out forensic procedures

“23WCA. Table 1A sets out in general terms the time limits that apply to the carrying out of a forensic procedure depending on the status of the suspect and the source of the authority to carry out the procedure.

TABLE 1A

Suspect's status	Procedure to be carried out with suspect's consent (Division 3)	Procedure to be carried out by order of a constable (Division 4)	Procedure to be carried out by order of a magistrate (Division 5)
1 Suspect not in custody	Procedure must be carried out within 4 hours after suspect presents to investigating constable, disregarding “dead time” described in subsection 23WLA(2) (see section 23WLA).	Not applicable	Procedure must be carried out within 4 hours after suspect presents to investigating constable, disregarding “dead time” described in subsection 23XGB(2) (see section 23XGB).
2 Suspect in custody	Suspect may be detained under Part 1C, but the detention period permitted by Part 1C is not extended in connection with carrying out the procedure (see subsections 23WD(3) and (4)).	Suspect may be detained under Part 1C, but the detention period permitted by Part 1C is not extended in connection with carrying out the procedure (see subsections 23WM(3) and (4)).	In addition to the detention period permitted under Part 1C, suspect may be detained for up to 4 hours after magistrate's order or suspect's arrest, disregarding “dead time” described in subsection 23XGD(2) (see Subdivision CA of Division 5).

Page 9, item 1, after proposed subsection 23WD(2) add:

“(3) This Division does not authorise keeping a suspect in custody, in order to carry out a forensic procedure, after the expiration of the investigation period provided for by Part 1C.

Note: If it is necessary to keep a suspect in custody after the expiration of the Part 1C investigation period in order to carry out a forensic procedure, an order of a magistrate under Division 5 will have to be obtained to authorise this.

“(4) Nothing in this Part or Part 1C prevents the carrying out of a forensic procedure, with the informed consent of the suspect, during the investigation period provided for by Part 1C. However, neither carrying out the forensic procedure, nor any delays associated with carrying out the forensic procedure, operate to extend the investigation period provided for by Part 1C.

Note: By contrast, the carrying out of a forensic procedure in accordance with a magistrate’s order under Division 5, and associated delays, may delay the expiration of the investigation period provided for by Part 1C (see subsection 23C(7)).”

Page 10, item 1, omit proposed subsections (3), (4), (5) and (6), substitute:

“(3) The constable must not ask the suspect to consent to the forensic procedure unless:

- (a) an interview friend is present; or
- (b) the suspect has expressly and voluntarily waived his or her right to have an interview friend present; or
- (c) the constable believes on reasonable grounds that, having regard to the suspect’s level of education and understanding, the suspect is not at a disadvantage in relation to the request to consent in comparison with members of the Australian community generally.

Note: Section 23YK relates to proving a waiver under paragraph (3)(b) of this section.

“(4) Before asking the suspect to consent to a forensic procedure, the constable must:

- (a) inform the suspect that a representative of an Aboriginal legal aid organisation will be notified that the suspect is to be asked to consent to a forensic procedure; and
- (b) notify such a representative accordingly.

“(5) The constable is not required to comply with subsection (4) if:

- (a) he or she is aware that the suspect has arranged for a legal practitioner to be present while the suspect is asked to consent to the forensic procedure; or
- (b) paragraph (3)(b) or (c) applies.

“(6) After asking a suspect covered by paragraph (3)(b) or (c) to consent to a forensic procedure, the constable:

- (a) must give the suspect the opportunity to communicate, or attempt to communicate, with a legal practitioner of the suspect’s choice; and
- (b) must give the suspect the opportunity to do so in private, unless the constable suspects on reasonable grounds that the suspect might attempt to destroy or contaminate any evidence that might be obtained by carrying out the forensic procedure.

“(6A) After asking a suspect not covered by paragraph (3)(b) or (c) to consent to a forensic procedure, the constable must allow the suspect to communicate with the interview friend (if any), and with the suspect’s legal representative (if any), in private unless the constable suspects on reasonable grounds that the suspect might attempt to destroy or contaminate any evidence that might be obtained by carrying out the forensic procedure.”

Page 13, item 1, after proposed section 23WL insert in proposed Division 3:

Time for carrying out forensic procedure—suspect not in custody

“23WLA.(1) If a suspect who is not in custody:

- (a) consents to a forensic procedure; and
- (b) presents himself or herself to the investigating constable to undergo the procedure;

the procedure must be carried out as quickly as reasonably possible but in any case within 4 hours after the suspect so presents himself or herself.

“(2) In working out any period of time for the purposes of subsection (1), the following times are to be disregarded:

- (a) the time (if any) that is reasonably required to convey the suspect from the place where the suspect presents himself or herself to the investigating constable to the nearest premises where facilities for carrying out the procedure in accordance with this Part are available to the investigating constable;
- (b) any time during which carrying out the procedure is suspended or delayed to allow the suspect, or someone else on the suspect’s behalf, to communicate with a legal practitioner, friend, relative, parent, guardian, interpreter, medical practitioner, dentist or other person as provided by this Part;
- (c) any time during which carrying out the procedure is suspended or delayed to allow such a legal practitioner, friend, relative, parent, guardian, interpreter, medical practitioner, dentist or other person to arrive at the place where the procedure is to be carried out;
- (d) any time during which carrying out the procedure is suspended or delayed to allow the suspect to receive medical attention;
- (e) any time during which carrying out the procedure is suspended or delayed because of the suspect’s intoxication;
- (f) any reasonable time during which carrying out the procedure is suspended or delayed to allow the suspect to rest or recuperate;
- (g) any time during which carrying out the procedure is suspended or delayed at the request of the suspect.”.

Page 14, item 1, after the note to proposed subsection 23WM(3) add:

“(4) Nothing in this Part or Part 1C prevents the carrying out of a forensic procedure, in accordance with a constable’s order under section 23WN, during the investigation period provided for by Part 1C. However, neither carrying out the forensic procedure, nor any delays associated with carrying out the forensic procedure, operate to extend the investigation period provided for by Part 1C.

Note: By contrast, the carrying out of a forensic procedure in accordance with a magistrate’s order under Division 5, and associated delays, may delay the expiration of the investigation period provided for by Part 1C (see subsection 23C(7)).”.

Page 18, item 1, omit proposed paragraph 23WV(2)(b), substitute:

- “(b) if the order is made—without delay at the end of the period for which the suspect may be detained in custody under section 23XGD.”.

Page 20, item 1, omit proposed section 23WZ.

Page 24, item 1, after proposed Subdivision C insert:

“Subdivision CA—Time limits for forensic procedures ordered by magistrates

23XGA. Application

23XGB. Time for carrying out forensic procedure—suspect not in custody

23XGC. Arrest of suspect not in custody

23XGD. Time for carrying out forensic procedure—suspect in custody

Application

“**23XGA.** This Subdivision applies where a magistrate orders the carrying out of a forensic procedure on a suspect under this Part.

Time for carrying out forensic procedure—suspect not in custody

“**23XGB.(1)** If a suspect who is not in custody presents himself or herself to the investigating constable to undergo the procedure ordered by the magistrate, the procedure must be carried out as quickly as reasonably possible but in any case within 4 hours after the suspect so presents himself or herself.

“(2) In working out any period of time for the purposes of subsection (1), the following times are to be disregarded:

- (a) the time (if any) that is reasonably required to convey the suspect from the place where the suspect presents himself or herself to the investigating constable to the nearest premises where facilities for carrying out the procedure in accordance with this Part are available to the investigating constable;
- (b) any time during which carrying out the procedure is suspended or delayed to allow the suspect, or someone else on the suspect’s behalf, to communicate with a legal practitioner, friend, relative, parent, guardian, interpreter, medical practitioner, dentist or other person as provided by this Part;
- (c) any time during which carrying out the procedure is suspended or delayed to allow such a legal practitioner, friend, relative, parent, guardian, interpreter, medical practitioner, dentist or other person to arrive at the place where the procedure is to be carried out;
- (d) any time during which carrying out the procedure is suspended or delayed to allow the suspect to receive medical attention;
- (e) any time during which carrying out the procedure is suspended or delayed because of the suspect’s intoxication;
- (f) any reasonable time during which carrying out the procedure is suspended or delayed to allow the suspect to rest or recuperate;
- (g) any time during which carrying out the procedure is suspended or delayed at the request of the suspect.

Arrest of suspect not in custody

“**23XGC.(1)** If the suspect is not in custody, the magistrate may, on the application of a constable, issue a warrant for the arrest of the suspect for the purpose of carrying out the forensic procedure.

“(2) An application for a warrant must be:

- (a) made by information on oath; and
- (b) accompanied by an affidavit dealing with matters referred to in paragraphs (3)(a) and (b).

“(3) The magistrate may issue a warrant only if satisfied:

- (a) that the arrest is necessary to ensure that the forensic procedure can be carried out; or
- (b) that the issue of the warrant is otherwise justified.

“(4) A magistrate must not issue a warrant for the arrest of a suspect for the purpose of carrying out a forensic procedure if a warrant has previously been issued (by any magistrate) for the arrest of the suspect for the purpose of carrying out that forensic procedure.

Time for carrying out forensic procedure—suspect in custody

“23XGD.(1) If the suspect is in custody (whether or not as the result of the issue of a warrant under section 23XGC), he or she may be detained in custody for such period (the *detention period*) as is reasonably necessary to carry out the forensic procedure but in any case for no longer than 4 hours after:

- (a) the magistrate orders the carrying out of the procedure; or
- (b) the suspect is arrested pursuant to a warrant under section 23XGC;

whichever is later.

“(2) In working out any period of time for the purposes of subsection (1), the following times are to be disregarded:

- (a) the time (if any) that is reasonably required to convey the suspect from the place where the suspect is when the detention period starts to the nearest premises where facilities for carrying out the procedure in accordance with this Part are available to the investigating constable;
- (b) any time during which carrying out the procedure is suspended or delayed to allow the suspect, or someone else on the suspect’s behalf, to communicate with a legal practitioner, friend, relative, parent, guardian, interpreter, medical practitioner, dentist or other person as provided by this Part;
- (c) any time during which carrying out the procedure is suspended or delayed to allow such a legal practitioner, friend, relative, parent, guardian, interpreter, medical practitioner, dentist or other person to arrive at the place where the procedure is to be carried out;
- (d) any time during which carrying out the procedure is suspended or delayed to allow the suspect to receive medical attention;
- (e) any time during which carrying out the procedure is suspended or delayed because of the suspect’s intoxication;
- (f) any reasonable time during which carrying out the procedure is suspended or delayed to allow the suspect to rest or recuperate;
- (g) any time during which the suspect is being questioned under Part 1C;
- (h) any time that is to be disregarded under subsection 23C(7) for the purposes of subsection 23C(4) or (6).”.

Page 25, item 1, after proposed section 23XI insert:

No questioning during forensic procedure

“23XIA. A forensic procedure must not be carried out while the suspect is being questioned as defined in subsection 23B(6). If questioning has not been completed before the forensic procedure is to be carried out, it must be suspended while the forensic procedure is carried out.”.

Page 37, item 1, before proposed section 23YE insert:

Interpreters

“23YDA.(1) Where:

- (a) a constable proposes to take an action listed in subsection (2); and
- (b) the constable believes on reasonable grounds that the suspect is unable, because of inadequate knowledge of the English language or a physical disability, to communicate orally with reasonable fluency in that language;

the constable must, before taking the proposed action, arrange for the presence of an interpreter, and defer taking the proposed action until the interpreter is present.

“(2) The actions are as follows:

- (a) asking a suspect to consent to a forensic procedure (Division 3);
- (b) ordering the carrying out of a non-intimate forensic procedure on a suspect who is in custody (Division 4);
- (c) applying to a magistrate for a final order or an interim order for the carrying out of a forensic procedure on a suspect (Division 5);
- (d) carrying out, or arranging for the carrying out of, a forensic procedure on a suspect (Division 6);
- (e) giving a suspect an opportunity to view a video recording made under this Part (section 23YF).”.

Page 39, item 1, after proposed section 23YJ insert:

Proof that time should be disregarded

“23YJA. In any proceedings, the burden lies on the prosecution to prove on the balance of probabilities that any particular time was covered by a provision of subsection 23WLA(2), 23XGB(2) or 23XGD(2).”.

Schedule 2—

Page 45, after item 8 insert:

“8A. Subsection 7(6):

Omit ‘7B’, substitute ‘86’.”.

Page 45, item 9, proposed section 15G, omit “15G”, substitute “15FA”.

Page 46, omit items 10, 11 and 12, substitute:

“10. Subsection 23B(6):

Omit, substitute:

(6) In this Part, a reference to questioning a person:

- (a) is a reference to questioning the person, or carrying out an investigation (in which the person participates), to investigate the involvement (if any) of the person in any Commonwealth offence (including an offence for which the person is not under arrest); and
- (b) does not include a reference to carrying out a forensic procedure on the person under Part 1D.”.

Page 46, at the end of the Schedule add:

“15. Subsection 23C(7):

Add at the end:

- (i) any time during which a forensic procedure is being carried out on the person by order of a magistrate under Division 5 of Part 1D;
- (j) any time during which the questioning of the person is suspended or delayed, if section 23XGD applies and that time is to be disregarded in working out a period of time for the purposes of that section.”.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

18 POSTPONEMENT OF BUSINESS

Ordered—That business intervening before order of the day No. 46, government business, be postponed until a later hour this day.

19 QUESTIONS

Questions without notice being asked—

Papers: Mr Keating (Prime Minister) presented the following papers:

Proposed Russian gold mine shares—

Costello denies Keating claim—Copy of article published in the *Age*, 17 October 1995.

House of Representatives *Hansard*—Copy of extract, 16 October 1995.

Questions without notice concluded.

20 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to the matter of privilege raised on 18 October 1995 by Mr R. D. C. Evans in connection with reported industrial actions concerning the operation of certain Members' electorate offices.

The Speaker stated that whilst he had no difficulty in accepting the Member's claim that an industrial dispute of some nature concerning electoral offices had occurred, it was not clear from the information the Member had presented that there was evidence of improper interference or attempted or intended improper interference with the free performance by Members of their duties as Members. Accordingly, he was not willing to allow precedence to a motion on the matter.

Paper: The Speaker presented the following paper:

Alleged work bans—Facsimile purportedly sent by Peter McKerrow—Letter from Mr McKerrow to the Speaker, 18 October 1995.

21 AUSTRALIAN NATIONAL AUDIT OFFICE—REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Australian National Audit Office—Report for 1994-95.

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

- (1) this House authorises the publication of the report of the Australian National Audit Office for 1994-95; and
- (2) the report be printed.

Question—put and passed.

22 PAPERS

The following papers were presented:

Australian Hearing Services—Report for 1994-95.

Australian Institute of Marine Science Act—Australian Institute of Marine Science—Report for 1994-95.

Australian War Memorial Act—Australian War Memorial—Report for 1994-95.

Clean Food Marketing Australia Limited—Report for 1994-95.

Community Affairs—Standing Committee—Report—Australia's international health programs, 3 December 1993—Government response.

Construction Industry Reform and Development Act—Construction Industry Development Agency—Report for 1994-95.

Dairy Produce Act—Australian Dairy Corporation—Report for 1994-95.

Data-matching Program (Assistance and Tax) Act—Reports, October 1995—

Department of Housing and Regional Development.

Department of Veterans' Affairs.

Defence Force Remuneration Tribunal—10th report, for 1994-95.

Equal Employment Opportunity (Commonwealth Authorities) Act—Qantas Airways Limited—Report for 1993-94.

Genetic Manipulation Advisory Committee—Report for 1994-95.

Government securities on issue at 30 June 1995.

Horticultural Policy Council Act—Horticultural Policy Council—Report for 1994-95.

Murray-Darling Basin Act—Murray-Darling Basin Commission—Report for 1994-95.

National Film and Sound Archive—Review for 1994-95.

Primary Industries and Energy Research and Development Act—Land and Water Resources Research and Development Corporation—Report for 1994-95.

Public Service Act—Royal Australian Mint—Report for 1994-95.

23 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian Hearing Services—Report for 1994-95.

Australian War Memorial Act—Australian War Memorial—Report for 1994-95.

Community Affairs—Standing Committee—Report—Australia's international health programs, 3 December 1993—Government response.

Construction Industry Reform and Development Act—Construction Industry Development Agency—Report for 1994-95.

Government securities on issue at 30 June 1995.

Public Service Act—Royal Australian Mint—Report for 1994-95.

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

24 PAPER

Mr Beazley (Minister for Finance) presented the following paper:

Crimes Amendment (Forensic Procedures) Bill 1995—Supplementary explanatory memorandum.

25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WORKING NATION

The House was informed that Dr Kemp had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The failure of Working Nation to offer effective assistance to unemployed people”.

The proposed discussion having received the necessary support—

Dr Kemp addressed the House.

Paper: Dr Kemp, by leave, presented the following paper:

Apprentices in training—Numbers in contractual training as a percentage of the labour force—Dusseldorf Skills Forum, 1995—Chart.

Discussion ensued.

Discussion concluded.

26 MESSAGES FROM THE SENATE

Messages from the Senate, dated 19 October 1995, were reported returning the following Bills without amendment:

Message—

No. 557—States Grants (General Purposes) Amendment 1995.

No. 558—Governor-General Amendment 1995.

No. 559—Veterans’ Affairs (1995-96 Budget Measures) Legislation Amendment 1995.

27 SOCIAL SECURITY LEGISLATION AMENDMENT (CARER PENSION AND OTHER MEASURES) BILL 1995

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) presented a Bill for an Act to amend the *Social Security Act 1991*, the *Child Care Act 1972*, the *Data-matching Program (Assistance and Tax) Act 1990*, the *Farm Household Support Act 1992* and the *Income Tax Assessment Act 1936*, and for related purposes.

Bill read a first time.

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

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

28 SOCIAL SECURITY AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT BILL 1995

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), for Mr Baldwin (Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the law relating to social security and veterans’ affairs, and for related purposes.

Bill read a first time.

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

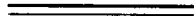
Ordered—That the second reading be made an order of the day for the next sitting.

29 ADJOURNMENT

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 6 p.m.—The Deputy Speaker adjourned the House until Monday next at 12.30 p.m.



PAPERS

The following papers were deemed to have been presented on 19 October 1995:

Civil Aviation Act—Civil Aviation Regulations—Exemption No. CASA5/95.

National Health Act—Determinations Nos. 1995-96/ACC4, 1995-96/ACC5.

Native Title Act—Determinations (2) under section 43.

Remuneration Tribunal Act—Remuneration Tribunal—Determinations 1995 Nos. 17, 18.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr J. N. Andrew, Ms Crawford, Mr Hollis, Mr Jones, Mr Jull*, Mr Katter, Mr Lavarch and Mr Reid.

*On leave



L. M. BARLIN

Clerk of the House of Representatives

1993-94-95

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 172

MAIN COMMITTEE

MINUTES OF PROCEEDINGS
THURSDAY, 19 OCTOBER 1995

1 The Main Committee met at 10 a.m.

2 CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 1995

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.

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

Mr Ruddock moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the debate on the second reading of this Bill be adjourned, and the resumption of the debate be made an order of the day for the first sitting following 26 October 1995”.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put and not being resolved—Bill to be returned to the House.

3 WILDLIFE PROTECTION (REGULATION OF EXPORTS AND IMPORTS) AMENDMENT BILL 1995

The order of the day having been read for the second reading—Mr Snowdon (Parliamentary Secretary to the Minister for the Environment, Sport and Territories) moved—That the Bill be now read a second time.

Debate ensued.

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

4 ADJOURNMENT

On the motion of Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), the Main Committee adjourned at 1.03 p.m.

The Deputy Speaker fixed Wednesday, 25 October 1995, at 10 a.m., for the next meeting of the Main Committee.

I. C. HARRIS

Clerk of the Main Committee