

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 184

THURSDAY, 30 NOVEMBER 1995

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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 **SUSPENSION OF STANDING ORDERS 48A AND 103**

Mr Beazley (Leader of the House), pursuant to notice, moved—That standing order 48A (adjournment and next meeting) and standing order 103 (new business) be suspended for this sitting.

Debate ensued.

Question—put and passed.

3 **VETERANS' AFFAIRS LEGISLATION AMENDMENT BILL (NO. 2) 1995**

Ms McHugh (Minister for Consumer Affairs), for Mr Sciacca (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to amend the law relating to veterans' affairs, and for related purposes.

Bill read a first time.

*Paper:* Ms McHugh presented an explanatory memorandum to the Bill.

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

4 **TAXATION LAWS AMENDMENT BILL (NO. 5) 1995**

Ms McHugh (Minister for Consumer Affairs) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

*Paper:* Ms McHugh presented an explanatory memorandum to the Bill.

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

5 **INCOME TAX ASSESSMENT BILL 1995**

Ms McHugh (Minister for Consumer Affairs) presented a Bill for an Act about income tax and related matters.

Bill read a first time.

*Paper:* Ms McHugh presented an explanatory memorandum to the following Bills:

Income Tax Assessment 1995;  
Income Tax (Consequential Amendments) 1995; and  
Income Tax (Transitional Provisions) 1995.

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

#### 6 INCOME TAX (CONSEQUENTIAL AMENDMENTS) BILL 1995

Ms McHugh (Minister for Consumer Affairs) presented a Bill for an Act to amend various Acts because of the enactment of the *Income Tax Assessment Act 1995*.

Bill read a first time.

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

#### 7 INCOME TAX (TRANSITIONAL PROVISIONS) BILL 1995

Ms McHugh (Minister for Consumer Affairs) presented a Bill for an Act setting out application and transitional provisions for the *Income Tax Assessment Act 1995*.

Bill read a first time.

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

#### 8 SUSPENSION OF STANDING AND SESSIONAL ORDERS—BILLS—REFERENCE TO COMMITTEE

Ms McHugh (Minister for Consumer Affairs), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Consumer Affairs from moving a motion to refer the Income Tax Assessment Bill 1995, the Income Tax (Consequential Amendments) Bill 1995 and the Income Tax (Transitional Provisions) Bill 1995 to the Joint Committee of Public Accounts for consideration and an advisory report.

Question—put and passed.

#### 9 BILLS—REFERENCE TO COMMITTEE

Ms McHugh (Minister for Consumer Affairs) moved—

(1) That:

- (a) the Income Tax Assessment Bill 1995, the Income Tax (Consequential Amendments) Bill 1995 and the Income Tax (Transitional Provisions) Bill 1995 be referred to the Joint Committee of Public Accounts for consideration and an advisory report by 22 February 1996; and
- (b) the terms of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

(2) That a message be sent to the Senate acquainting it of this reference to the committee.

Question—put and passed.

**10 CONSTRUCTION OF COMMONWEALTH LAW COURTS BUILDING, MELBOURNE—APPROVAL OF WORK**

Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Construction of a Commonwealth Law Courts building in Melbourne.

Question—put and passed.

**11 DEVELOPMENT OF FACILITIES FOR ARTILLERY CENTRE, PUCKAPUNYAL, VIC.—APPROVAL OF WORK**

Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Development of facilities for the Artillery Centre, Puckapunyal, Vic.

Question—put and passed.

**12 CONSTRUCTION OF 18 APARTMENTS AND TOWNHOUSES FOR AUSTRALIAN HIGH COMMISSION STAFF, KUALA LUMPUR—APPROVAL OF WORK**

Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Construction of 18 apartments and townhouses for Australian High Commission staff, Kuala Lumpur.

Question—put and passed.

**13 CONSTRUCTION OF 10 APARTMENTS FOR CONSULATE-GENERAL STAFF, SHANGHAI—APPROVAL OF WORK**

Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Construction of 10 apartments for Consulate-General staff, Shanghai.

Question—put and passed.

**14 ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Gibson (Chair) presented the following papers:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Review of the Auditor-General's audit report No. 24 of 1994-95—Follow-up audit on the Northern Land Council—

Report, October 1995.

Minutes of proceedings.

Ordered—That the report be printed.

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

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

Mr Gibson 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.

**15 AUSTRALIA REMEMBERS 1945-1995—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Sciacca (Minister for Veterans' Affairs)—That the House take note of the paper (*presented on 9 February 1995*), viz.:

Australia Remembers 1945-1995—Progress report—Ministerial statement—  
Debate resumed.

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

**16 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER**

Mr Melham (Chair) presented the following papers:

Legal and Constitutional Affairs—Standing Committee—Third paragraph of section 53 of the Constitution—

Report, November 1995.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

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

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

Mr Melham 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.

**17 POSTPONEMENT OF BUSINESS**

Ordered—That business intervening before order of the day No. 5, government business, be postponed until a later hour this day.

**18 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ELECTORAL AND REFERENDUM AMENDMENT BILL 1995**

Mr Walker (Minister for Administrative Services), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Minister for Administrative Services moving an amendment to Schedule 1 of the Electoral and Referendum Amendment Bill 1995 during the consideration of amendments made by the Senate in the Bill.

Question—put and passed.

**19 ELECTORAL AND REFERENDUM AMENDMENT BILL 1995—SENATE'S AMENDMENTS**

The order of the day having been read for the consideration of the amendments made by the Senate, viz.:

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

No. 1—Schedule 1, page 4, after item 7 insert the following items:

**“7A. Subsection 21(3):**

Omit the subsection.

**7B. Subsection 21(4):**

Add at the end ‘but such terms and conditions must not be such as to require the officer to retire from or otherwise leave the service of the Commission solely on the ground of having attained a particular age’.

**7C. After subsection 29(1):**

Insert:

‘(1A) A member of the staff of the Commission, including a temporary staff member and a senior executive staff member, is not to be required to retire from or otherwise leave the service of the Commission solely on the ground of having attained a particular age.’.

**7D. Subsection 29(2):**

Omit ‘The Electoral Commissioner’, substitute ‘Subject to subsection (1A), the Electoral Commissioner’.

**7E. Subsection 35(3):**

Omit ‘The terms and conditions’, substitute ‘Subject to subsection 29(1A), the terms and conditions’.”.

No. 2—Schedule 1, page 4, item 8, omit the item.

No. 3—Schedule 1, page 4, item 9, omit the item.

No. 4—Schedule 1, page 4, item 10, omit the item.

No. 5—Schedule 1, page 4, item 11, omit the item, substitute the following item:

**“11. After subsection 91(9):**

Insert:

‘(9A) A tape or disk containing information that discloses particulars of the sex of electors may be provided by the Electoral Commission to:

(a) a person or organisation that:

(i) conducts medical research; or

(ii) provides a health screening program; or

(b) a member of the House of Representatives, a Senator or a registered political party.’.”.

No. 6—Schedule 1, page 6, item 29, omit the item.

No. 7—Schedule 1, page 6, item 30, omit the item.

No. 8—Schedule 1, page 13, after item 61 insert the following items:

**“61A. After subsection 329(1):**

Insert:

‘(2) A person must not, during the relevant period in relation to an election under this Act, authorise the printing, publishing or distribution of any electoral advertisement containing a statement:

- (a) that is untrue; and
- (b) that is, or is likely to be, misleading or deceptive.’

**61B. Subsection 329(4):**

Omit all words before paragraph (a), substitute ‘Subject to subsection (4A), a person who contravenes subsection (1), (2) or (3) is guilty of an offence punishable on conviction.’

**61C. After subsection 329(4):**

Insert:

‘(4A) A natural person who contravenes subsection (2) is not to be sentenced to a period of imprisonment on conviction for that offence.’

**61D. After subsection 329(5):**

Insert:

‘(5A) In the prosecution of a person for an offence against subsection (4) by virtue of a contravention of subsection (2), it is a defence if the person proves that he or she did not know, and could not reasonably be expected to have known, that the electoral advertisement contained a statement of the kind referred to in subsection (2).’

**61E. Subsection 329(6):**

Omit the subsection, substitute:

‘(6) In this section:

“**electoral advertisement**” means an advertisement that contains electoral matter, but does not include an advertisement in any print or electronic media announcing the holding of a meeting;

“**publish**” includes publish in any print or electronic media.’”.

No. 9—Schedule 2, page 15, item 2, omit the item.

No. 10—Schedule 2, page 17, after item 17 insert the following items:

**“17A. After subsection 122(1):**

Insert:

‘(2) A person must not, during the referendum period in relation to a referendum under this Act, authorise the printing, publishing or distribution of any matter relating to the referendum containing a statement:

- (a) that is untrue; and
- (b) that is, or is likely to be, misleading or deceptive.’

**17B. Subsection 122(4):**

Omit all words before paragraph (a), substitute ‘Subject to subsection (4A), a person who contravenes subsection (1), (2) or (3) is guilty of an offence punishable on conviction.’

**17C. After subsection 122(4):**

Insert:

‘(4A) A natural person who contravenes subsection (2) is not to be sentenced to a period of imprisonment on conviction for that offence.’

**17D. After subsection 122(5):**

Insert:

‘(6) In the prosecution of a person for an offence against subsection (4) by virtue of a contravention of subsection (2), it is a defence if the person proves that he or she did not know, and could not reasonably be expected to have known, that the matter contained a statement of the kind referred to in subsection (2).’

**17E. Subsection 122(6):**

Omit the subsection, substitute:

‘(6) In this section:

“**electoral advertisement**” means an advertisement that contains electoral matter, but does not include an advertisement in any print or electronic media announcing the holding of a meeting;

“**publish**” includes publish in any print or electronic media.’—

Mr Walker (Minister for Administrative Services) moved—That Senate amendments Nos. 2, 3, 4, 5, 6, 7 and 9 be agreed to.

Debate ensued.

Question—put and passed.

Mr Walker moved—That Senate amendments Nos. 1, 8 and 10 be disagreed to.

Question—put.

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

AYES, 71

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

## NOES, 56

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

\* Tellers

And so it was resolved in the affirmative.

Mr Walker moved the following amendment: Schedule 1, page 13, after item 57 insert the following items:

**“57A. After section 288:**

Insert:

**Principal agents**

‘288A.(1) For the purposes of Division 3, the political party registered as “Australian Democrats” may appoint a principal agent.

‘(2) A principal agent is to be appointed by the registered officer of the registered political party. Written notification of this appointment is to be given to the Electoral Commission.

‘(3) Where a principal agent is appointed under this section, he or she is:

(a) to receive any amount payable under section 299; and

(b) to report expenditure of funds received under section 299 as if the expenditure were electoral expenditure under section 309.

‘(4) Subject to subsection (5), a principal agent is not to be taken to be an agent for the purposes of this Act.

‘(5) A principal agent is to be taken to be an agent for the purposes of Division 2 other than sections 288, 289 and 292B.’.

**57B. Subsection 299(1):**

After ‘stood for election’ add ‘or, where section 288A applies, to the principal agent of the party’.

**57C. Paragraph 299(4)(a):**

After ‘stood for election’ insert ‘or where section 288A applies, to the principal agent of the party’.

**57D. Subsection 299(5A):**

Omit ‘registered political party’ (wherever occurring), substitute ‘party’.

**57E. Subsection 299(5A):**

Add at the end the following sentence:

‘In this subsection, *party* means a registered political party or a State branch of a registered political party.’.



**57F. Subsection 299(5B):**

Omit 'registered officer' (wherever occurring), substitute 'agent'.

**57G. Paragraph 299(5B)(a):**

Omit 'registered political parties', substitute 'parties'.

**57H. Paragraph 299(5B)(b):**

Omit 'political parties', substitute 'parties'.

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

Amendment agreed to.

Mr Walker moved—That Mr Griffin, Mr Chynoweth and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments Nos. 1, 8 and 10 of the Senate.

Question—put and passed.

Mr Walker, on behalf of the committee, brought up such reasons, which were circulated, and are as follows:

*Reasons of the House of Representatives for disagreeing to amendments Nos. 1, 8 and 10 of the Senate*

The House of Representatives does not agree to amendments Nos. 1, 8 and 10 of the Senate for the following reasons:

**Amendment No. 1**

The amendment was proposed to ensure the Australian Electoral Commission (AEC) could employ election casuals past the age of 65.

The amendment made encompasses all staff of the AEC including those employed under the *Public Service Act 1922* but does not alter the circumstances of election casuals.

The amendment creates an anomaly in the terms and conditions of employment provided in the *Commonwealth Electoral Act 1918* and the *Public Service Act 1922* for permanent public servants.

This amendment is therefore not accepted by the House.

**Amendment No. 8**

This amendment deals with the regulation of truth in political advertising during an election period.

The amendment made by the Senate is an attempt to re-insert in the *Commonwealth Electoral Act 1918*, section 329(2), which was repealed in 1984 after only 6 months in operation.

Section 329(2) was repealed on the recommendation of the Joint Standing Committee on Electoral Reform, which in its Second Report of August 1984, gave extensive consideration to the operation of the provision, and concluded that it was not possible to effectively regulate truth in political advertising.

A decade later, in the November 1994 Report of the Joint Standing Committee on Electoral Matters, the issue of truth in political advertising was again given extensive consideration, and once again the Committee recommended against legislation of the kind contained in the former section 329(2).

There is also some doubt about the constitutionality of such a proposed restriction on freedom of political communication in the light of the recent "Free Speech" cases decided by the High Court.

This amendment is therefore not accepted by the House.

**Amendment No. 10**

This is an amendment consequential to Amendment No. 8 in that it deals with truth in political advertising in relation to national referendums conducted under the *Referendum (Machinery Provisions) Act 1984*.

For the same reasons as provided for Amendment No. 8, this amendment is also not accepted by the House.

On the motion of Mr Walker, the committee's reasons were adopted.

Mr Walker moved—That in the message returning the Bill to the Senate, the Senate be requested to reconsider the Bill in respect of the amendment made by the House of Representatives to Schedule 1.

Question—put and passed.

**20 AUSTRALIA REMEMBERS 1945-1995—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Sciacca (Minister for Veterans' Affairs)—That the House take note of the paper (*presented on 9 February 1995*), viz.:

Australia Remembers 1945-1995—Progress report—Ministerial statement—Debate resumed.

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

**21 FUTURE OF OUR FORESTS—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Mr Keating (Prime Minister), by leave, made a ministerial statement on the future of Australia's forests and forest industries and presented the following paper:

The future of our forests—Ministerial statement, 30 November 1995.

Mr Beazley (Leader of the House) moved—That the House take note of the paper. *Suspension of standing and sessional orders—Extended time for speech:* Mr Beazley, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Howard (Leader of the Opposition) speaking for a period not exceeding 20 minutes.

Question—put and passed.

Mr Howard addressed the House.

Debate adjourned (Mr Johns—Special Minister of State), and the resumption of the debate made an order of the day for the next sitting.

**22 MESSAGES FROM THE SENATE**

Messages from the Senate, dated 30 November 1995, were reported returning the following Bills and acquainting the House that the Senate has agreed to the Bills as amended by the House at the request of the Senate:

Customs Tariff Legislation Amendment 1995—Message No. 600.

Excise Tariff Amendment (No. 2) 1995—Message No. 601.

**23 PAPERS**

The Speaker presented the following papers:

Committee reports—Schedule of Government responses to the reports of House of Representatives and joint committees, for period 9 December 1994 to 29 November 1995, and reports presented to which responses are outstanding, 29 November 1995.

Parliamentary Education Advisory Committee—Parliamentary education for active citizenship: A report of the operations of the Parliamentary Education Office 1988-95, November 1995.

#### 24 AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS

The Speaker presented the following papers:

Audit Act—Auditor-General—Audit reports of 1995-96—

No. 13—Financial statements audit—Results of the 1994-95 financial statements audits of Commonwealth entities.

No. 14—Performance audit—The sale of CSL: Commonwealth blood product funding and regulation.

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

- (1) this House authorises the publication of the Auditor-General's audit reports Nos. 13 and 14 of 1995-96; and
- (2) the reports be printed.

Question—put and passed.

#### 25 PAPERS

The following papers were presented:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Report—Justice under scrutiny: Inquiry into the implementation by governments of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, 17 November 1994—Government response, November 1995.

Advance to the Minister for Finance—  
Statement for October 1995.

Supporting applications of issues from the Advance during October 1995.

Australian Industry Development Corporation Act—Australian Industry Development Corporation—Report for 1994-95.

Classification (Publications, Films and Computer Games) Act—Agreement between the Commonwealth of Australia, the States of New South Wales, Victoria, Queensland, Western Australia, South Australia, and Tasmania, the Australian Capital Territory and the Northern Territory relating to a revised co-operative legislative scheme for censorship in Australia—  
Agreement.

Explanatory statement.

Commonwealth Disability Strategy—First progress report, 1995.

Community Affairs—Standing Committee—Report—Aspects of youth homelessness, 11 May 1995—Government response, November 1995.

Employment, Education and Training—Standing Committee—Report—A best kept secret: Report on the role and effectiveness of group training, March 1995—Government response, December 1995.

Foreign Affairs, Defence and Trade—Joint Committee—Report—Australia, the World Bank and the International Monetary Fund, 30 September 1993—Government response, 30 November 1995.

Long Term Strategies—Standing Committee—Report—The workforce of the future, 20 June 1995—Government response, December 1995.

Migration—Joint Standing Committee—Reports—

Protecting the vulnerable?: The Migration Agents Registration Scheme, May 1995—Government response.

The Immigration Review Tribunal appointments process, December 1994—Government response.

National Capital and External Territories—Joint Standing Committee—Report—Delivering the goods, February 1995—Government response, December 1995.

Non-Proliferation of Nuclear Weapons—1995 review and extension conference of the parties to the Treaty, New York, 17 April to 12 May 1995—Report of Australian delegation—Erratum.

Repatriation Medical Authority—1st report, for 1994-95.

Royal Australian Air Force Veterans' Residences Act—Royal Australian Air Force Veterans' Residences Trust—Report for 1994-95.

Tax expenditures statement—Report by the Department of the Treasury, November 1995.

Transport, Communications and Infrastructure—Standing Committee—Progress report—Review inquiry into ship standards and safety, 16 November 1994—Government response, November 1995.

## 26 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Report—Justice under scrutiny: Inquiry into the implementation by governments of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, 17 November 1994—Government response, November 1995.

Australian Industry Development Corporation Act—Australian Industry Development Corporation—Report for 1994-95.

Commonwealth Disability Strategy—First progress report, 1995.

Employment, Education and Training—Standing Committee—Report—A best kept secret: Report on the role and effectiveness of group training, March 1995—Government response, December 1995.

Migration—Joint Standing Committee—Reports—

Protecting the vulnerable?: The Migration Agents Registration Scheme, May 1995—Government response.

The Immigration Review Tribunal appointments process, December 1994—Government response.

Repatriation Medical Authority—1st report, for 1994-95.

Tax expenditures statement—Report by the Department of the Treasury, November 1995.

Transport, Communications and Infrastructure—Standing Committee—Progress report—Review inquiry into ship standards and safety, 16 November 1994—Government response, November 1995.

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

## 27 PAPERS

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

Petitions not in accord with standing and sessional orders of the House—

School funding (Mr Neville, 148 petitioners).

Nuclear testing in the South Pacific (Mr Beazley, 816 petitioners).

## 28 QUESTIONS

Questions without notice having been called on—

*Prime Minister—Motion of censure:* Mr Howard (Leader of the Opposition), by leave, moved—That this House censures the Prime Minister for:

- (1) his continued economic failure, which has created great uncertainty and burdens for families, individuals, young people, seniors, small businessmen and farmers;
- (2) his inability to uphold the standards required of a Prime Minister;
- (3) his failure of policy which has delivered nothing but false dawns; and
- (4) his continued failure to deliver what he promises.

Mr Keating (Prime Minister) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the Leader of the Opposition be censured for his failure to stand for any consistent policy principle or issue of substance before the Australian people, for his failure to imbue the Federal Coalition with any standards of integrity and responsibility in policy development, for his refusal to engage the Australian people in serious debate on matters of policy importance, and his preference for political stunts and sideshows over policy rigour and substance”.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 73

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

## NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

Question—That the motion, as amended, be agreed to—put.

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

## AYES, 74

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

NOES, 57

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

\* Tellers

And so it was resolved in the affirmative.

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Questions without notice concluded.

**29 MESSAGES FROM THE SENATE**

Messages from the Senate, dated 30 November 1995, were reported returning the following Bills without amendment:

Message—

No. 603—Superannuation Industry (Supervision) Legislation Amendment 1995.

No. 604—National Food Authority Amendment 1995.

**30 SUSPENSION OF SITTING**

At 8.07 p.m. the Speaker left the Chair.

## FRIDAY, 1 DECEMBER 1995

## 31 RESUMPTION OF SITTING

The Speaker resumed the Chair at 10 a.m.

32 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—  
UNEMPLOYMENT AND NATIONAL ACCOUNTS

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 rising level of unemployment and yesterday's national accounts".

The proposed discussion having received the necessary support—

Mr Costello rising to address the House—

Mr Sciacca (Minister for Veterans' Affairs) moved—That the business of the day be called on.

Question—put.

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

AYES, 72

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

NOES, 53

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

\* Tellers

And so it was resolved in the affirmative.



## 33 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mrs Bishop moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Mackellar moving forthwith—That the Minister for Finance be called upon to explain to the House the fiasco surrounding the proposed sale of ANL to P & O and the Government's caving in to the blackmail by the trade union threat to strike and the Government's dependence on the trade unions to fund the Labor Party's coming election campaign.

*Closure of Member:* Mr Beazley (Leader of the House) moved—That the Member be not further heard.

Question—put.

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

AYES, 71

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

NOES, 54

Mr Abbott	Mr Connolly	Mr McGauran	Mr Slipper
Mr Aldred	Mr Costello	Mr Mack	Mr B. M. Smyth
Mr Anderson	Mr R. D. C. Evans	Mr Miles	Mrs Sullivan
Mr J. N. Andrew	Mr Filing	Mrs Moylan	Mr Taylor
Mr K. J. Andrews	Mr Fischer	Mr Nehl	Mr Thomson
Mr Atkinson	Mr Forrest	Mr Pyne	Mr Truss
Mr Beale	Mrs Gallus	Mr Reid	Mr Tuckey
Mrs Bishop	Mr Halverson	Mr Reith	Mr Vaile
Mr Bradford	Mr Hawker*	Mr Rocher	Mr Wakelin
Mr Braithwaite	Mr Hicks*	Mr Ronaldson	Mr Williams
Mr Cadman	Mr Katter	Mr Ruddock	Dr Wooldridge
Mr Cameron	Dr Kemp	Mr B. C. Scott	Ms Worth
Mr Charles	Mr Lieberman	Mr Sharp	
Mr Cobb	Mr Lloyd	Mr Sinclair	

\* Tellers

And so it was resolved in the affirmative.

Mr Sharp (seconder) addressing the House—

*Closure of Member:* Mr Beazley moved—That the Member be not further heard.

Question—put.

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

## AYES, 71

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

## NOES, 53

Mr Abbott	Mr Costello	Mr Mack	Mr B. M. Smyth
Mr Aldred	Mr R. D. C. Evans	Mr Miles	Mrs Sullivan
Mr Anderson	Mr Filing	Mrs Moylan	Mr Taylor
Mr J. N. Andrew	Mr Fischer	Mr Nehl	Mr Thomson
Mr K. J. Andrews	Mr Forrest	Mr Pyne	Mr Truss
Mr Atkinson	Mrs Gallus	Mr Reid	Mr Tuckey
Mr Beale	Mr Halverson	Mr Reith	Mr Vaile
Mrs Bishop	Mr Hawker*	Mr Rocher	Mr Wakelin
Mr Braithwaite	Mr Hicks*	Mr Ronaldson	Mr Williams
Mr Cadman	Mr Katter	Mr Ruddock	Dr Wooldridge
Mr Cameron	Dr Kemp	Mr B. C. Scott	Ms Worth
Mr Charles	Mr Lieberman	Mr Sharp	
Mr Cobb	Mr Lloyd	Mr Sinclair	
Mr Connolly	Mr McGauran	Mr Slipper	

\* Tellers

And so it was resolved in the affirmative.

*Closure:* Mr Beazley moved—That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the motion for the suspension of standing and sessional orders be agreed to—being accordingly put—

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

## AYES, 52

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

## NOES, 72

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

\* Tellers

And so it was negated.

#### 34 MESSAGE FROM THE SENATE—TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL 1995

Message No. 602, dated 30 November 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Telecommunications (Interception) Act 1979’ and the ‘Telecommunications Act 1991’, and for related purposes*”.

Bill read a first time.

*Paper:* Mr Sciacca (Minister for Veterans’ Affairs) presented an explanatory memorandum to the Bill.

Mr Sciacca, by leave, 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 Sciacca, the Bill was read a third time.

#### 35 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Hollis (Chairman) presented the following paper:

Public Works—Parliamentary Standing Committee—Report relating to York Park North office construction, Barton, ACT; redevelopment of Hinkler site, Barton, ACT; and redevelopment of Woolshed site, Barton, ACT, incorporating a dissenting report (29th report of 1995).

Ordered to be printed.

Mr Hollis, Mr Braithwaite, Mr Langmore, Mr B. M. Smyth and Mr Humphreys, by leave, made statements in connection with the report.

#### 36 MEMBERS’ INTERESTS COMMITTEE—PAPER

Mr Grace (Chair) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 37th Parliament—Notifications of alterations of interests received during the period 29 June to 29 November 1995.

### 37 PUBLICATIONS COMMITTEE—28TH AND 29TH REPORTS

Mr Horne (Chair) presented the following papers:

#### PUBLICATIONS COMMITTEE 28TH REPORT

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

The Committee, having considered petitions and documents presented to the Parliament since 24 October 1995, recommends that the following be printed:

Aboriginal and Torres Strait Islander Commission Act—

Aboriginal and Torres Strait Islander Commercial Development Corporation—Report for 1994-95.

Aboriginal and Torres Strait Islander Commission—Report for 1994-95.

Aboriginal Deaths in Custody—Royal Commission—Implementation of Queensland Government Agencies responses to the recommendations of the Royal Commission—Progress report on implementation to December 1994.

Aboriginal Hostels Limited—Report for 1994-95.

Aboriginal Land Rights (Northern Territory) Act—Aboriginals Benefit Trust Account—Report for 1994-95.

Administrative Appeals Tribunal Act—Administrative Review Council—19th report, for 1994-95.

Agricultural and Veterinary Chemicals (Administration) Act—National Registration Authority for Agricultural and Veterinary Chemicals—Report for 1994-95.

Anglo-Australian Telescope Agreement Act—Anglo-Australian Telescope Board—Report for 1994-95.

Australia-Japan Foundation Act—Australia-Japan Foundation—Report for 1994-95.

Australian Broadcasting Corporation Act—Australian Broadcasting Corporation—Report for 1994-95.

Australian Bureau of Statistics Act—

Australian Bureau of Statistics—Report for 1994-95.

Australian Statistics Advisory Council—Report for 1994-95.

Australian Centre for International Agricultural Research Act—Australian Centre for International Agricultural Research—Report for 1994-95.

Australian Heritage Commission Act—Australian Heritage Commission—Report for 1994-95.

Australian Horticultural Corporation Act—Australian Horticultural Corporation—Report for 1994-95.

Australian Institute of Health and Welfare—Report for 1994-95.

Australian Law Reform Commission—Report for 1994-95.

Australian Maritime Safety Authority Act—Australian Maritime Safety Authority—Report for 1994-95.

- Australian Meat and Live-stock Corporation Act—Australian Meat and Live-stock Corporation—Report for 1994-95.
- Australian National Maritime Museum Act—Australian National Maritime Museum—Report for 1994-95.
- Australian Nuclear Science and Technology Organisation Act—  
Australian Nuclear Science and Technology Organisation—Report for 1994-95.  
Nuclear Safety Bureau—Report for 1994-95.
- Australian Securities Commission Act—  
Companies and Securities Advisory Committee—Report for 1994-95.  
Companies Auditors and Liquidators Disciplinary Board—Report for 1994-95.
- Australian Tourist Commission Act—Australian Tourist Commission—Report for 1994-95.
- Australian Trade Commission Act—Australian Trade Commission (AUSTRADE)—Report for 1994-95.
- Australian Wool Research and Promotion Organisation Act—Australian Wool Research and Promotion Organisation—Report for 1994-95.
- Australian and Overseas Telecommunications Corporation Act—Telstra Corporation Limited—Report for 1994-95
- Bankruptcy Act—Report for 1994-95.
- Bureau of Meteorology—Report for 1994-95.
- Coal Industry Act—Joint Coal Board—48th report, for 1994-95.
- Commissioner of Taxation—Report for 1994-95.
- Commonwealth Banks Act—  
Commonwealth Bank of Australia and controlled entities—Report for 1994-95.  
Commonwealth Development Bank of Australia—Financial statements for 1994-95.
- Commonwealth Electoral Act—Australian Electoral Commission—Report for 1994-95.
- Commonwealth Fire Board—Report for 1994-95.
- Commonwealth Funds Management Limited—Report for 1994-95.
- Commonwealth Funds Management Limited Act—Commonwealth Funds Management Limited—Annual return for 1994-95.
- Copyright Act—Audio-Visual Copyright Society Ltd—Report for 1994-95.
- Criminology Research Act—Australian Institute of Criminology and Criminology Research Council—Report for 1994-95.
- Data-matching Program (Assistance and Tax) Act—Data-matching program—Department of Taxation—Report for 1994-95.
- Defence Force Retirement and Death Benefits Act—Defence Force Retirement and Death Benefits Authority—Report for 1994-95.
- Defence Housing Authority Act—Defence Housing Authority—Report for 1994-95.
- Development Allowance Authority Act—Development Allowance Authority—Report for 1994-95.
- Director of Public Prosecutions Act—Office of the Director of Public Prosecutions—Report for 1994-95.

- Environment Protection (Alligator Rivers Region) Act—Supervising Scientist for the Alligator Rivers Region—Report for 1994-95.
- Exotic Animal Disease Control Act—Exotic Animal Disease Preparedness Consultative Council (EXANDIS)—Final report and annual report for 1994-95.
- Family Law Act—
- Family Court of Australia—Report for 1994-95.
- Family Law Council—Report for 1994-95.
- Financial Transaction Reports Act—Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 1994-95.
- Fisheries Administration Act—Australian Fisheries Management Authority—Report for 1994-95.
- Health Insurance Act—Professional Services Review—Report for 1994-95.
- Health Insurance Commission Act—Health Insurance Commission—Report for 1994-95.
- High Court of Australia Act—High Court of Australia—Report for 1994-95.
- Horticultural Research and Development Corporation Act—Horticultural Research and Development Corporation—Report for 1994-95.
- Human Rights and Equal Opportunity Commission Act—
- Aboriginal and Torres Strait Islander Social Justice Commissioner—3rd report, for 1994-95.
- Human Rights and Equal Opportunity Commission—
- Federal Race Discrimination Commissioner—Report—State of the Nation: People of non-English speaking background, 1995.
- Report for 1994-95.
- Immigration Review Tribunal—Report for 1994-95.
- Industrial Chemicals (Notification and Assessment) Act—National Industrial Chemicals Notification and Assessment Scheme—Report for 1994-95.
- Industry Commission Act—Industry Commission—
- Report for 1994-95.
- Report No. 47—Work, Health and Safety, 11 September 1995—
- Volume I.
- Volume II.
- Winegrape and Wine Industry in Australia—Report—Report, 30 June 1995.
- Inspector-General of Intelligence and Security Act—Inspector-General of Intelligence and Security—Report for 1994-95.
- Law Reform Commission Act—Law Reform Commission—Report No. 75—
- Costs shifting—Who pays for litigation.
- Members of Parliament (Staff) Act—Report for 1994-95 on consultants engaged under section 4.
- Merit Protection (Australian Government Employees) Act—Merit Protection and Review Agency—Report for 1994-95.
- Military Superannuation and Benefits Act—Military Superannuation and Benefits Board of Trustees No.1—Report for 1994-95.
- National Crime Authority Act—National Crime Authority—Report for 1994-95.
- National Health Act—Private Health Insurance Administration Council—Report for 1994-95.

National Measurement Act—National Standards Commission—Report for 1994-95.

National Parks and Wildlife Conservation Act—Australian Nature Conservation Agency—Report for 1994-95.

National Rail Corporation Agreement Act—National Rail Corporation Limited—Report for 1994-95.

National Residue Survey Administration Act—National Residue Survey—Report for 1994-95.

Native Title Act—National Native Title Tribunal—Report for 1994-95.

Natural Resources Management (Financial Assistance) Act—National Landcare Advisory Committee—Report for 1994-95.

Nuclear Non-Proliferation (Safeguards) Act—Australian Safeguards Office—Report for 1994-95.

Office of Film and Literature Classification and Film and Literature Board of Review—Review for 1994-95.

Papua New Guinea (Staffing Assistance) Act—Commissioner for Superannuation—Report on the Papua New Guinea Superannuation Scheme and certain other schemes, for 1994-95.

Parliamentary Counsel Act—Office of Parliamentary Counsel—Report for 1994-95.

Pharmaceutical Benefits Pricing Authority—Report for 1994-95.

Pig Industry Act—

Australian Pig Industry Council—Report for 1994-95.

Australian Pork Corporation—Report for 1994-95.

Pipeline Authority Act—Pipeline Authority—Report for 1994-95.

Pooled Development Funds Act—PDF Registration Board—Report for 1994-95.

Prices Surveillance Act—Prices Surveillance Authority—Report for 1994-95.

Primary Industries and Energy Research and Development Act—

Chicken Meat Research and Development Council—Report for 1994-95.

Cotton Research and Development Corporation and the Cotton Research and Development Corporation Selection Committee—Report for 1994-95.

Dairy Research and Development Corporation—Report for 1994-95.

Egg Industry Research and Development Council—Report for 1994-95.

Energy Research and Development Corporation—Report for 1994-95.

Forest and Wood Products Research and Development Corporation—Report for 1994-95.

Grape and Wine Research and Development Corporation and Grape and Wine Research and Development Corporation Selection Committee—Report for 1994-95.

Rural Industries Research and Development Corporation—Report for 1994-95.

Pig Research and Development Corporation—Report for 1994-95.

Tobacco Research and Development Council—Report for 1994-95 (Final).

Protection of Movable Cultural Heritage Act—Report on the Act and National Cultural Heritage Fund, for 1994-95.

- Public Service Act—  
 Attorney-General's Department—Report for 1994-95.  
 Australian National Training Authority—Report for 1994-95.  
 Commissioner for Superannuation—Report for 1994-95.  
 Department of Administrative Services—Report for 1994-95.  
 Department of Defence—Report for 1994-95.  
 Department of Employment, Education and Training—Report for 1994-95.  
 Department of Finance—Report for 1994-95.  
 Department of Foreign Affairs and Trade—Report for 1994-95.  
 Department of Housing and Regional Development—Report, including a report on the administration and operation of the First Home Owners Act, for 1994-95.  
 Department of Human Services and Health—Report for 1994-95, including reports for the Commonwealth Rehabilitation Service, the Therapeutic Goods Administration and the Australian Government Health Service.  
 Department of Industrial Relations—Report, incorporating a report on the operation of Part V of the Industrial Relations Act.  
 Department of Social Security—Report for 1994-95.  
 Department of the Environment, Sport and Territories—Report, including reports on the operation of the Hazardous Waste (Regulation of Exports and Imports) Act and the Ozone Protection Act, for 1994-95.  
 Department of the Parliamentary Library—Report for 1994-95.  
 Department of the Parliamentary Reporting Staff—Report for 1994-95.  
 Department of the Prime Minister and Cabinet—Report for 1994-95.  
 Department of the Treasury—Report for 1994-95.  
 Joint House Department—Report for 1994-95.  
 Public Service Commissioner—Report for 1994-95.  
 Remuneration Tribunal Act—Remuneration Tribunal—Report for 1994-95.  
 Safety, Rehabilitation and Compensation Act—Comcare Australia, including the reports of the Safety, Rehabilitation and Compensation Commission and QWL Corporation Pty Limited—Report for 1994-95.  
 Science and Industry Research Act—Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 1994-95.  
 Snowy Mountains Hydro-electric Power Act—  
 Snowy Mountains Council—Report for 1994-95.  
 Snowy Mountains Hydro-electric Authority—Report for 1994-95.  
 Special Broadcasting Service Act—Special Broadcasting Service Corporation (SBS)—Report for 1994-95.  
 States Grants (Primary and Secondary Education Assistance) Act—Report on financial assistance granted to each State in respect of 1994.  
 Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Report for 1994-95.  
*Superannuation Act 1976*—Commonwealth Superannuation Board of Trustees No. 2—Report for 1994-95.  
*Superannuation Act 1990*—Commonwealth Superannuation Board of Trustees No. 1—Report for 1994-95.  
 Taxation Statistics 1993-94.  
*Telecommunications Act 1991*—Australian Telecommunications Authority (AUSTEL)—Report for 1994-95.



Textiles, Clothing and Footwear Development Authority Act—Textiles, Clothing and Footwear Development Authority—Report for 1994-95.

Trade Practices Act—Trade Practices Commission—Report for 1994-95.

Trade Union Training Authority Act—Australian Trade Union Training Authority—Report for 1994-95.

University of Canberra Act—University of Canberra—Report for 1994.

Wet Tropics of Queensland World Heritage Area Conservation Act—Wet Tropics Management Authority—Report for 1994-95.

Wool International Act—Wool International—Report for 1994-95.

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Australian Federal Police Act—Australian Federal Police—Report for 1994-95—Erratum.

Bankruptcy Act—Report for 1994-95—Errata.

Defence Force Discipline Act—Judge Advocate General—Report for 1994-95—Addendum.

Department of the House of Representatives—Report for 1994-95—Corrigenda.

*States Grants (Primary and Secondary Education Assistance) Act 1992*—Report on financial assistance granted to each State in respect of 1993.

BOB HORNE  
Chair

30 November 1995

#### PUBLICATIONS COMMITTEE 29TH REPORT

The Publications Committee, having considered petitions and documents presented to the House of Representatives since 28 November 1995, recommends that the following be printed:

Aboriginal and Torres Strait Islander Commission Act—Indigenous Land Corporation—Report for period 1 June 1995 to 30 June 1995.

Australian Industry Development Corporation Act—Australian Industry Development Corporation—Report for 1994-95.

Australian Institute of Health and Welfare Act—Australian Institute of Health and Welfare—Australia's welfare 1995: Services and assistance.

Australian National Railways Commission Act—Australian National Railways Commission (Australian National)—Report for 1994-95.

Australian Securities Commission Act—Corporations and Securities Panel—Report for 1994-95.

Copyright Act—Copyright Agency Limited—Report for 1994-95.

Federal Court of Australia Act—Federal Court of Australia—Report for 1994-95.

Industrial Relations Act—Industrial Relations Court of Australia—Report for 1994-95.

Primary Industries and Energy Research and Development Act—Dried Fruits Research and Development Council—Report for 1994-95.

Privacy Act—Privacy Commissioner—7th report, for 1994-95.

Repatriation Medical Authority—1st report, for 1994-95.

Royal Australian Air Force Veterans' Residences Act—Royal Australian Air Force Veterans' Residences Trust—Report for 1994-95.

Rural Adjustment Act—Rural Adjustment Scheme Advisory Council—Report for 1994-95, including a report for 1994-95 on the Rural Adjustment Scheme.

Telecommunications Act 1991—Australian Telecommunications Authority (AUSTEL)—Competitive safeguards and carrier performance—Report for 1994-95.

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Administrative Appeals Tribunal Act—Administrative Review Council—Report for 1994-95—Errata.

BOB HORNE  
Chair

1 December 1995

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

Question—put and passed.

**38 INDUSTRY, SCIENCE AND TECHNOLOGY—STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPERS**

Mr Griffiths (Chair) presented the following papers:

Industry, Science and Technology—Standing Committee—Reports, evidence received by the committee and minutes of proceedings—

Innovation: A concept to market, 28 November 1995.

Goodbye bad buys: Australian Government purchasing policies and Commonwealth authorities and companies—Interim second report, 28 November 1995.

Ordered—That each of the reports be printed.

Mr Griffiths and Mr Reid, by leave, made statements in connection with the reports.

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

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

Mr Griffiths was granted leave to continue his speech when each debate is resumed.

Debate on each motion was adjourned, and the resumption of each debate made an order of the day for the next sitting.

**39 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENTS BY MEMBERS**

Mr Lloyd, by leave, presented the following paper:

Australian Parliamentary Delegation to the European Institutions and Spain, 22 September to 14 October 1995—Report, November 1995.

Mr Lloyd and Mr Tanner, by leave, made statements in connection with the report.

**40 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 2) 1995—SENATE'S MESSAGE NO. 595**

The order of the day having been read for the consideration of Message No. 595 from the Senate (*reported 29 November 1995, see page 2672*) returning the Higher Education Funding Amendment Bill (No. 2) 1995 and insisting on its amendments disagreed to by the House—

On the motions of Mr Johns (Special Minister of State)—

Amendments Nos. 1, 2 and 4 insisted on by the Senate agreed to.

Amendment No. 3 insisted on by the Senate disagreed to, after debate.

**41 MESSAGES FROM THE SENATE**

Messages from the Senate, dated 30 November 1995, were reported returning the following Bills without amendment:

Message—

No. 606—Appropriation (Parliamentary Departments) (No. 2) 1995-96.

No. 607—Appropriation (No. 3) 1995-96 (*without requests*).

**42 MESSAGE FROM THE SENATE—APPROPRIATION BILL (NO. 4) 1995-96**

The following message from the Senate was reported:

Message No. 608

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to appropriate money out of the Consolidated Revenue Fund, additional to the money appropriated by the 'Appropriation Act (No. 2) 1995-96', for certain expenditure in respect of the year ending on 30 June 1996, and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendment indicated by the annexed schedule, in which amendment the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN  
President

The Senate

Canberra, 30 November 1995

Ordered—That the amendment be considered forthwith.

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

After clause 3, page 2, insert the following clause:

**Payment to Dr Lawrence not to exceed a certain amount**

"**3A.(1)** Payments out of such money appropriated by this Act as is specified in subsection (2) must not exceed the amount of the legal costs of Dr C. Lawrence in relation to the Marks Royal Commission remaining after deduction from those costs of any amount paid or payable to or for Dr Lawrence by the Government of Western Australia for legal costs in relation to the Marks Royal Commission.

"(2) The money referred to in subsection (1) is as specified in Division 807, OTHER SERVICES, item 02, Dr C. Lawrence—legal costs in relation to the Marks Royal Commission, being \$556 463.

"(3) In this Act, any reference, however expressed, to legal costs of Dr C. Lawrence in relation to the Marks Royal Commission does not include legal costs (however constituted) of Dr C. Lawrence for or in relation to proceedings in a court in relation to the Marks Royal Commission."

Mr Johns (Special Minister of State) moved—That the amendment be agreed to.  
Debate ensued.

Mr Langmore was granted leave to continue his remarks when the debate is resumed.

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

#### 43 SPECIAL ADJOURNMENT

Mr Keating (Prime Minister) moved—That the House, at its rising, adjourn until Tuesday, 13 February 1996, at 12.30 p.m., unless otherwise called together by the Speaker or, in the event of the Speaker being unavailable, by the Deputy Speaker.

Debate ensued.

Question—put and passed.

#### 44 LEAVE OF ABSENCE TO ALL MEMBERS

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

#### 45 APPROPRIATION BILL (NO. 4) 1995-96—SENATE'S AMENDMENT

The order of the day having been read for the further consideration of the amendment made by the Senate—

Debate resumed on the Senate's amendment (*see* entry No. 42) and on the motion moved by Mr Johns (Special Minister of State), *viz.*—That the amendment be agreed to.

Question—put and passed.

#### 46 COMMUNICATIONS LEGISLATION AMENDMENT BILL 1995

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), for Mr Lee (Minister for Communications and the Arts), pursuant to notice, presented a Bill for an Act to amend the law relating to communications.  
Bill read a first time.

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

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

#### 47 MESSAGES FROM THE SENATE

Messages from the Senate, dated 1 December 1995, were reported returning the following Bills without amendment:

Message—

No. 611—Income Tax (Franking Deficit) Amendment 1995 (*without requests*).

No. 612—Income Tax (Deficit Deferral) Amendment 1995 (*without requests*).

No. 615—Human Services and Health Legislation Amendment (No. 2) 1995.

48 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL  
(NO. 2) 1995

The following message from the Senate was reported:

Message No. 609

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law relating to taxation*”, 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, 1 December 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Schedule 2, pages 17 and 18, item 1, proposed subsection 139(2), omit the subsection.

No. 2—Schedule 2, page 20, item 1, after proposed subsection 139C(2) insert the following subsection:

“ (2A) The taxpayer does not acquire a share or right under an employee share scheme if the consideration for the acquisition is equal to, or more than, the market value of the share or right at the time that it is acquired.”

No. 3—Schedule 2, page 21, item 1, proposed paragraph 139CA(2)(d), omit “5”, substitute “10”.

No. 4—Schedule 2, page 21, item 1, proposed paragraph 139CB(1)(e), omit “5”, substitute “10”.

No. 5—Schedule 2, page 22, item 1, proposed subsection 139CC(2), omit all words after “any”, substitute “consideration paid or given by the taxpayer as consideration for the acquisition of the share or right.”

No. 6—Schedule 2, page 22, proposed subsection 139CD(1), omit the subsection, substitute the following subsection:

“ 139CD.(1) For the purposes of this Division:

- (a) a share in a company is a *qualifying share* if the 6 conditions below are satisfied; and
- (b) a right to acquire a share in a company is a *qualifying right* if the first, second, third, fifth and sixth of the 6 conditions below are satisfied.

Note: Section 139DF excludes certain shares from being qualifying shares.”

No. 7—Schedule 2, page 23, proposed subsection 139CD(5), omit “the share or right”, substitute “the share”.

No. 8—Schedule 2, page 23, item 1, proposed subsection 139CD(5), omit “each permanent employee of the employer was”, substitute “at least 75% of the employees of the employer were”.

No. 9—Schedule 2, page 23, item 1, at end of proposed section 139CD add the following subsection:

“(8) The Commissioner may determine that the fourth condition (see subsection (5)) is taken to have been satisfied in relation to a share or a right if the Commissioner considers that the employer has done everything reasonably practicable to ensure that the condition was satisfied.”.

No. 10—Schedule 2, page 23, item 1, proposed paragraph 139CE(3)(a), omit “5”, substitute “3”.

No. 11—Schedule 2, page 25, item 1, proposed section 139DB, after “provided it” insert “not before the time”.

No. 12—Schedule 2, pages 25 and 26, item 1, proposed subsection 139DD(2), omit all words after “exercised it”.

No. 13—Schedule 2, page 27, item 1, proposed paragraphs 139FA(a) and (b), omit the paragraphs.

No. 14—Schedule 2, page 27, item 1, proposed paragraph 139FA(c), omit “if no offer was made on that day to buy such a share or right”, substitute “if there was at least one transaction on that stock market in shares or rights of that class during the one week period before that day”.

No. 15—Schedule 2, page 27, item 1, proposed subsection 139FB(1), omit the subsection, substitute the following subsection:

“(1) If the share is not quoted on an approved stock exchange on that day, the market value is the arm’s length value of the share:

- (a) as specified in a written report, in a form approved by the Commissioner, given to the person from whom the taxpayer acquires the share by a person who is a qualified person in relation to valuing the share (see section 139FG); or
- (b) as calculated in accordance with any other method approved in writing by the Commissioner as a reasonable method of calculating the arm’s length value of unlisted shares.”.

No. 16—Schedule 2, page 27, item 1, proposed subsection 139FB(2), omit “subsection (1)”, substitute “paragraph (1)(a)”.

No. 17—Schedule 2, page 33, item 1, proposed subsection 139GB(1), omit “24”, substitute “36”.

No. 18—Schedule 2, page 35, item 1, proposed paragraph 139GE(2)(a), omit “all”, substitute “at least 75% of”.

No. 19—Schedule 2, page 35, item 1, proposed paragraph 139GE(2)(c), omit “all”, substitute “at least 75% of”.

No. 20—Schedule 2, page 35, item 1, proposed paragraph 139GE(4)(b), omit “all”, substitute “at least 75% of”.

No. 21—Schedule 2, page 36, item 1, at end of proposed section 139GE add the following subsection:

“(6) The Commissioner may determine that the condition mentioned in paragraph (2)(a), (2)(c) or (4)(b) is taken to have been satisfied in relation to a scheme if the Commissioner considers that the employer has done everything reasonably practicable to ensure that the condition was satisfied.”.

No. 22—Schedule 2, page 40, item 9, proposed paragraph (hb), omit “a share or right”, substitute “money or other property”.

No. 23—Schedule 2, page 43, item 13, omit the item, substitute the following items:

**“13. Application of amendments—election that amendments apply**

A taxpayer may make an election that the amendments made by this Schedule apply to the acquisition of a share, or a right to acquire a share, if the acquisition occurs after 7.30 p.m. by legal time in the Australian Capital Territory on 10 May 1994 and at or before 6 p.m. by legal time in the Australian Capital Territory on 28 March 1995.

**13A. Elections**

An election under this Part must be in writing in a form approved by the Commissioner and be made before the later of:

- (a) the end of 90 days after the commencement of this item; and
- (b) the time when the taxpayer lodges his or her return for the 1994-95 year of income;

or within such further time as the Commissioner allows.”.

No. 24—Schedule 3, page 45, item 1, after “221YHZDA(1)” insert “or paragraph 221YHZDAC(1)(d)”.

No. 25—Schedule 3, page 45, item 4, proposed paragraph (1AB)(a), after “221YHZDA(1)” insert “or paragraph 221YHZDAC(1)(d)”.

No. 26—Schedule 3, page 46, item 4, proposed paragraph (1AC)(b), after “221YHZDA(1)” insert “or paragraph 221YHZDAC(1)(d)”.

No. 27—Schedule 3, page 46, after item 4 insert the following item:

**“4A. Paragraph 221YHZDA(1)(a):**

After ‘deduction’ insert ‘after the commencement of Part 1 of Schedule 3 to the *Taxation Laws Amendment Act (No. 2) 1995*’.”.

No. 28—Schedule 3, page 47, item 11, proposed paragraph 221YHZDAA(1)(a), after “deduction” insert “after the commencement of this section”.

No. 29—Schedule 3, page 48, item 11, after proposed section 221YHZDAA add the following sections:

**Special provision covering pre-1 July 1995 deductions**

“ 221YHZDAB. If:

- (a) immediately before the commencement of this section, an investment body was liable, under subsection 221YHZDA(1) as in force at that time, to pay to a person the whole or part of the amount of a deduction made in error; and
- (b) the deduction was made on or before 30 June 1995; and
- (c) as at the commencement of this section, the person had not applied to the investment body for a refund of the whole or the part of the amount on the basis of the error, and the investment body had not otherwise become aware of the error;

then:

- (d) on the commencement of this section, the investment body ceases to be liable to pay the whole or the part of the amount, and the Commissioner instead becomes liable to pay the whole or the part of the amount, to the person; and
- (e) the person is not entitled to a credit under section 221YHZK in respect of the whole or the part of the amount.

**Special provision covering pre-commencement 1995-96 deductions**

‘221YHZDAC.(1) If:

- (a) an investment body in relation to a Part VA investment has made a deduction after 30 June 1995 but before the commencement of this section, purportedly under subsection 221HYZC(1A), from income paid, in respect of a particular financial year, to a person in connection with the investment; and
- (b) the amount deducted has been paid to the Commissioner; and
- (c) the whole or a part of the amount of the deduction (the *excess amount*) was made in error;

then:

- (d) if the person applies to the investment body for a refund of the excess amount on the basis of the error, or the investment body becomes aware of the error, before the end of 15 July 1996—the investment body is liable to pay the excess amount to the person and may recover from the Commissioner, as a debt due to the investment body, so much of the excess amount as it has not recorded as being offset under paragraph 221YHZD(1AB)(c); and
- (e) if paragraph (d) does not apply—the Commissioner is liable to pay the excess amount to the person.

‘(2) If the investment body or the Commissioner is liable to pay the excess amount to the person under subsection (1), the person is not entitled to a credit under section 221YHZK in respect of the excess amount.

‘(3) An amount payable under paragraph (1)(d) to a person by an investment body is recoverable by the person as a debt.’”.

No. 30—Schedule 3, page 48, item 12, omit “this Part (other than item 5)”, substitute “items 1 to 4”.

No. 31—Schedule 3, page 48, at end of item 12 add the following subitem:

“(2) The amendments made by items 4A and 6 to 11 (except in so far as item 11 inserts proposed sections 221YHZDAB and 221YHZDAC) apply to deductions made at any time after the commencement of this Part.”.

No. 32—Schedule 3, page 56, item 32, omit “first payment of the annuity is made”, substitute “beginning of the period to which the first payment of the annuity relates is”.

No. 33—Schedule 4, page 66, item 10, omit “1 July 1993”, substitute “1 July 1992”.

No. 34—Schedule 8, page 81, after item 1 insert the following item:

**“1A. Subsection 51(5):**

Omit ‘interest under section 170AA’, substitute ‘interest under section 163C, 170AA’.”.

No. 35—Schedule 8, page 81, item 2, proposed subsection 163A(1), omit “\$25”, substitute “\$10”.

No. 36—Schedule 8, page 81, item 2, proposed subsection 163A(2), omit “\$500”, substitute “\$200”.

No. 37—Schedule 8, page 85, item 4, omit the item, substitute the following item:



**“4. Application**

The amendments made by this Part apply in relation to returns for the 1995-96 year of income or any later year of income.”.

No. 38—Schedule 8, page 86, item 7, omit the item, substitute the following item:

**“7. Application**

The amendments made by this Part apply to additional tax in relation to returns for the 1995-96 year of income or any later year of income.”.

No. 39—Schedule 8, page 87, item 9, omit the item, substitute the following item:

**“9. Application**

The amendment made by this Part applies to any payment of, or on account of, additional tax, interest or a penalty in respect of returns for the 1995-96 year of income or any later year of income.”.

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

**49 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 4) 1995**

The following message from the Senate was reported:

Message No. 610

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law relating to taxation*”, 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, 1 December 1995

Ordered—That the amendments be considered forthwith.

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

No. 1—Schedule 1, page 5, item 5, proposed section 160ZZRBA, omit “or (7)”.

No. 2—Schedule 1, page 10, item 8, proposed subsection 160ZZRDH(2), omit “lesser of the indexed cost base and the market value”, substitute “indexed threshold amount”.

No. 3—Schedule 1, page 10, item 8, proposed subsection 160ZZRDH(2), omit “The indexed cost base and the market value”, substitute “The indexed threshold amount”.

No. 4—Schedule 1, page 10, item 8, proposed subsection 160ZZRDH(3), omit “reduced cost bases, or written down values, the reduced cost base, or the written down value”, substitute “reduced threshold amounts, or indexed threshold amounts, the reduced threshold amount, or indexed threshold amount”.

No. 5—Schedule 1, page 12, item 8, proposed paragraph 160ZZRDL(4)(a), omit all words after “160ZZRDJ”, substitute “or 160ZZRDK to have a cost base, indexed cost base or reduced cost base of nil immediately after the first asset disposal time; or”.

No. 6—Schedule 1, page 13, item 8, proposed paragraph 160ZZRDM(4)(a), after “160ZZRDJ(3)” insert “or section 160ZZRDK”.

No. 7—Schedule 1, page 13, item 8, proposed subsection 160ZZRDM(5), omit “indexed”, substitute “reduced”.

No. 8—Schedule 1, page 13, item 8, proposed paragraph 160ZZRDM(7)(a), omit “indexed”, substitute “reduced”.

No. 9—Schedule 1, page 13, item 8, proposed paragraph 160ZZRDM(7)(a), omit “160ZZRDL(3)”, substitute “160ZZRDJ(4) or section 160ZZRDK”.

No. 10—Schedule 1, page 13, item 8, proposed paragraph 160ZZRDM(7)(b), omit “reduced cost base to the transferor of the first asset, or the amount that would have been the reduced cost base if this Part had applied in respect of the disposal of the first asset,”, substitute “written down value of the first asset”.

No. 11—Schedule 1, page 14, item 8, proposed paragraph 160ZZRDN(b), omit the paragraph, substitute the following paragraph:

“(b) at the first asset disposal time, the second taxpayer or another taxpayer held:

(i) a share in the transferor that was acquired by that taxpayer before 20 September 1985; or

(ii) another loan to the transferor; and”.

No. 12—Schedule 1, page 14, after item 9 insert the following items:

**9A. Subparagraph 160ZZRE(6)(b)(i):**

Before ‘held’ insert ‘or another taxpayer’.

**9B. Subparagraph 160ZZRE(6)(b)(i):**

Omit ‘by the second taxpayer’, substitute ‘by that taxpayer’.

No. 13—Schedule 1, pages 21 and 22, item 34, subitems (1) and (2), omit the subitems, substitute the following subitems:

“(1) Subject to subitem (2), the amendments made by item 22 apply to disposals of assets after 7.30 p.m. on 9 May 1995.

(2) The amendments made by item 22 and subitem (1) are to be disregarded in determining the application of Part IIIA of the Principal Act in relation to the disposal of assets before 7.30 p.m. on 9 May 1995.”.

No. 14—Schedule 2, page 68, subitem 160(3), before “The” insert “Subject to subitem (5),”.

No. 15—Schedule 2, page 68, subitem 160(4), before “The” insert “Subject to subitem (5),”.

No. 16—Schedule 2, page 68, at end of item 160 add the following subitem:

“(5) If in relation to a year of income which commenced after 6 December 1990:

(a) a company furnished a return of income, or applied to have an assessment amended, before 28 September 1995; and

(b) the return or application (as the case may be) includes a claim for a deduction under section 160AR in relation to a trust amount or partnership amount to which subsection 160APQ(3) applies;

then the amendments made by items 127, 128, 130 and 131 do not apply in relation to any trust amount or partnership amount received by the company before 28 September 1995 and to which subsection 160APQ(3) applies.”.

No. 17—Schedule 3, page 69, item 1, proposed subparagraph 121AB(1)(b)(ii), omit the subparagraph, substitute the following subparagraph:

“(ii) it did not divide its profits among its members during the 10 years ending on 9 May 1995;”.

No. 18—Schedule 3, page 70, item 1, proposed paragraphs 121AC(c) and (d), omit the paragraphs, substitute the following paragraphs:

“(c) at least 75% of the policyholders of a mutual insurance company are members of it;

(d) it did not divide its profits among its members during the 10 years ending on 9 May 1995;”.

No. 19—Schedule 3, page 71, item 1, proposed paragraph 121AE(4)(a), after “policyholders” insert “(other than trustees covered by paragraph (d) or (e))”.

No. 20—Schedule 3, page 71, item 1, proposed paragraph 121AE(4)(b), after “members” insert “(other than trustees covered by paragraph (d) or (e))”.

No. 21—Schedule 3, page 71, item 1, proposed subparagraph 121AE(4)(c)(i), after “company” insert “or a wholly-owned subsidiary of the company”.

No. 22—Schedule 3, page 71, item 1, proposed subparagraph 121AE(4)(c)(v), omit the subparagraph.

No. 23—Schedule 3, page 71, item 1, at end of proposed subsection 121AE(4) add the following paragraphs:

“; (d) in any case—each person who satisfies the following requirements:

(i) the person is a member of a regulated superannuation fund (as defined by section 19 of the *Superannuation Industry (Supervision) Act 1993*), other than a standard employer-sponsored member (as defined by subsection 16(5) of that Act);

(ii) the trustee of the fund holds a policy or policies in the mutual insurance company;

(iii) the trustee of the fund is a company that is a wholly-owned subsidiary of the mutual insurance company;

(iv) the person’s benefits in the fund consist solely of the proceeds of the policy or policies;

(v) in connection with the demutualisation, the person, rather than the trustee, has the right to shares or the proceeds of the sale of shares in respect of the policy or policies held by the trustee;

(e) in any case—each person who satisfies the following requirements:

(i) the person is the member of a single-member superannuation fund;

(ii) the trustee of the fund holds a policy or policies in the mutual insurance company;

(iii) in connection with the demutualisation, the person, rather than the trustee, has the right to shares or the proceeds of the sale of shares in respect of the policy or policies held by the trustee.”.

No. 24—Schedule 3, page 71, item 1, before proposed paragraph 121AE(5)(a) insert the following paragraphs:

“(aa) if the mutual insurance company is covered by paragraph 121AB(1)(a)—policyholders (other than trustees covered by paragraph (c) or (d)) in the mutual insurance company immediately before the demutualisation;

(ab) in the case of any other mutual insurance company—members (other than trustees covered by paragraph (c) or (d)) of the company immediately before the demutualisation;”.

No. 25—Schedule 3, page 71, item 1, proposed paragraph 121AE(5)(a), after “members” insert “(other than trustees covered by paragraph (c) or (d))”.

No. 26—Schedule 3, page 72, item 1, proposed subparagraph 121AE(5)(b)(i), omit “or mutual affiliate company”, substitute “, the mutual affiliate company or a wholly-owned subsidiary of either company”.

No. 27—Schedule 3, page 72, item 1, proposed subparagraph 121AE(5)(b)(v), omit the subparagraph.

No. 28—Schedule 3, page 72, item 1, at end of proposed subsection 121AE(5) add the following paragraphs:

“; (c) in any case—each person who satisfies the following requirements:

(i) the person is a member of a regulated superannuation fund (as defined by section 19 of the *Superannuation Industry (Supervision) Act 1993*), other than a standard employer-sponsored member (as defined by subsection 16(5) of that Act);

(ii) the trustee of the fund holds a policy or policies in the mutual insurance company;

(iii) the trustee of the fund is a company that is a wholly-owned subsidiary of the mutual insurance company;

(iv) the person’s benefits in the fund consist of the proceeds of the policy or policies;

(v) in connection with the demutualisation, the person, rather than the trustee, has the right to shares or the proceeds of the sale of shares in respect of the policy or policies held by the trustee;

(d) in any case—each person who satisfies the following requirements:

(i) the person is the member of a single-member superannuation fund;

(ii) the trustee of the fund holds a policy or policies in the mutual insurance company;

(iii) in connection with the demutualisation, the person, rather than the trustee, has the right to shares or the proceeds of the sale of shares in respect of the policy or policies held by the trustee.”.

No. 29—Schedule 3, page 72, item 1, after proposed section 121AE insert the following section:

“ 121AEA. If, as a result of the exercise of any power under the articles of association of an insurance company, persons are entitled to exercise rights in place of policyholders, then, to the extent that the Commissioner considers it appropriate, the persons are treated for the purposes of this Division as replacing the policyholders.”.

No. 30—Schedule 3, page 87, item 1, proposed subsection 121AM(6), definition of *Capital reserve adequacy shortfall percentage*, paragraph (a), omit “company are predicted”, substitute “company are projected”.

No. 31—Schedule 3, page 87, item 1, proposed subsection 121AM(6), definition of *Capital reserve adequacy shortfall percentage*, subparagraph (a)(i), omit “predicted”, substitute “projected”.

No. 32—Schedule 3, page 87, item 1, proposed subsection 121AM(6), definition of *Capital reserve adequacy shortfall percentage*, subparagraph (a)(ii), omit “predicted”, substitute “projected”.

No. 33—Schedule 3, page 87, item 1, proposed subsection 121AM(8), omit “ending on the applicable accounting day”, substitute “, or part of an accounting period, ending on the demutualisation resolution day”.

No. 34—Schedule 3, page 97, item 1, proposed section 121AS, Table, item 5, modification 2(a)(ii), omit “gained”, substitute “given”.

No. 35—Schedule 3, page 99, item 1, proposed section 121AS, Table, item 6, modification 2(a)(i), formula, omit “interests in such shares”, substitute “interests in such shares in the company concerned”.

No. 36—Schedule 3, page 99, item 1, proposed section 121AS, Table, item 6, modification 2(a)(i), formula, omit “Pre-listing day company valuation amount (see note 2 to this table)”, substitute “Net tangible asset value of the company concerned”.

No. 37—Schedule 3, page 99, item 1, proposed section 121AS, Table, item 6, modification 2(a)(ii), omit “gained”, substitute “given”.

No. 38—Schedule 4, page 137, subitem 14(2), omit the subitem, substitute the following subitems:

“(2) The section inserted by item 13 does not apply, and the section repealed by that item continues to apply despite its repeal, to expenditure incurred before 7.30 p.m. by legal time in the Australian Capital Territory on 9 May 1995.

(3) The section inserted by item 13 does not apply, and the section repealed by that item applies despite its repeal, to expenditure incurred at or after 7.30 p.m. (the start time) by legal time in the Australian Capital Territory on 9 May 1995:

(a) that was or is incurred in accordance with the terms of a finance scheme, where:

(i) the scheme was approved by the Industry Research and Development Board before the start time; or

(ii) the scheme was considered by the Board before the start time, and its decision on the scheme was deferred until after that time; or

(iii) the Board decided before the start time not to approve the scheme and either:

(A) the time for applying to the Administrative Appeals Tribunal for a review of that decision had not expired before the start time; or

(B) an application for review of the decision by the Tribunal had been made before the start time, but the Tribunal had not made its decision on the application before that time; and

(b) that was or is incurred under a contract evidenced in writing that was entered into on or before 30 June 1996; and

(c) in respect of which the eligible company that incurred the expenditure had been jointly registered with one or more eligible companies by the Industry Research and Development Board on or before 30 June 1996.”.

No. 39—Schedule 7, pages 143 to 199, omit the Schedule.

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

**50 MESSAGE FROM THE SENATE—BOUNTY LEGISLATION AMENDMENT BILL 1995**

The following message from the Senate was reported:

Message No. 613

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Bounty (Fuel Ethanol) Act 1994', the 'Bounty (Computers) Act 1984' and the 'Bounty (Machine Tools and Robots) Act 1985', 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, 1 December 1995

Ordered—That the amendments be considered forthwith.

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

No. 1—Schedule 2, page 11, after item 3 insert the following item:

**“3A. Subsection 3(1) (definition of *bounty period*):**

Omit ‘1995’, substitute ‘2000’.”.

No. 2—Schedule 2, page 11, after item 4 insert the following item:

**“4A. Paragraph 3A(1)(b):**

Omit ‘within the bounty period’, substitute ‘before 1 January 1996’.”.

No. 3—Schedule 2, page 12, at end of Schedule add the following items:

**“8. Subsection 6(2):**

Omit the subsection, substitute the following subsection:

‘(2) If:

- (a) an accounting period, or a part of an accounting period, of a manufacturer of bountiable equipment occurs before 1 January 1996; and
- (b) in that accounting period, or that part of that accounting period, the manufacturer meets expenditure on research and development in Australia in respect of bountiable equipment; and
- (c) the bountiable equipment is of a kind that is, or is likely to be, manufactured in Australia by the manufacturer before that day;

the factory cost incurred by the manufacturer in that accounting period in connection with the process or processes in the manufacture of bountiable equipment carried out at registered premises includes that expenditure, but no other factory cost includes that expenditure.’.

**9. Paragraph 6(5)(c):**

Omit ‘, not being a process by way of research and development carried out in Australia on behalf of the manufacturer’, substitute ‘other than an allowable research and development process within the meaning of subsection (5A)’.

**10. Paragraph 6(5)(r):**

Omit the paragraph, substitute the following paragraph:

‘(r) interest, other than:

- (i) interest on money borrowed from another person for the purpose of financing bought-in material and stock or of financing work in progress;
- (ii) interest incurred before 1 January 1996 on money borrowed from another person before that day for the purpose of financing research and development undertaken before that day, other than research and development relating to software that is not operating software or software for testing hardware; or
- (iii) interest on money borrowed from another person for the purpose of financing the purchase of production plant, production equipment, or factory buildings owned by the manufacturer;’.

**11. After subsection 6(5):**

Insert:

‘(5A) For the purposes of paragraph (5)(c), a research and development process is an allowable research and development process if:

- (a) it is a process by way of research and development in respect of bountiable equipment; and
- (b) it is carried out in Australia on behalf of the manufacturer before 1 January 1996; and
- (c) the bountiable equipment is of a kind that is, or is likely to be, manufactured in Australia by the manufacturer before that day.’.

**12. Paragraph 10(g):**

Omit the paragraph, substitute the following paragraphs:

- ‘(g) where that condition is satisfied in relation to equipment on a day on or after 1 July 1994 and before 1 January 1997—an amount equal to 8% of the value added to the equipment by the manufacturer; or
- (h) where that condition is satisfied in relation to equipment on a day on or after 1 January 1997 and before 1 January 2001—an amount equal to 5% of the value added to the equipment by the manufacturer.’.

On the motion of Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), the amendments were agreed to, after debate.

**51 MESSAGE FROM THE SENATE—INDUSTRIAL RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1995**

The following message from the Senate was reported:

Message No. 614

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the law about industrial relations, and for other 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, 1 December 1995

Ordered—That the amendments be considered forthwith.

#### SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 2, page 1, line 6, omit “Sections 1 to 8 and Schedule 5”, substitute “Sections 1 to 12 and Schedules 5, 7, 8, 9 and 10”.

No. 2—Clause 2, page 2, line 1, omit “Schedule 5”, substitute “Schedules 5, 7, 8, 9 and 10”.

No. 3—After clause 8, page 2, add the following clauses:

##### **Schedule 7**

“9. The *Australian National University Act 1991* is amended in accordance with Schedule 7.

##### **Schedule 8**

“10. The *National Occupational Health and Safety Commission Act 1985* is amended in accordance with Schedule 8.

##### **Schedule 9**

“11. The *Remuneration Tribunal Act 1973* is amended in accordance with Schedule 9.

##### **Schedule 10**

“12. The *University of Canberra Act 1989* is amended in accordance with Schedule 10.”.

No. 4—After clause 8, page 2, add the following clause:

##### **Schedule 11**

“13. The *National Labour Consultative Council Act 1977* is amended in accordance with Schedule 11.”.

No. 5—Schedule 2, page 10, after item 11 insert the following item:

##### **“11A. After section 170EH:**

Insert the following section in Subdivision C:

##### **Costs**

‘170EHA.(1) If, in relation to a matter referred to the Court under section 170ED, the Court is satisfied that a party to the proceeding has caused any other party to the proceeding to incur costs because of an unreasonable act or omission of the first-mentioned party in connection with the conduct of the proceeding following the referral, the Court may order the first-mentioned party to pay all or a part of the costs incurred by that other party.

‘(2) This power is in addition to, and not in derogation from, any other power of the Court to award costs.

‘(3) In this section:

*costs* includes all legal and professional costs and disbursements and expenses of witnesses.’.

No. 6—At end of bill, page 19, add the following Schedules:



“SCHEDULE 7

Section 9

AMENDMENT OF THE AUSTRALIAN NATIONAL UNIVERSITY ACT  
1991

**1. Section 36:**

Repeal the section.

SCHEDULE 8

Section 10

AMENDMENT OF THE NATIONAL OCCUPATIONAL HEALTH AND  
SAFETY COMMISSION ACT 1985

**1. After subsection 8(2):**

Insert:

‘(2A) For the avoidance of doubt, it is also a function of the Commission to make such payments, and provide such staff, as are required for the effective operation of the national system of notification and assessment of industrial chemicals established under the *Industrial Chemicals (Notification and Assessment) Act 1989*, and for the administration of that Act, despite the fact that such payments are made, and such staff provided, for purposes not related to occupational health and safety matters.’

SCHEDULE 9

Section 11

AMENDMENTS OF THE REMUNERATION TRIBUNAL ACT 1973

**1. Subsection 5(2):**

Omit the subsection, substitute:

‘(2) An additional function of the Tribunal is to provide advice:

- (a) to public statutory corporations, government business enterprises and other employing bodies in relation to terms and conditions (including remuneration and allowances) on which principal executive offices are to be held; and
- (b) to the Australian National University, the University of Canberra and the Australian Maritime College in relation to terms and conditions (including remuneration and allowances) on which executive education offices in those bodies are to be held.’

**2. Subsection 5(3):**

After ‘principal executive offices’ insert ‘or executive education offices’.

**3. Subsection 7(2A):**

Omit the subsection.

**4. Continuance of determinations until new conditions substituted**

(1) Despite the amendments of the *Remuneration Tribunal Act 1973* made by this Act, any determination of the Remuneration Tribunal:

- (a) that relates to the salary payable to the Vice-Chancellor or Deputy Vice-Chancellor of the Australian National University; and
- (b) that was in force immediately before those amendments;

continues in force in relation to that office until such time as the Council of the Australian National University makes a determination in substitution for that determination as so continued in force.

(2) Despite the amendments of the *Remuneration Tribunal Act 1973* made by this Act, any determination of the Remuneration Tribunal:

- (a) that relates to the salary payable to the Vice-Chancellor or Deputy Vice-Chancellor of the University of Canberra; and
- (b) that was in force immediately before those amendments;

continues in force in relation to that office until such time as the Council of the University of Canberra makes a determination in substitution for the determination as so continued in force.

(3) Despite the amendments of the *Remuneration Tribunal Act 1973* made by this Act, any determination of the Remuneration Tribunal:

- (a) that relates to the salary payable to the Principal or Deputy Principal of the Australian Maritime College; and
- (b) that was in force immediately before those amendments;

continues in force in relation to that office until such time as the Council of the Australian Maritime College makes a determination in substitution for the determination as so continued in force.

**5. Subsection 7(3D):**

Omit the subsection.

**6. Subsection 7(4):**

Omit '(2A)',

**7. Paragraph 7(9)(acc):**

Omit the paragraph.

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

Omit ', (2A)'.

**SCHEDULE 10**

Section 12

AMENDMENT OF THE UNIVERSITY OF CANBERRA ACT 1989

**1. Section 26:**

Repeal the section."

No. 7—At end of bill, page 19, add the following Schedule:

**"SCHEDULE 11**

Section 13

AMENDMENTS OF THE NATIONAL LABOUR CONSULTATIVE  
COUNCIL ACT 1977

**1. Section 3 (definition of *appointed member*):**

Omit the definition, substitute:

'*appointed member* means a member appointed by the Minister under subsection 6(2).'

**2. Section 3 (definition of *Secretary*):**

Omit the definition.

**3. Section 6:**

Repeal the section, substitute:

## **Membership of Council**

‘6.(1) The Council is to consist of these 15 members:

- (a) the Minister, who is to be the Chairperson of the Council;
- (b) 7 members nominated by the Australian Council of Trade Unions;
- (c) 3 members nominated by the Australian Chamber of Commerce and Industry;
- (d) one member nominated by the Australian Chamber of Manufactures;
- (e) one member nominated by the Metal Trades Industry Association of Australia;
- (f) one member nominated by the National Farmers’ Federation;
- (g) one member nominated by Master Builders Australia.

‘(2) The Minister appoints the other members of the Council.

‘(3) Subject to this Act, a member (except the Minister) holds office for such period, not exceeding 2 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

‘(4) A person who was a member of the Council immediately before the commencement of this section ceases at that commencement to be such a member, but is eligible for re-appointment.’

### **4. Subsection 8(1):**

Omit ‘referred to in subsection 6(1)’, substitute ‘which has nominated a member under subsection 6(1)’.

### **5. Subsection 8(2):**

Omit the subsection.

### **6. Subsections 10(1) and (2):**

Omit the subsections, substitute:

‘(1) The Minister may nominate a person to attend a meeting of the Council in his or her place.

‘(2) If an appointed member is unable to be present at a meeting of the Council, the organization which nominated that member may nominate a person to attend the meeting in that member’s place.’

### **7. Subsection 10A(1):**

Omit ‘the Confederation of Australian Industry, the Australian Council of Trade Unions and the Metal Trades Industry Association,’ substitute ‘the members of the Council.’

### **8. Subsection 11(1):**

Omit the subsection, substitute:

‘(1) The Council must meet:

- (a) at least once each year during the period that begins on 1 January and ends on 30 June; and
- (b) at least once each year during the period that begins on 1 July and ends on 31 December.’

### **9. Subsection 11(6):**

Omit the subsection.

**10. Subsection 12(2):**

Omit 'as if he were an officer of the Second Division of the Australian Public Service', substitute 'at a rate equal to the highest rate of travelling allowance payable to officers of the Australian Public Service other than Secretaries within the meaning of the *Public Service Act 1922*'."

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

**52 MESSAGE FROM THE SENATE—SEX DISCRIMINATION AMENDMENT BILL 1995**

The following message from the Senate was reported:

Message No. 616

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Sex Discrimination Act 1984'*", 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, 1 December 1995

Ordered—That the amendments be considered forthwith.

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

No. 1—Schedule, page 4, item 6, proposed subsection 5(2), omit "the aggrieved person because of his or her sex", substitute "persons of the same sex as the aggrieved person".

No. 2—Schedule, page 4, item 8, proposed subsection 6(2), omit "the aggrieved person because of his or her marital status", substitute "persons of the same marital status as the aggrieved person".

No. 3—Schedule, page 4, item 9, proposed subsection 7(2), omit "the aggrieved woman because of her pregnancy or potential pregnancy", substitute "women who are also pregnant or potentially pregnant".

No. 4—Schedule, page 5, item 10, proposed subsection 7B(1), omit "the effect of disadvantaging the other person as", substitute "the disadvantaging effect".

No. 5—Schedule, page 5, item 10, proposed subsection 7D(1), after "achieving" insert "substantive".

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

**53 MESSAGE FROM THE SENATE—LAW AND JUSTICE LEGISLATION AMENDMENT BILL (NO. 1) 1995**

Message No. 605, dated 30 November 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend various Acts relating to law and justice, and for related purposes*".

Bill read a first time.

*Paper:* Mr Duncan (Parliamentary Secretary to the Attorney-General) presented an explanatory memorandum to the Bill.

Mr Duncan, by leave, 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 Duncan, the Bill was read a third time.

**54 LONG TERM STRATEGIES—STANDING COMMITTEE—STATEMENT BY MEMBER**

Mr Dobie, by leave, made a statement concerning the work of the Standing Committee for Long Term Strategies.

**55 MESSAGE FROM THE SENATE—EMPLOYMENT, EDUCATION AND TRAINING AMENDMENT BILL 1995**

Message No. 617, dated 1 December 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Employment, Education and Training Act 1988’, and for related purposes*”.

Bill read a first time.

*Paper:* Mr Duncan (Parliamentary Secretary to the Attorney-General) presented an explanatory memorandum to the Bill.

Mr Duncan, by leave, 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 Walker (Minister for Administrative Services), the Bill was read a third time.

**56 MESSAGE FROM THE SENATE—ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 1995**

The following message from the Senate was reported:

Message No. 619

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Commonwealth Electoral Act 1918’ and the ‘Referendum (Machinery Provisions) Act 1984’, 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, 1 December 1995

Ordered—That the amendments be considered forthwith.

## SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Schedule 1, page 7, after item 28 insert the following item:

**“28A. Subsection 186(1):**

Omit the subsection, substitute:

‘(1) As soon as a DRO for a Division receives ballot-papers for a Senate election or a House of Representatives election, or both, as the case may be, the DRO must send postal voting papers to each registered general postal voter for the Division.’.’.

No. 2—Schedule 1, page 8, after item 34 insert the following items:

**“34A. After section 288:**

Insert:

**Principal agents**

‘288A.(1) For the purposes of Division 3, the political party registered as *Australian Democrats* may appoint a principal agent.

‘(2) A principal agent is to be appointed by the registered officer of the registered political party. Written notification of this appointment is to be given to the Electoral Commission.

‘(3) Where a principal agent is appointed under this section, he or she is:

- (a) to receive any amount payable under section 299; and
- (b) to report expenditure of funds received under section 299 as if the expenditure were electoral expenditure under section 309.

‘(4) Subject to subsection (5), a principal agent is not to be taken to be an agent for the purposes of this Act.

‘(5) A principal agent is to be taken to be an agent for the purposes of Division 2 other than sections 288, 289 and 292B.’.

**34B. Subsection 299(1):**

After ‘stood for election’, add ‘or, where section 288A applies, to the principal agent of the party’.

**34C. Paragraph 299(4)(a):**

After ‘stood for election’, insert ‘or where section 288A applies, to the principal agent of the party’.

**34D. Subsection 299(5A):**

Omit ‘registered political party’ (wherever occurring), substitute ‘party’.

**34E. Subsection 299(5A):**

Add at the end the following sentence:

‘In this subsection, *party* means a registered political party or a State branch of a registered political party.’.

**34F. Subsection 299(5B):**

Omit ‘registered officer’ (wherever occurring), substitute ‘agent’.

**34G. Paragraph 299(5B)(a):**

Omit ‘registered political parties’, substitute ‘parties’.

**34H. Paragraph 299(5B)(b):**

Omit ‘political parties’, substitute ‘parties’.’.

On the motion of Mr Walker (Minister for Administrative Services), the amendments were agreed to, after debate.

**57 MESSAGE FROM THE SENATE**

Message No. 618, dated 1 December 1995, from the Senate was reported returning the Higher Education Funding Amendment Bill (No. 2) 1995 and acquainting the House that the Senate does not insist upon its amendment No. 3 to which the House insisted upon disagreeing.

**58 DEVELOPMENT OF CONSOLIDATED OFFICE FOR THE DEPARTMENT OF THE ENVIRONMENT, SPORT AND TERRITORIES, ACT—APPROVAL OF WORK**

Mr Walker (Minister for Administrative Services), by leave, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Development of a consolidated office for the Department of the Environment, Sport and Territories in the ACT, following consideration of alternative sites as recommended by the Parliamentary Standing Committee on Public Works.

Question—put and passed.

**59 REDEVELOPMENT OF HINKLER BUILDING SITE, BARTON, ACT—APPROVAL OF WORK**

Mr Walker (Minister for Administrative Services), by leave, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Redevelopment of Hinkler building site, Barton, ACT.

Question—put and passed.

**60 DEVELOPMENT OF CONSOLIDATED OFFICE FOR THE DEPARTMENT OF INDUSTRIAL RELATIONS, ACT—APPROVAL OF WORK**

Mr Walker (Minister for Administrative Services), by leave, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Development of a consolidated office for the Department of Industrial Relations, ACT, following consideration of alternative sites as recommended by the Parliamentary Standing Committee on Public Works.

Question—put and passed.

**61 ADJOURNMENT**

Mr Walker (Minister for Administrative Services) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 9.08 p.m., adjourned until Tuesday, 13 February 1996, at 12.30 p.m., in accordance with the resolution agreed to at this sitting.

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**PAPERS**

The following papers were deemed to have been presented on 30 November 1995:

Export Market Development Grants Act—Principles No. EMDG DMP 1995/1.

Health Insurance Act—Determination 1995 No. 6.

Housing Assistance Act—Determination 1995 No. HAA 4/95.

Industry Research and Development Act—Finance scheme guidelines 1995 No. 2.

Radiocommunications (Transmitter Licence Tax) Act—Determination 1995 No. 2 (Amendment No. 6).

Radiocommunications Act and Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Definitions) Determination No. 2 of 1993 (Amendment No. 3).

*Telecommunications Act 1991*—Telecommunications (Charging and Billing Accuracy Standard) Direction 1995 No. 1.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Downer, Mr Georgiou, Mr Jull\*, Mr Lavarch, Mr McArthur and Mr McLachlan.

\*On leave

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**L. M. BARLIN**

Clerk of the House of Representatives



1993-94-95

**HOUSE OF REPRESENTATIVES**

**SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 184

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**MAIN COMMITTEE**

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**MINUTES OF PROCEEDINGS**

**THURSDAY, 30 NOVEMBER 1995**

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1 The Main Committee met at 10 a.m.

**2 POSTPONEMENT OF ORDER OF THE DAY**

Ordered—That order of the day No. 1, committee and delegation reports, be postponed until a later hour this day.

**3 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT ON AUSTRALIA'S RELATIONS WITH THAILAND—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Price—That the House take note of the paper (*presented on 20 November 1995*), viz.:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Australia's relations with Thailand—Report, October 1995—

Debate resumed.

Debate adjourned (Mr Elliott—Parliamentary Secretary to the Treasurer), and the resumption of the debate made an order of the day for the next sitting.

**4 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT ON LACK OF PROGRESS TOWARDS DEMOCRACY IN MYANMAR—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Price—That the House take note of the paper (*presented on 26 October 1995*), viz.:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Human rights and progress towards democracy in Burma (Myanmar)—Report, October 1995—

Debate resumed.

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

**5 CERTAIN FAMILY LAW ISSUES—JOINT SELECT COMMITTEE—REPORT ON ADMINISTRATION AND FUNDING OF THE FAMILY COURT OF AUSTRALIA—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr M. J. Evans—That the House take note of the paper (*presented on 28 November 1995*), viz.:

Certain Family Law Issues—Joint Select Committee—Funding and administration of the Family Court of Australia—Report, November 1995—

Debate resumed.

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

**6 MINISTER FOR DEVELOPMENT CO-OPERATION AND PACIFIC ISLAND AFFAIRS—REPORT—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the paper (*presented on 29 November 1995*), viz.:

Minister for Development Cooperation and Pacific Island Affairs—Report on 35th Conference of the South Pacific Commission in Noumea, 25 to 27 October 1995, and visit to Fiji, 28 to 31 October 1995—

Debate resumed.

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

**7 AUSTRALIA'S DEVELOPMENT COOPERATION PROGRAM—PAPER—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the paper (*presented on 29 November 1995*), viz.:

Australia's Development Cooperation Program—Global change and Australia's overseas aid program—Ministerial policy paper and 6th annual report, November 1995—

Debate resumed.

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

**8 APEC—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

The order of the day having been read for the resumption of the debate on the motion of Mr Beddall (Minister for Resources)—That the House take note of the paper (*presented on 22 November 1995*), viz.:

APEC—Ministerial statement, 22 November 1995—

Debate resumed.

*Suspension of sitting:* At 1.25 p.m., a division having been called in the House, the proceedings were suspended.

*Resumption of sitting:* At 1.38 p.m., the proceedings were resumed.

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Debate continued.

Debate adjourned (Mrs Crosio—Parliamentary Secretary to the Minister for Social Security), and the resumption of the debate made an order of the day for the next sitting.

## 9 ADJOURNMENT

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the Main Committee adjourned at 2.16 p.m.

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**I. C. HARRIS**  
Clerk of the Main Committee

## APPENDIX 1

## Messages from His Excellency the Governor-General

### ASSENT TO BILLS

The following Messages from His Excellency the Governor-General intimating that His Excellency the Governor-General in the name of Her Majesty had assented to the following Bills, were received after the adjournment of the House on 1 December 1995:

1 December 1995—No. 342—Higher Education Funding Amendment (No. 1) 1995.

5 December 1995—

No. 343—

ANL Sale 1995.

Indigenous Education (Supplementary Assistance) Amendment 1995.

No. 344—Prime Minister and Cabinet (Miscellaneous Provisions) 1995.

8 December 1995—No. 345—Broadcasting Services Amendment 1995.

12 December 1995—

No. 346—

Customs Tariff Legislation Amendment 1995.

Social Security Legislation Amendment (Carer Pension and Other Measures) 1995.

Superannuation Industry (Supervision) Legislation Amendment 1995.

Taxation Laws Amendment (FBT Cost of Compliance) 1995.

Veterans' Affairs Legislation Amendment (1995-96 Budget Measures)(No. 2) 1995.

No. 347—

Family Law Reform (Consequential Amendments) 1995.

Telecommunications (Interception) Amendment 1995.

16 December 1995—

No. 348—

Transport Legislation Amendment (No. 3) 1995.

Law and Justice Legislation Amendment (No. 1) 1995.

Employment, Education and Training Amendment 1995.

No. 349—

Appropriation (No. 3) 1995-96.

Appropriation (No. 4) 1995-96.

Appropriation (Parliamentary Departments)(No. 2) 1995-96.

Bounty Legislation Amendment 1995.

Commonwealth Bank Sale 1995.

Excise Tariff Amendment (No. 2) 1995.

Higher Education Funding Amendment (No. 2) 1995.

Human Services and Health Legislation Amendment (No. 2) 1995

Sex Discrimination Amendment 1995.

No. 350—

Customs Tariff 1995.

Employment Services Amendment 1995.

Human Services and Health Legislation Amendment (No. 3) 1995.

Industry Commission Amendment 1995.

International Shipping (Australian-resident Seafarers) Grants 1995.

National Food Authority Amendment 1995.

Public Service Legislation Amendment 1995.

States Grants (Primary and Secondary Education Assistance) Amendment (No. 2) 1995.

Student and Youth Assistance Amendment (Youth Training Allowance)(No. 2) 1995.

Student and Youth Assistance Amendment (Youth Training Allowance)(No. 3) 1995.

No. 351—

Electoral and Referendum Amendment 1995.

Family Law Reform 1995.

Industrial Relations and other Legislation Amendment 1995.

No. 352—

Taxation Laws Amendment (No. 2) 1995.

Taxation Laws Amendment (No. 3) 1995.

Taxation Laws Amendment (No. 4) 1995.

Income Tax (Franking Deficit) Amendment 1995.

Income Tax (Deficit Deferral) Amendment 1995.

9 January 1996—No. 353—Social Security and Veterans' Affairs Legislation Amendment 1995.