

1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 55

TUESDAY, 3 DECEMBER 1996

1 The House met, at 2 p.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

**2 MINISTERIAL ARRANGEMENTS**

Mr Howard (Prime Minister) informed the House that, during the absence of Mr Fischer (Minister for Trade), Mr Downer (Minister for Foreign Affairs) would answer questions on his behalf.

**3 QUESTIONS**

Questions without notice were asked.

**4 HANSARD RECORD OF INTERJECTIONS—STATEMENT BY SPEAKER**

The Speaker made a statement concerning the Hansard record of interjections made by Mr Latham during a debate on 5 November 1996.

**5 APEC LEADERS' MEETING—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Mr Howard (Prime Minister), by leave, made a ministerial statement on the APEC leaders' meeting in the Philippines, 22 to 26 November 1996, and presented the following paper:

APEC leaders' meeting—Ministerial statement, 3 December 1996.

Mr Beazley (Leader of the Opposition), by leave, also made a statement with reference to the matter.

Mr W. L. Smith (Minister for Sport, Territories and Local Government) moved—That the House take note of the paper.

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

**6 PAPERS**

The following papers were presented:

Australia and the Asian Development Bank—Report by Hon. Peter Costello, MP, Treasurer, for 1995-96.

Australian National University Act—Council of the Australian National University—

Report for 1995.

Research report for 1995.

Australian Securities Commission Act—

Australian Accounting Standards Board—Report for 1995-96.

Corporations and Securities Panel—Report for 1995-96.

Department of Social Security—Compliance activity report for period 1 July to 30 September 1996.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—ADI Limited—Report for 1995-96.

Federal Airports Corporation Act—Federal Airports Corporation—Report for 1995-96.

Federal Court of Australia Act—Federal Court of Australia—Report for 1995-96.

National Health Act—Private Health Insurance Administration Council—Report on the operations of the registered health benefits organisations for 1995-96.

National Road Safety Strategy Implementation Taskforce—

Australia's rural road safety action plan 1996.

National road safety action plan 1996.

Parliamentary Counsel Act—Office of Parliamentary Counsel—Report for 1995-96.

Provision for running costs borrowings—

Statements for July to September 1996.

Supporting applications of issues from the provisions during July to September 1996.

## **7 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the following Bill without amendment:

3 December 1996—Message No. 111—Higher Education Funding Amendment (No. 1) 1996.

## **8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—AUSTRALIAN INDUSTRY**

The House was informed that Mr Crean had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to develop a vision or policy for Australian industry, thereby jeopardising job opportunities, higher growth and improved net exports".

The proposed discussion having received the necessary support—  
 Mr Crean addressed the House.  
 Discussion ensued.  
 Discussion concluded.

**9 MESSAGE FROM THE SENATE—VOCATIONAL EDUCATION AND TRAINING FUNDING AMENDMENT BILL 1996**

The following message from the Senate was reported:

Message No. 109

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Vocational Education and Training Funding Act 1992*, 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.

MARGARET REID

President

The Senate

2 December 1996

Ordered—That the amendments be considered forthwith.

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

- (1) Clause 1, page 1 (line 7), after “*Funding*”, insert “*Laws*”.
- (2) Page 3 (after line 11), at the end of the bill, add:

**Schedule 2—Amendment of the Australian National Training Authority Act 1992**

**1 Paragraph 24(1)(c)**

Repeal the paragraph, substitute:

- (c) 5 other members.

**2 Subsection 24(2)**

Omit “2 vacancies”, substitute “3 vacancies”.

**3 Subsections 36(3) and (5)**

Omit “3 members”, substitute “4 members”.

**4 Section 38**

Omit “3 members”, substitute “4 members”.

- (3) Title, page 1 (lines 1 and 2), omit “**the *Vocational Education Training Funding Act 1992***”, substitute “**certain laws relating to vocational education and training**”.

On the motion of Dr Kemp (Minister representing the Minister for Employment, Education, Training and Youth Affairs), the amendments were agreed to, after debate.

#### 10 MIGRATION LEGISLATION AMENDMENT BILL (NO. 3) 1996

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

#### 11 ORDERS OF THE COURT OF DISPUTED RETURNS

The Clerk presented a letter from the Chief Executive and Principal Registrar of the High Court together with a copy, in accordance with section 369 of the *Commonwealth Electoral Act 1918*, of the following order made by the High Court of Australia sitting as the Court of Disputed Returns:

Warren Snowdon v. Nicholas Manuel Dondas and Electoral Commission—Order, dated 3 December 1996—Petition No. S95 of 1996 dismissed. Petitioner to pay the respondents' costs of the petition.

#### 12 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ROUTINE OF BUSINESS FOR 9 DECEMBER 1996

Mr Reith (Leader of the House), pursuant to notice, moved—That so much of the standing and sessional orders be suspended as would prevent the routine of business for Monday, 9 December 1996, being as follows, unless otherwise ordered:

1. Notices and orders of the day, government business.
2. Questions without notice (at 2 p.m.).
3. Notices and orders of the day, government business.

Mr Crean moved, as an amendment—That the following words be inserted after “suspended”: “, subject to provision being made for questions without notice to occur also at 2 p.m. on Friday, 13 December 1996, notwithstanding that questions without notice may have concluded earlier before any suspension of the sitting.”

Mr McLeay (seconder) addressing the House—

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

Question—put and passed.

Question—That the amendment be agreed to—put.

The House divided (the Deputy Speaker, Mrs Sullivan, in the Chair)—

## AYES, 44

Mr Adams	Mr M. J. Evans	Mr Jones	Mr P. F. Morris
Mr Albanese	Mr L. D. T. Ferguson	Mr Kerr	Mr Mossfield
Mr P. J. Baldwin	Mr M. J. Ferguson	Dr Lawrence	Mr O'Connor
Mr Beddall	Mr Filing	Mr Lee	Mr Price
Mr Bevis	Mr Fitzgibbon	Mr McClelland	Mr Quick
Mr Brereton	Mr E. L. Grace*	Ms Macklin	Mr Rocher
Mr Brown	Mr Griffin	Mr McLeay	Mr Sawford*
Mr Campbell	Ms Hanson	Mr McMullan	Mr Sercombe
Mr Crean	Mr Hatton	Mr Martin	Dr Theophanous
Ms Crosio	Mr Hollis	Mr Melham	Mr K. J. Thomson
Ms Ellis	Mr Jenkins	Mr A. A. Morris	Mr Wilton

## NOES, 82

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Scott
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr K. J. Andrews	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mr Anthony	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mrs Bailey	Mrs Gallus	Mr McGauran	Dr Southcott
Mr R. C. Baldwin	Ms Gambaro	Mr McLachlan	Mrs Stone
Mr Barresi	Mrs Gash	Mr Marek	Mr Taylor
Mr Bartlett	Mr Georgiou	Mr Miles	Mr A. P. Thomson
Mr Billson	Mrs E. J. Grace	Mrs Moylan	Mr Truss
Mrs Bishop	Mr Hardgrave	Mr Mutch	Mr Tuckey
Mr Bradford	Mr Hawker	Mr Nairn	Mr M. A. J. Vaile
Mr Brough	Mr Hicks*	Mr Nehl	Ms D. S. Vale
Mr Cadman	Mr Hockey	Dr Nelson	Mr Wakelin
Mr E. H. Cameron	Ms Jeanes	Mr Neville	Mrs West
Mr R. A. Cameron	Mrs Johnston	Mr Nugent	Mr Williams
Mr Causley	Mr Jull	Mr Prosser	Dr Wooldridge
Mr Cobb	Mr Katter	Mr Pyne	Ms Worth
Mr Dondas	Mrs D. M. Kelly	Mr Randall	Mr Zammit
Mr Downer	Miss J. M. Kelly	Mr Reith	
Mrs Draper	Dr Kemp	Mr Ruddock	

\* Tellers

And so it was negatived.

Question—That the motion be agreed to—put and passed.

### 13 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORKS—EXTENSION TO MAIN RUNWAY AT ADELAIDE INTERNATIONAL AIRPORT

Mr Jull (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed works be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Extension to the main runway at Adelaide International Airport.

Question—put and passed.

**14 CSIRO RESEARCH INTERACTION CENTRE AND BIOMOLECULAR RESEARCH FACILITIES, BLACK MOUNTAIN, ACT—APPROVAL OF WORK**

Mr Jull (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: CSIRO Research Interaction Centre and Biomolecular Research Facilities, Black Mountain, ACT.

Question—put and passed.

**15 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT (NEWLY ARRIVED RESIDENT'S WAITING PERIODS AND OTHER MEASURES) BILL 1996**

The following message from the Senate was reported:

Message No. 110

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Social Security Act 1991*, the *Student and Youth Assistance Act 1973*, the *Data-matching Program (Assistance and Tax) Act 1990*, the *Social Security and Veterans' Affairs Legislation Amendment Act 1995* and the *Health Insurance Act 1973*, and for related purposes**, and acquaints the House that the Senate has agreed to the bill as amended by the House at the request of the Senate, with the amendments indicated by the annexed schedule.

The Senate requests the concurrence of the House in the amendments made by the Senate.

MARGARET REID

President

The Senate

3 December 1996

Ordered—That the amendments be considered forthwith.

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

- (1) Clause 2, page 2 (lines 4 to 7), omit subclause (2).
- (2) Clause 2, page 2 (line 8), omit “commences, or is taken to have commenced,”, substitute “is taken to have commenced”.
- (3) Clause 2, page 2 (line 10), omit “commences”, substitute “is taken to have commenced”.
- (4) Page 2 (after line 16), after clause 2, insert:

**2A Application**

- (1) To avoid doubt, any provision in this Act imposing a waiting period does not apply to:

- (a) a person who arrives in Australia under the refugee and humanitarian programs; or
- (b) a person who is a family member of a refugee or humanitarian migrant; or
- (c) a person who was a family member of a former refugee or humanitarian migrant at the time the former refugee or humanitarian migrant arrived in Australia; or
- (d) a person who is an Australian citizen; or
- (e) a person who is a family member of an Australian citizen; or
- (f) a person who has lawfully been a permanent resident of Australia at any time for a continuous period of not less than two years; or
- (g) a person who is a family member of a person who has lawfully been a permanent resident of Australia at any time for a continuous period of not less than two years.

(2) For the purposes of subsection (1), *family member* has the same meaning as in subsection 7(6D) of the *Social Security Act 1991*.

(5) Page 2 (after line 16), after clause 2, insert:

**2B Effect of the *Racial Discrimination Act 1975***

- (1) Without limiting the general operation of the *Racial Discrimination Act 1975* in relation to the provisions of the *Social Security Act 1991*, the provisions of the *Racial Discrimination Act 1975* are intended to prevail over the provisions of this Act.
- (2) The provisions of this Act do not authorise conduct that is inconsistent with the provisions of the *Racial Discrimination Act 1975*.

(6) Clause 3, page 2 (line 18), omit “2(2), (3)”, substitute “2(3)”.

(7) Schedule 1, page 3 (after line 9), before item 1, insert:

**1A After subsection 7(4A)**

Insert:

- (4B) For the purposes of a newly arrived resident’s waiting period, the day on which a permanent visa is granted to a person or a person becomes the holder of a permanent visa is:
  - (a) if an initial decision maker decides to grant a visa to the person—that day; or
  - (b) if:
    - (i) an initial decision maker decides not to grant a visa to the person; and
    - (ii) on a review of the decision referred to in subparagraph (i), that decision is set aside (however described) and a visa is granted to the person;

the day on which the initial decision maker decided not to grant the visa to the person.

- (8) Schedule 1, item 6, page 4 (after line 16), after subsection (6D), insert:
- (6E) The Minister may, by determination in writing:
- (a) set guidelines for the exercise of the Secretary's power under paragraph (6D)(c); and
  - (b) may revoke or vary those guidelines.
- (6F) A determination made under subsection (6E) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (9) Schedule 1, item 7, page 4 (lines 27 and 28), omit paragraph (d).
- (10) Schedule 1, item 7, page 4 (line 20) to page 5 (line 23), omit paragraphs (a), (b), (c), (h), (i), (j), (l), (m), (n), (o) and (p) of the definition of *newly arrived resident's waiting period*.
- (11) Schedule 1, item 8, page 5 (lines 24 to 28), omit the item.
- (12) Schedule 1, item 9, page 5 (line 29) to page 6 (line 4), omit the item.
- (13) Schedule 1, item 10, page 6 (lines 5 to 9), omit the item.
- (14) Schedule 1, item 11, page 6 (lines 10 to 18), omit the item.
- (15) Schedule 1, item 12, page 6 (lines 19 to 31), omit the item.
- (16) Schedule 1, Division 2, page 7 (lines 1 to 28), omit the Division.
- (17) Schedule 1, Division 3, page 8 (lines 1 to 17), omit the Division.
- (18) Schedule 1, Division 4, page 8 (line 18) to page 9 (line 31), omit the Division.
- (19) Schedule 1, Division 5, page 10 (line 1) to page 11 (line 10), omit the Division.
- (20) Schedule 1, item 26, page 11 (lines 12 and 13), omit the item.
- (21) Schedule 1, item 29, page 11 (line 23) to page 12 (line 21), omit the item, substitute:

### **29 Subsection 623B(3)**

Repeal the subsection, substitute:

- (3) If subsection (2) does not apply, the newly arrived resident's waiting period ends:
- (a) if a person:
    - (i) entered Australia; and
    - (ii) was granted a permanent visa;
 before the day on which this subsection commences—26 weeks after whichever of the events referred to in subparagraphs (i) and (ii) happened last; or
  - (b) if a person:



- (i) entered Australia; and
  - (ii) was granted a permanent visa;
- on or after the day on which this subsection commences—  
104 weeks after whichever of the events referred to in  
subparagraphs (i) and (ii) happened last; or
- (c) if a person:
    - (i) entered Australia before the day on which this  
subsection commences; and
    - (ii) was granted a permanent visa on or after the day on  
which this subsection commences;104 weeks after the day on which the person was granted the  
permanent visa; or
  - (d) if a person:
    - (i) was granted a permanent visa before the day on which  
this subsection commences; and
    - (ii) entered Australia on or after the day on which this  
subsection commences;104 weeks after the day on which the person entered  
Australia.
- (22) Schedule 1, Division 7, page 12 (line 22) to page 15 (line 10), omit the  
Division.
- (23) Schedule 1, item 32, page 15 (lines 12 and 13), omit the item.
- (24) Schedule 1, item 35, page 15 (line 24) to page 16 (line 21), omit the item,  
substitute:

**35 Subsection 696C(3)**

Repeal the subsection, substitute:

- (3) If subsection (2) does not apply, the newly arrived resident's  
waiting period ends:
  - (a) if a person:
    - (i) entered Australia; and
    - (ii) was granted a permanent visa;before the day on which this subsection commences—26  
weeks after whichever of the events referred to in  
subparagraphs (i) and (ii) happened last; or
  - (b) if a person:
    - (i) entered Australia; and
    - (ii) was granted a permanent visa;on or after the day on which this subsection commences—  
104 weeks after whichever of the events referred to in  
subparagraphs (i) and (ii) happened last; or

- (c) if a person:
  - (i) entered Australia before the day on which this subsection commences; and
  - (ii) was granted a permanent visa on or after the day on which this subsection commences;  
104 weeks after the day on which the person was granted the permanent visa; or
- (d) if a person:
  - (i) was granted a permanent visa before the day on which this subsection commences; and
  - (ii) entered Australia on or after the day on which this subsection commences;  
104 weeks after the day on which the person entered Australia.
- (25) Schedule 1, Division 9, page 16 (line 22) to page 19 (line 6), omit the Division.
- (26) Schedule 1, Division 10, page 19 (line 7) to page 21 (line 30), omit the Division.
- (27) Schedule 1, Division 11, page 21 (line 31) to page 22 (line 16), omit the Division.
- (28) Schedule 1, Division 12, page 22 (line 17) to page 23 (line 26), omit the Division.
- (29) Schedule 1, Division 13, page 23 (line 27) to page 24 (line 31), omit the Division.
- (30) Schedule 1, Division 14, page 25 (lines 1 to 21), omit the Division.
- (31) Schedule 1, Division 15, page 25 (line 22) to page 26 (line 25), omit the Division.
- (32) Schedule 1, Division 16, page 26 (line 26) to page 27 (line 27), omit the Division.
- (33) Schedule 1, Division 17, page 28 (line 1) to page 30 (line 24), omit the Division.
- (34) Schedule 1, item 62, page 31 (lines 4 and 5), omit the item.
- (35) Schedule 1, item 65, page 31 (line 17) to page 32 (line 14), omit the item, substitute:

### **65 Subsection 102(3)**

Repeal the subsection, substitute:

- (3) If subsection (2) does not apply, the newly arrived resident's waiting period ends:
  - (a) if a person:
    - (i) entered Australia; and

- (ii) was granted a permanent visa;  
before the day on which this subsection commences—26  
weeks after whichever of the events referred to in  
subparagraphs (i) and (ii) happened last; or
- (b) if a person:
  - (i) entered Australia; and
  - (ii) was granted a permanent visa;  
on or after the day on which this subsection commences—  
104 weeks after whichever of the events referred to in  
subparagraphs (i) and (ii) happened last; or
- (c) if a person:
  - (i) entered Australia before the day on which this  
subsection commences; and
  - (ii) was granted a permanent visa on or after the day on  
which this subsection commences;  
104 weeks after the day on which the person was granted the  
permanent visa; or
- (d) if a person:
  - (i) was granted a permanent visa before the day on which  
this subsection commences; and
  - (ii) entered Australia on or after the day on which this  
subsection commences;  
104 weeks after the day on which the person entered  
Australia.

(36) Schedule 1, Part 3, page 33 (line 2) to page 34 (line 20), omit the Part.

On the motion of Mr Ruddock (Minister representing the Minister for Social Security), amendments (1) to (9), (19), (29) and (30) were agreed to, after debate.

Mr Ruddock moved—That amendments (16) to (18), (22), (25) to (28), (31) to (33) and (36) be disagreed to.

Debate ensued.

Ms Ellis addressing the House—

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*Adjournment negatived:* It being 10.30 p.m.—The question was proposed—  
That the House do now adjourn.

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

Question—put and negatived.

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Debate continued.

Question—put and passed.

On the motion of Mr Ruddock, amendments (20), (23) and (34) were disagreed to, after debate.

On the motion of Mr Ruddock, amendments (21), (24) and (35) were disagreed to, after debate.

On the motion of Mr Ruddock, amendments (10) to (15) were disagreed to, after debate.

Mr Ruddock moved—That Mr Hockey, Mr Brough and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments (10) to (18), (20) to (28) and (31) to (36) of the Senate.

Question—put and passed.

Mr Ruddock, 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 (10) to (18), (20) to (28) and (31) to (36) of the Senate*

*Senate amendments (10), (11), (12), (13), (14) and (15)*

These amendments are consequential upon other amendments proposed by the Senate to ensure that no newly arrived resident's waiting periods will be introduced for carer pension, widow allowance, disability wage supplement, mature age allowance, special benefit, partner allowance, maternity allowance, child disability allowance, double orphan pension, mobility allowance, seniors health card and family payment above the minimum rate.

Subject to accepting the recommendations made by both the majority and minority reports of the Senate Legal and Constitutional Affairs Committee in its consideration of the Social Security Legislation Amendment (Newly Arrived Resident's Waiting Periods and Other Measures) Bill 1996 that newly arrived resident's waiting periods should not apply for child disability allowance or double orphan pension, the House of Representatives remains of the view that newly arrived resident's waiting periods should be imposed for the other payments. Accordingly, the House of Representatives opposes the consequential amendments proposed by amendments (10), (11), (12), (13), (14) and (15).

*Senate amendments (16), (17), (18), (22), (25), (26), (27), (28), (31), (32), (33) and (36)*

The House of Representatives considers that these amendments—to not introduce newly arrived resident's waiting periods for carer pension, widow allowance, disability wage supplement, mature age allowance, special benefit, partner allowance, maternity allowance, parenting allowance, mobility allowance, seniors health card, more than the minimum rate of family payment and health care cards—should not proceed as they would counteract the electoral mandate given to the Government at the 1996 election to introduce its election commitment relating to imposing a two year newly arrived resident's waiting period on most welfare benefits. The House of Representatives notes

that access of newly arrived migrants to Australian social security payments compares favourably with other western nations.

With respect to carer pension, it is noted that the Government had intended moving amendments in the Senate to take account of recommendation 3 of the majority report of the Senate Legal and Constitutional Affairs Committee that special needs relatives be exempt from the carer pension newly arrived resident's waiting period, as well as exempting refugees, former refugees or a family member of the refugee or former refugee from that waiting period. The House of Representatives is of the view that those amendments should have prevailed.

The amendment proposed by the Senate in relation to widow allowance (Senate amendment (17)) would result in a disparity in access between widow allowance and newstart allowance despite the eligibility criteria for widow allowance having always essentially been aligned with those applying for newstart allowance. Previously, widow allowance has been subject to a 26 week residence requirement, akin to the 26 week newly arrived resident's waiting period for newstart allowance.

The House of Representatives considers that the introduction of a newly arrived resident's waiting period for disability wage supplement addresses concerns that in deciding to come to Australia, migrants should be aware of the need to provide adequately for themselves after they arrive in Australia so as not to make undue calls on the Australian taxpayer. The House of Representatives notes, however, that there has been a recognition, as reflected in the legislation, that circumstances sometimes change after a person arrives in Australia and that as a result, the newly arrived resident's waiting period will not apply to a person who first suffered a continuing inability to work in Australia because of an impairment or who becomes permanently blind while in Australia. Therefore, the House of Representatives does not consider that the Senate amendment relating to disability wage supplement (Senate amendment (18)) is warranted.

The House of Representatives believes that any failure to introduce a newly arrived resident's waiting period for special benefit will operate to effectively undermine the newly arrived resident's waiting periods that operate for other income support payments, such as newstart allowance. The Senate amendments relating to special benefit would allow many unemployed people to avoid the two year waiting period provisions, and therefore the House of Representatives does not consider that the Senate amendment relating to special benefit is warranted. Although the Government had proposed that a newly arrived resident's waiting period should apply for special benefit, the House of Representatives notes that the Government had and continues to recognise the importance of ensuring that there is an adequate safety net to take care of those persons who suffer substantial changes in their circumstances beyond their control.

To that end, the Bill as introduced and passed by the House of Representatives had provided that such persons would be exempt from the operation of a newly arrived resident's waiting period. Further, it is understood that the Government

had indicated to the Senate that it proposed moving a number of concessionary amendments to the special benefit provisions to take on board those recommendations made by the majority report of the Senate Legal and Constitutional Affairs Committee that impacted on special benefit.

With respect to partner allowance, the vast majority of those receiving partner allowance are spouses of recipients of newstart allowance. Prior to July 1995 the unemployed person would have received the partnered rate of unemployment payment and been excluded from this combined payment for 26 weeks. The House of Representatives understands that the amendments proposed by the Government in the Bill as introduced with respect to partner allowance are a further step in a process instigated by the former Government of ensuring that persons qualify for social security payments in their own right. The House of Representatives endorses this position and so opposes Senate amendment (26).

The House of Representatives disagrees with Senate amendment (28) relating to parenting allowance. Parenting allowance is an income support payment and as such, has always been aligned with other income support payments such as newstart allowance. It was introduced in July 1995 by the previous Government to make available a payment to those looking after children, to compensate for the abolition of the partnered rate of social security benefits. It is noted that for that reason, newly arrived resident waiting provisions mirroring those applicable to newstart allowance were inserted into the *Social Security Act 1991* when parenting allowance was introduced by the former Government in July 1995.

The House of Representatives does not agree that there is a need for Senate amendments (32) or (36) on the basis that the operation of a newly arrived resident's waiting period for the seniors health card or health care cards would cause undue hardship. Persons subject to a newly arrived resident's waiting period would still have immediate access to Medicare. These concession cards provide access to Commonwealth and State/Territory concessions which newly arrived migrants should not expect to receive immediately upon entry to Australia.

*Senate amendments (20), (23) and (34)*

The House of Representatives agrees with the position that had previously been adopted by the former Government that people should qualify for social security payments in their own right and notes that the former Government had introduced a number of initiatives to give effect to that policy.

Accordingly, the House of Representatives does not agree with amendments (20), (23) and (34) that would seek for newstart allowance, sickness allowance and youth training allowance, respectively, to maintain the exemption from the operation of a newly arrived resident's waiting period that currently applies to a person who is a member of a couple immediately before entering Australia and whose partner has been an Australian resident for at least 26 weeks.

In any event, the House of Representatives considers that it would be inappropriate, in the light of the newly arrived resident's waiting period being

extended to 104 weeks, to continue to require only that a newly arrived migrant's partner who has been an Australian resident for 26 weeks before the newly arrived migrant could claim an exemption from the operation of a newly arrived resident's waiting period. Such a disparity would not be justifiable on policy grounds, in view of the individual entitlement to social security payments and will result in complexity in administration.

*Senate amendments (21), (24) and (35)*

The House of Representatives notes that these amendments would result in a 104 week newly arrived resident's waiting period for newstart allowance, sickness allowance and youth training allowance only applying to persons who either enter Australia or are granted a permanent visa after Royal Assent has been given to the Social Security Legislation Amendment (Newly Arrived Resident's Waiting Periods and Other Measures) Bill 1996. The 26 week newly arrived resident's waiting period would apply to those persons who had entered Australia and been granted a permanent visa before that day. The House of Representatives further notes that the amendments are being proposed in response to suggestions that the legislation is retrospective.

The House of Representatives does not agree that the legislation is retrospective.

The House of Representatives accepts that there was wide coverage in Australia of the Government's policy announcement relating to newly arrived resident's waiting periods, both during the 1996 election campaign and about the date from which it was proposed that the extended waiting period should apply, that is, 1 April 1996. Further, the House of Representatives understands that information foreshadowing the Government's new policy was provided to the Department of Immigration and Multicultural Affairs by the Department of Social Security. This was distributed to overseas posts on 19 March 1996 to provide to all visa applicants and to successful visa applicants when a visa is issued; to migration applicants who had already received a visa but had not arrived in Australia on 21 March 1996; and on 27 March 1996 to all assurers of support of applicants who had not yet arrived in Australia. Since 1 April 1996, this information has been provided to all on-shore migration applicants and any nominators or assurers.

The majority report of the Senate Legal and Constitutional Affairs Committee did not consider that the legislation was retrospective. The majority report noted:

"The Committee notes concerns about the retrospective provisions in the Bill and evidence that these may result in hardship for some newly arrived residents. In the Committee's view these provisions were clearly enunciated during the election campaign and information on proposed changes to the policy have been widely circulated by the Department of Immigration and Multicultural Affairs. The Committee notes that the provisions in the Bill relating to special benefits are prospective. Therefore new residents who arrive after 1 April 1996 and before the Royal Assent of the Bill will be eligible for special benefits under

current arrangements. In the Committee's view, these provisions provide an appropriate transition and will allay concerns about this aspect of the Bill."

The House of Representatives also notes that the Senate Standing Committee for the Scrutiny of Bills made no adverse finding on any retrospective aspect of the provisions relating to newly arrived resident's waiting periods.

Mr Ruddock moved—That the committee's reasons be adopted.

Debate ensued.

The House continuing to sit until after midnight—

**WEDNESDAY, 4 DECEMBER 1996**

Debate continued.

Question—put and passed.

## 16 ADJOURNMENT

Mr Ruddock (Minister for Immigration and Multicultural Affairs) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 12.01 a.m., adjourned until this day at 9.30 a.m.

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## PAPERS

The following papers were deemed to have been presented on 3 December 1996:

Australian National Railways Commission Act—Direction under section 19, 20 November 1996.

Remuneration Tribunal Act—Remuneration Tribunal—Determination 1996 No. 16.

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## ATTENDANCE

All Members attended (at some time during the sitting) except Mr Fischer, Mr Holding, Mr Reid\* and Mr Willis\*.

\* On leave

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**L. M. BARLIN**

Clerk of the House of Representatives