1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 79

THURSDAY, 20 MARCH 1997

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

2 EDUCATION LEGISLATION AMENDMENT BILL 1997

Mr Abbott (Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs), pursuant to notice, presented a Bill for an Act to effect the transfer of responsibility for the University of Canberra from the Commonwealth to the Australian Capital Territory, to amend the *Maritime College Act 1978*, and for related purposes.

Bill read a first time.

Mr Abbott moved-That the Bill be now read a second time.

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

Debate adjourned (Mr L. D. T. Ferguson), and the resumption of the debate made an order of the day for the next sitting.

3 PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS

Mr Somlyay (Chairman) presented the following paper:

Public Accounts-Joint Committee-Report 351-Advisory report on the Charter of Budget Honesty Bill 1996, March 1997.

Ordered to be printed.

Mr Somlyay, Mr Griffin and Mr M. A. J. Vaile, by leave, made statements in connection with the report.

4 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos. 1 to 7, government business, be postponed until a later hour this day.

5 AIDC SALE BILL 1997

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 by Mr Crean who moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "whilst not declining to give the Bill a second reading, and recognising that there were difficulties associated with the way the AIDC had moved from its original charter, this House:

- (1) reaffirms its commitment to the principles underpinning the AIDC's creation;
- (2) condemns the Government for not putting a structure in place which addresses the failure of Australia's capital markets to provide sufficient long-term, patient funds for industry development; and
- (3) calls on the Government to establish an effective means of supporting patient capital investment and to determine remedial strategies appropriate to today's environment".

Debate continued.

Question---That the words proposed to be omitted stand part of the question---put.

The House divided (the Deputy Speaker, Mr J. N. Andrew, in the Chair)-

AYES, 84

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

NOES, 44

Mr Albanese	Mr M. J. Evans	Dr Lawrence	Mr O'Keefe	
Mr Andren	Mr L. D. T. Ferguson	Mr Lee	Mr Price	
Mr Beddall	Mr M. J. Ferguson	Mr McClelland	Mr Quick	
Mr Bevis	Mr Fitzgibbon	Ms Macklin	Mr Sawford*	
Mr Brereton	Mr E. L. Grace*	Mr McLeay	Mr Sercombe*	
Mr Brown	Mr Griffin	Mr McMullan	Mr S. F. Smith	
Mr Crean	Mr Hatton	Mr Martin	Mr Tanner	
Mrs Crosio	Mr Holding	Mr Melham	Dr Theophanous	
Mr Dargavel	Mr Hollis	Mr P. F. Morris	Mr K. J. Thomson	
Ms Ellis	Mr Jenkins	Mr Mossfield	Mr Willis	
Mr G. J. Evans	Mr Latham	Mr O'Connor	Mr Wilton	
* Tellers				

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Message from the Governor-General: Message No. 114, dated 26 February 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Schedule 1---

Items 1 to 38, by leave, taken together, and agreed to.

Item 39-

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

Page 15 (after line 10), after the heading of Division 3, insert:

33HA Minister for Finance to direct AIDC Ltd to transfer asset

- (1) The Minister for Finance shall, by written notice given to AIDC Ltd, direct that body to transfer all of its holding in the Australian Submarine Corporation to the Corporation.
- (2) The direction may impose on AIDC Ltd requirements that are ancillary or incident to the transfer, including (but not limited to) any of the following requirements:
 - (a) a requirement that the transfer must be completed no later than 30 June 1997;
 - (b) a requirement that the transfer must be undertaken in a specified manner;
- (3) AIDC Ltd must comply with the direction.
- (4) To avoid doubt, nothing in this Act or in any other Act authorises the Minister to transfer from the Corporation its holding in the Australian Submarine Corporation.

Page 15 (line 13), omit "The Minister for Finance", substitute "Subject to section 33HA, the Minister for Finance".

Page 16 (line 4), omit "The Minister for Finance", substitute "Subject to section 33HA, the Minister for Finance".

Debate continued.

Amendments negatived.

Item agreed to.

Items 40 to 51, by leave, taken together, and agreed to.

Schedule 2 agreed to.

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

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Fahey (Minister for Finance), by leave, the Bill was read a third time.

6 SUSPENSION OF STANDING AND SESSIONAL ORDERS—GRIEVANCE DEBATE AND MEMBERS' STATEMENTS

Mr Reith (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent grievance debate being called on forthwith and continuing until 1.45 p.m. and at the conclusion of grievance debate, statements by Members being called on and continuing until 2 p.m.

Question-put and passed.

7 GRIEVANCE DEBATE

Pursuant to the resolution agreed to this day, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Paper: Mr Mossfield, by leave, presented the following paper:

Hostel and care program—Needs of older people with disabilities and older carers in Blacktown—Report, February 1997.

Debate continued.

It being 1.45 p.m., the debate was interrupted in accordance with the resolution agreed to this day.

Question-That grievances be noted-put and passed.

8 MEMBERS' STATEMENTS

Members' statements were made.

9 QUESTIONS

Questions without notice were asked.

10 NATIONAL CRIME AUTHORITY—PARLIAMENTARY JOINT COMMITTEE— REPORT—GOVERNMENT RESPONSE—MOTION TO TAKE NOTE OF PAPER

Mr Reith (Leader of the House), by leave, moved—That the House take note of the following paper:

National Crime Authority—Parliamentary Joint Committee—Report— Organised criminal paedophile activity, November 1995—Government response.

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

11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—UNEMPLOYMENT

The House was informed that Mr M. J. Ferguson had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to make real progress in solving Australia's worst problem: the unacceptably high level of unemployment at 8.8 per cent and its serious impact on metropolitan and regional Australia".

The proposed discussion having received the necessary support-

Mr M. J. Ferguson addressed the House.

Discussion ensued.

Discussion concluded.

12 TRADE PRACTICES AMENDMENT (INDUSTRY ACCESS CODES) BILL 1997-REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had considered the Trade Practices Amendment (Industry Access Codes) Bill 1997 up to and including the second reading of the Bill and the Committee had returned the Bill to the House for further consideration, and presented a certified copy of the Bill.

Ordered—That further proceedings on the Bill be made an order of the day for the next sitting.

13 TAX LAW IMPROVEMENT BILL 1996-REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Tax Law Improvement Bill 1996 had been fully considered by the Main Committee and agreed to with amendments (see item No. 3, Minutes of Proceedings of the Main Committee), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Dr Wooldridge (Minister for Health and Family Services), by leave, the Bill was read a third time.

14 EXCISE TARIFF AMENDMENT BILL (NO. 1) 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Excise Tariff Amendment Bill (No. 1) 1997 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Dr Wooldridge (Minister for Health and Family Services), by leave, the Bill was read a third time.

15 SUPERANNUATION CONTRIBUTIONS SURCHARGE (ASSESSMENT AND COLLECTION) BILL 1997

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—And on the amendment moved thereto by Mr G. J. Evans (Deputy Leader of the Opposition), viz.—That all words after "That" be omitted with a view to substituting the following words: "whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Government for:
 - (a) breaking solemn commitments made before the election not to raise the rate of existing taxes nor introduce new taxes;
 - (b) attempting to deceive the Australian public by not admitting that this measure is a tax;
 - (c) deliberately inflicting on the superannuation industry an impossibly cumbersome, inefficient and expensive collection method;
 - (d) ensuring by that collection method that superannuation providers incur enormous administrative expenses which will in turn be borne by their members, the great majority of whom are low and middle income earners;
 - (e) ensuring by that method, and in particular the requirements for notification of Tax File Numbers, that over one million Australians, the overwhelming majority being low and middle income earners, will become liable for the full 15 per cent tax; and
 - (f) creating major new compliance burdens for small business, at the same time that the Government has been promising to dramatically reduce red tape; and
- (2) urges the Government to withdraw and re-draft this legislative package, and re-introduce a new package that will meet the objective of imposing an additional 15 per cent tax on the superannuation contributions of higher income earners, without the adverse consequences identified here"—

Debate resumed.

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

16 MAIN COMMITTEE-DAY OF NEXT MEETING

The Deputy Speaker reported that Tuesday, 25 March 1997, at 4 p.m., had been fixed for the next meeting of the Main Committee.

17 MESSAGES FROM THE SENATE

Messages from the Senate, dated 20 March 1997, were reported returning the following Bills without amendment:

Message----

No. 174—Corporations Law Amendment 1996.

No. 175-Customs Tariff Amendment (No. 2) 1996 (without requests).

No. 177—Financial Transaction Reports Amendment 1996.

18 MESSAGE FROM THE SENATE-LAW AND JUSTICE LEGISLATION AMENDMENT BILL 1997

The following message from the Senate was reported:

Message No. 176

Mr Speaker

The Senate returns to the House of Representatives the bill for An Act to amend various Acts relating to law and justice, 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

20 March 1997

Ordered—That the amendments be considered at the next sitting.

19 ADJOURNMENT

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

Debate ensued.

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

PAPERS

The following papers were deemed to have been presented on 20 March 1997:

Civil Aviation Act—Civil Aviation Regulations— Exemption 1997 No. CASA 07. Instrument 1997 No. CASA 50. Defence Act— Defence Force Remuneration Tribunal—Determinations 1997 Nos. 3, 4, 5. Determination under section 58B 1997 No. 14.

Parliament Act—Parliamentary Zone—Proposal and site plans for improvements to old Parliament House rear court.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Adams, Mr K. J. Andrews, Mr P. J. Baldwin, Mr Broadbent, Mr Jones, Mr Kerr, Mr Miles, Mr Moore and Mrs Sullivan.

L. M. BARLIN Clerk of the House of Representatives 1996-97

HOUSE OF REPRESENTATIVES

SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 79

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 20 MARCH 1997

1 The Main Committee met at 10 a.m.

Suspension of sitting: At 10 a.m., the Deputy Speaker left the Chair due to the lack of a quorum.

Resumption of sitting: At 10.05 a.m., the Deputy Speaker resumed the Chair, and a quorum being present-

2 TRADE PRACTICES AMENDMENT (INDUSTRY ACCESS CODES) BILL 1997

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

Debate resumed.

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

On the motion of Mr Scott (Minister for Veterans' Affairs), further proceedings to be conducted in the House.

3 TAX LAW IMPROVEMENT BILL 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.

Suspension of sitting: At 11.50 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 12.03 p.m., the proceedings were resumed.

Debate continued.

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr Scott (Minister for Veterans' Affairs), by leave, moved the following amendments together:

Schedule 1-

Item 2—

Page 4 (after line 20), at the end of subsection (2), add:

Note: If you sell property you acquired *before* 20 September 1985 for profit-making by sale, your assessable income includes the profit: see section 25A of the *Income Tax Assessment Act 1936*.

Page 5 (lines 1 to 6), omit section 15-20, substitute:

15-20 Royalties

Your assessable income includes an amount that you receive as or by way of royalty within the ordinary meaning of "royalty" (disregarding the definition of *royalty* in subsection 995-1(1)) if the amount is not assessable as *ordinary income under section 6-5.

Page 26 (before line 5), before paragraph 20-110(1)(a), insert:

(aa) the car was designed mainly for carrying passengers; and Page 30 (before line 9), before paragraph (b), insert:

age 50 (before file 9), before paragraph (b), filsere.

(ba) the car was designed mainly for carrying passengers; and

Item 4----

Page 40 (lines 22 to 25), omit subsection 25-20(1), substitute:

- (1) You can deduct expenditure you incur for preparing, registering or stamping:
 - (a) a lease of property; or
 - (b) an assignment or surrender of a lease of property;

if you have used or will use the property *solely* for the *purpose of producing assessable income.

Page 41 (line 9), omit "period", substitute "*period".

Page 42---

(line 13), omit "period", substitute "*period".

(line 15), omit the note.

(line 21), omit "period", substitute "*period".

Page 43 (line 5), omit the note.

Page 47 (after line 10), at the end of subsection (2), add:

Note: If you sell property you acquired *before* 20 September 1985 for profit-making by sale, you may be able to deduct a loss on the sale: see section 52 of the *Income Tax Assessment Act 1936*.

1318

Item 5-

Page 56-

(lines 19 and 20), omit "or a private company which is a partner in a partnership", substitute "in which a private company is a partner".

(after line 25), after subsection (2), insert:

(2A) In the case of a partnership, a *related entity* is any of the following:

- (a) a *relative of a partner in the partnership;
- (b) an individual who is or has been a director of a company that is a partner in the partnership and is a *private company for the income year;
- (c) an entity that is or has been a shareholder in a company of that kind;
- (d) a *relative of an individual who is or has been a director or shareholder of a company of that kind;
- (e) a beneficiary of a trust if the trustee is a partner in the partnership;
- (f) a *relative of a beneficiary of a trust if the trustee is a partner in the partnership;
- (g) another partnership, if a partner in the other partnership is a *relative of a partner in the first partnership.

However, a partner in a partnership is not a related entity of the partnership.

Item 7---

Page 112 (after line 18), at the end of subsection (2), add:

Note: These are some examples of what is entertainment:

- business lunches
- social functions.

These are some examples of what is not entertainment:

- meals on business travel overnight
- theatre attendance by a critic
- a restaurant meal of a food writer.

Item 9----

Page 143-

(line 19), omit "and".

(lines 20 to 27), omit paragraph (g).

(after line 27), at the end of section 42-18, add:

- (2) *Plant* also includes plumbing fixtures and fittings (including wall and floor tiles) provided by an entity mainly for:
 - (a) either or both:

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- (i) employees in a *business carried on by the entity for the *purpose of producing assessable income; or
- (ii) employees in a business carried on for that purpose by a company that is a member of the same *whollyowned group of which the entity is a member; or
- (b) *children of any of those employees.

Page 145 (table item 1, 3rd column), omit paragraph (b).

Page 152-

(table item 3), omit the table item.

(table item 4, 2nd column), omit "or (2)".

(table item 5, 3rd column), before "attributable", insert "reasonably".

(table item 6, 3rd column), before "attributable", insert "reasonably".

Page 153 (table item 9), omit the item.

Page 154 (line 2), after "car", insert "designed mainly for carrying passengers and which".

Page 155 (line 14), after "*car" (first occurring), insert "designed mainly for carrying passengers".

Page 163 (line 11), omit "an entity", substitute "the entity".

Page 166-

(line 22), before "the amounts", insert "for plant that is not a *car-".

(lines 23 and 24), omit ", other than under Division 28 (Car expenses)".

Page 167-

(line 1), before "any further amounts", insert "for plant that is not a car—".

(line 2), omit ", other than under Division 28,".

(line 12), omit "*car", substitute "car".

(lines 12 and 13), omit "for which you have deducted an amount under Division 28".

(lines 14 and 15), omit "or quasi-owner".

(line 24), after "Division 28", insert "(Car expenses)".

Page 173----

(table item 5, 2nd column), omit "or (2)".

(table items 6 and 7), omit the items.

(table item 8, 3rd column), before "attributable", insert "reasonably".

(table item 10, 3rd column), before "attributable" insert "reasonably".

Page 174 (table item 13), omit the item.

Page 175 (lines 3 to 24), omit section 42-208.

Page 176 (lines 6 and 7), omit "and disposals where a *hire purchase agreement is entered into".

Page 181 (line 4), omit "or *quasi-owner".

Page 182 (line 15), omit "or *quasi-owner".

Page 183-

(line 8), omit "or *quasi-owner".

(line 11), omit "or *quasi-owner".

Page 186 (line 15), after "written down value", insert "in section 42-200".

Page 192—

(lines 13 to 15), omit subsection (1).

(line 16), omit the subsection heading.

(line 17), omit "also".

Page 193 (lines 24 to 26), omit subsection (4).

Page 195-

(line 5), omit "the plant", substitute "*plant".

(line 9), omit "the plant", substitute "*plant".

Item 13----

Page 269 (line 16), omit "that is held".

Page 271---

(after line 15), at the end of section 70-20, add:

Note 2: This section is disregarded in applying Division 13 (about transferpricing arrangements) of Part III of the *Income Tax Assessment Act* 1936.

(line 21) to page 272 (line 31), omit section 70-30.

Page 276 (after line 11), after subsection 70-55(2), insert:

(3) An election under this section must be made by the time you lodge your *income tax return for the income year in which you acquired the animal. However, the Commissioner can allow you to make it later.

Page 281-

(line 5), after "are", insert "or were".

(line 6), after "is", insert "or was".

Page 282 (lines 16 to 18), omit the note.

Page 283 (line 18), at the end of subsection (7), add "However, the Commissioner can allow the election to be made later.".

Page 285 (line 21) to page 286 (line 23), omit section 70-110, substitute:

[The next section is section 70-115.]

Schedule 4, item 59, page 388 (line 26), omit "subsection 26-35(2)", substitute "subsections 26-35(2) and (2A)".

Schedule 5-

Item 1, page 404 (line 11) to page 405 (line 17), omit section 70-10, substitute:

[The next section is section 70-20.]

Item 64, page 424 (lines 16 to 20), omit the item.

Item 81, page 426 (lines 21 to 25), omit the item.

Item 84, page 427 (lines 13 to 15), omit the item.

Item 85, page 427 (lines 16 to 18), omit the item.

Item 86, page 427 (lines 19 to 26), omit the item.

Item 87, page 428 (lines 1 to 5), omit the item.

Schedule 6-

Item 2—

Page 434---

(lines 2 to 5), omit paragraph (2)(a).

(lines 13 to 16), omit subsection (1), substitute:

- (1) The following subsections have effect if you have deducted or can deduct an amount for depreciation of plant:
 - (a) under the old depreciation provisions; or
 - using the "log book" method or the "one-third of actual expenses" method under section 82KUD or 82KW, or Schedule 2A, of the 1936 Act;

and you can deduct an amount for depreciation of it under the new depreciation provisions or Division 28 of the 1997 Act.

Page 439 (line 1), after "car", insert "designed mainly for carrying passengers". Page 440 (line 25), before "any amounts", insert "for plant that is not a car—". Page 441—

(line 1), before "any further amount", insert "for plant that is not a car-".

(lines 12 to 14), omit "for which you have claimed a deduction under

Subdivision F of Division 3 of Part III, or Schedule 2A, of the 1936 Act".

Item 6, page 449 (lines 11 and 12), omit the item.

Item 8, page 450 (lines 8 and 9), omit the item.

Item 12, page 450 (lines 22 and 23), omit the item.

Item 47, page 458 (lines 3 and 4), omit the item.

Item 49, page 458 (lines 7 and 8), omit the item.

Item 50, page 458 (lines 9 and 10), omit the item.

Item 60, page 460 (lines 1 to 13), omit the item.

Schedule 12, page 538 (after line 30), after item 12, insert:

12A Subsection 995-1(1) (definition of car)

Omit "or fewer", substitute "and fewer".

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

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered-That the Bill be reported to the House with amendments.

4 EXCISE TARIFF AMENDMENT BILL (NO. 1) 1997

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

Debate resumed.

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

5 INTERNATIONAL TRANSFER OF PRISONERS BILL 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 (Mrs Bailey), and the resumption of the debate made an order of the day for the next sitting.

6 ADJOURNMENT

On the motion of Mrs Bailey, the Main Committee adjourned at 12.54 p.m.

The Deputy Speaker fixed Wednesday, 26 March 1997, at 10 a.m., for the next meeting of the Main Committee.

I. C. HARRIS Clerk of the Main Committee

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