

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 132

WEDNESDAY, 26 NOVEMBER 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 **WORKPLACE RELATIONS AMENDMENT BILL 1997 [NO. 2]**

Mr Reith (Minister for Workplace Relations and Small Business), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

Mr Reith moved—That the Bill be now read a second time.

Paper

Mr Reith 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 **ANL SALE BILL 1997**

Mr Reith (Minister for Workplace Relations and Small Business), pursuant to notice, presented a Bill for an Act relating to the sale of ANL Limited, and for related purposes.

Bill read a first time.

Mr Reith moved—That the Bill be now read a second time.

Paper

Mr Reith 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.

4 **HIGHER EDUCATION LEGISLATION AMENDMENT BILL 1997**

Dr Kemp (Minister for Employment, Education, Training and Youth Affairs), pursuant to notice, presented a Bill for an Act to amend legislation relating to higher education, and for related purposes.

Bill read a first time.

Dr Kemp moved—That the Bill be now read a second time.

Paper

Dr Kemp 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.

5 CRIMES (SUPERANNUATION BENEFITS) AMENDMENT BILL 1997

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes (Superannuation Benefits) Act 1989* and the *Australian Federal Police Act 1979*, and for related purposes.

Bill read a first time.

Mr Williams moved—That the Bill be now read a second time.

Paper

Mr Williams 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.

6 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT BILL 1997

Mr Williams (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Classification (Publications, Films and Computer Games) Act 1995*.

Bill read a first time.

Mr Williams moved—That the Bill be now read a second time.

Paper

Mr Williams presented an explanatory memorandum to the following Bills:

Classification (Publications, Films and Computer Games) Charges 1997; and

Classification (Publications, Films and Computer Games) Amendment 1997.

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

7 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) CHARGES BILL 1997

Mr Williams (Attorney-General) presented a Bill for an Act to impose charges in respect of applications made under the *Classification (Publications, Films and Computer Games) Act 1995*.

Bill read a first time.

Mr Williams moved—That the Bill be now read a second time.

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

8 GAS PIPELINES ACCESS (COMMONWEALTH) BILL 1997

Mr Truss (Minister for Customs and Consumer Affairs), for Mr Anderson (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to make provision for the regulation of third party access to natural gas pipeline systems, and for other purposes.

Bill read a first time.

Mr Truss moved—That the Bill be now read a second time.

Paper

Mr Truss presented an explanatory memorandum to the Bill.

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

9 CUSTOMS TARIFF AMENDMENT BILL (NO. 6) 1997

Mr Truss (Minister for Customs and Consumer Affairs) presented a Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Bill read a first time.

Mr Truss moved—That the Bill be now read a second time.

Paper

Mr Truss presented an explanatory memorandum to the Bill.

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

10 INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 1997

Mr Truss (Minister for Customs and Consumer Affairs), pursuant to notice, presented a Bill for an Act to amend the *Copyright Act 1968*, the *Designs Act 1906*, the *Patents Act 1990* and the *Trade Marks Act 1995*, and for other purposes.

Bill read a first time.

Mr Truss moved—That the Bill be now read a second time.

Paper

Mr Truss presented an explanatory memorandum to the Bill.

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

11 COPYRIGHT AMENDMENT BILL (NO. 2) 1997

The order of the day having been read for the further consideration in detail of the Bill—

Bill, as a whole—

Debate resumed.

Bill agreed to.

Consideration in detail concluded.

On the motion of Mr Williams (Attorney-General), by leave, the Bill was read a third time.

12 APPROPRIATION BILL (NO. 3) 1997-98

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.

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

13 QUESTIONS

Questions without notice were asked.

14 PAPERS

The following papers were presented:

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

Report for 1996.

Research report for 1996.

Coal Mining Industry (Long Service Leave Funding) Act—Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 1996-97.

Commonwealth disability strategy—Second progress report, 1997.

Department of Defence—Special purpose flights—Schedule for the period January to June 1997 and addendum for 1996.

Electoral Matters—Joint Standing Committee—Report, December 1995—Electoral redistributions—Report on the effectiveness and appropriateness of the redistribution provisions of Parts III and IV of the *Commonwealth Electoral Act 1918*—Government response.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—Australian Broadcasting Corporation—Report for 1996-97.

Finance—Advance to the Minister for Finance—Statement for October 1997.

Supporting applications of issues from the Advance during October 1997.

National Rail Corporation Agreement Act—National Rail Corporation Limited—Report for 1996-97.

15 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Coal Mining Industry (Long Service Leave Funding) Act—Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 1996-97.

Commonwealth disability strategy—Second progress report, 1997.

Department of Defence—Special purpose flights—Schedule for the period January to June 1997 and addendum for 1996.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal Employment Opportunity Program—Australian Broadcasting Corporation—Report for 1996-97.

Finance—Advance to the Minister for Finance—Statement for October 1997.

Supporting applications of issues from the Advance during October 1997.

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

16 PRIVILEGE—PROTECTION OF PERSONS REFERRED TO IN THE HOUSE—GUIDELINES AND APPLICATION FOR PUBLICATION OF RESPONSE

Mr E. H. Cameron (Chair—Committee of Privileges), by leave, made a statement concerning the resolution of the House of 27 August 1997 establishing a framework under which citizens may apply for the publication of responses to comments made about them in the House.

Paper

Mr E. H. Cameron, by leave, presented the following paper:

Protection of persons referred to in the House—Guidelines made under clause 9 of the resolution of the House of 27 August 1997.

Mr E. H. Cameron also reported that the Committee of Privileges had considered an application from Mr M. Salwin of Anders, Salwin and Salwin of Melbourne, for the publication of a response to a statement made in the House concerning him and recommended that no further action be taken in relation to the application.

17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRY POLICY

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 Government’s failure to develop a comprehensive industry policy which directly encourages growth in investment, exports, jobs and research and development”.

The proposed discussion having received the necessary support—

Mr Crean addressed the House.

Discussion ensued.

Discussion concluded.

18 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos. 3 and 4, government business, be postponed until a later hour this day.

19 CHEMICAL WEAPONS (PROHIBITION) AMENDMENT BILL 1997

Mrs Sullivan (Parliamentary Secretary to the Minister for Foreign Affairs), pursuant to notice, presented a Bill for an Act to amend the *Chemical Weapons (Prohibition) Act 1994*, and for other purposes.

Bill read a first time.

Mrs Sullivan moved—That the Bill be now read a second time.

Paper

Mrs Sullivan presented an explanatory memorandum to the Bill.

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

20 CIVIL AVIATION LEGISLATION AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill 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 Mr Ruddock (Minister for Immigration and Multicultural Affairs), by leave, the Bill was read a third time.

21 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILL

A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bill:

25 November 1997—Message No. 217—Farm Household Support Amendment (Restart and Exceptional Circumstances) 1997.

22 SOCIAL SECURITY LEGISLATION AMENDMENT (YOUTH ALLOWANCE) 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 Latham, 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) withdrawing support for 18 to 20 year olds in families with incomes as low as \$23,400 per annum; and
 - (b) abolishing payments for 16 and 17 year olds while also slashing education funding, labour market assistance and job opportunities; and
- (2) calls on the Government to introduce education and training opportunities so that every young Australian has access to the education and skills needed for full participation in the workplace and society”—

Debate resumed.

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

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

AYES, 81

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

NOES, 44

Mr Adams	Ms Ellis	Mr Kerr	Mr O'Connor
Mr Albanese	Mr G. J. Evans	Mr Latham	Mr O'Keefe
Mr Andren	Mr M. J. Evans	Dr Lawrence	Mr Price
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Mr Lee	Mr Quick
Mr Beddall	Mr M. J. Ferguson	Mr McClelland	Mr Sawford*
Mr Bevis	Mr E. L. Grace*	Mr McLeay	Mr Sercombe
Mr Brereton	Mr Griffin*	Mr McMullan	Mr S. F. Smith
Mr Brown	Mr Hatton	Mr Melham	Mr Tanner
Mr Crean	Mr Holding	Mr A. A. Morris	Mr K. J. Thomson
Mrs Crosio	Mr Hollis	Mr P. F. Morris	Mr Willis
Mr Dargavel	Mr Jones	Mr Mossfield	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. 218, 2 October 1997, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Ruddock (Minister representing the Minister for Social Security), by leave, the following amendments were made together, after debate:

Schedule 1—

Item 6, page 10 (line 27), omit “subsections (5) and (6)”, substitute “subsection (5)”.

Item 6, page 11 (line 29) to page 12 (line 16), omit subsections (5), (6) and (7), substitute:

Meaning of approved course of education or study

(5) For the purposes of paragraph (1)(c), the course is an approved course of education or study if it is a course that the Employment Minister has determined, under paragraph 7(1)(c) of the *Student and Youth Assistance Act 1973*, to be:

(a) a secondary course or a tertiary course; or

(b) a part of a secondary course or a part of a tertiary course; for the purposes of section 7 of that Act.

Note: For *educational institution* see subsection 23(1).

Item 6, page 28 (lines 22 to 25), omit paragraph (c), substitute:

(c) the person is undertaking full-time study and is at least 25 years old.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

23 MESSAGES FROM THE SENATE

Messages from the Senate were reported:

(a) acquainting the House of a resolution of the Senate amending the order of the Senate of 22 October 1997 referring a matter concerning the adequacy and appropriateness of legislation and procedures for the conduct of military inquiries and hearings to the Joint Standing Committee on Foreign Affairs, Defence and Trade—Message No. 388—25 November 1997; and

(b) returning the following Bills without amendment:

25 November 1997—

No. 390—Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Imposition 1997 (*without requests*).

No. 392—Superannuation Contributions Tax Imposition Amendment 1997.

No. 393—Termination Payments Tax Imposition Amendment 1997.

No. 394—Superannuation Legislation Amendment (Superannuation Contributions Tax) 1997.

26 November 1997—No. 395—Customs Tariff Amendment (No. 2) 1997 [No. 2] (*without requests*).

24 TRADE PRACTICES AMENDMENT (FAIR TRADING) 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 Martin, 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) is of the opinion that the Government’s response to the report of the Standing Committee on Industry, Science and Technology entitled ‘Finding a balance: Towards fair trading in Australia’ does not reflect the intent or recommendations of the Committee;
- (2) recommends the Bill be amended to incorporate the recommendations of the Committee;
- (3) considers the Government’s response is inadequate and its rhetoric does not match either its election commitments or the committee’s findings; and
- (4) calls on the Government members of the Committee, namely the honourable Members for Bendigo, McEwen, Paterson, Cowan, Mallee, Petrie, Canning, Aston and Lowe to support the Opposition’s amendments which reflect the recommendations in the Committee’s report”—

Debate resumed.

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

25 MESSAGE FROM THE SENATE—SUPERANNUATION CONTRIBUTIONS TAX (MEMBERS OF CONSTITUTIONALLY PROTECTED SUPERANNUATION FUNDS) ASSESSMENT AND COLLECTION BILL 1997

A message from the Senate was reported returning the following Bill with amendments:

25 November 1997—Message No. 389—Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection 1997.

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 9, page 6 (lines 17 and 18), omit subparagraph (a)(ii), substitute:
 - (ii) there is an allocated surplus amount in relation to a member in respect of a financial year after the 1996-97 financial year; and
- (2) Clause 9, page 7 (lines 1 to 5), omit subparagraph (iii), substitute:

- (iii) subject to subsection (2A), are specified roll-over amounts that constitute amounts accrued after 20 August 1996 that are eligible termination payments under paragraph (a) of the definition of *eligible termination payment* in subsection 27A(1) of that Act and are rolled over on or after 1 July 1997; and
- (3) Clause 9, page 7 (after line 7), after subclause (2), insert:
- (2A) If an eligible termination payment within the meaning of subparagraph (2)(c)(iii) has been made or is made to or for a taxpayer after 20 August 1996 and before 20 August 2001, surcharge is payable only on the part of the eligible termination payment that is worked out using the formula:

$$\frac{\text{Post - 20 August 1996 period}}{\text{Total period}} \times \text{Eligible termination payment}$$

where:

post-20 August 1996 period means the number of days in the period of the taxpayer's employment for which the eligible termination payment was made that occurred after 20 August 1996.

total period means the number of days in the period of the taxpayer's employment for which the eligible termination payment was made.

- (4) Clause 12, page 13 (lines 15 to 17), omit paragraph (6)(c), substitute:
- (c) the particulars in relation to the benefits referred to in paragraph 15(6)(b); and
- (5) Clause 15, page 17 (lines 7 to 17), omit paragraph (6)(b), substitute:
- (b) 15% of the employer-financed component of that part of the benefits payable to the member that accrued after 20 August 1996.
- (6) Page 33 (after line 8), after clause 29, insert:

29A Prohibition of avoidance schemes

A superannuation provider or fund trustee must not enter into, commence to carry out, or carry out, a scheme if the superannuation provider or fund trustee entered into, commenced to carry out, or carried out, the scheme or any part of the scheme with the intention that the scheme would result, or be likely to result, in the avoidance of the surcharge, including through the use of allocated surplus amounts.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the amendments were agreed to, after debate.

26 MESSAGE FROM THE SENATE—SUPERANNUATION CONTRIBUTIONS AND TERMINATION PAYMENTS TAXES LEGISLATION AMENDMENT BILL 1997

A message from the Senate was reported returning the following Bill with amendments:

25 November 1997—Message No. 391—Superannuation Contributions and Termination Payments Taxes Legislation Amendment 1997.

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 4, item 5, page 8 (lines 13 and 14), omit subparagraph (a)(ii), substitute:
- (ii) there is an allocated surplus amount in relation to a member in respect of a financial year after the 1996-97 financial year; and
- (2) Schedule 4, item 6, page 8 (lines 26 to 30), omit subparagraph (iii), substitute:
- (iii) subject to subsection (2A), are specified roll-over amounts that constitute amounts accrued after 20 August 1996 that are eligible termination payments under paragraph (a) of the definition of *eligible termination payment* in subsection 27A(1) of that Act and are rolled over on or after 1 July 1997; and
- (3) Schedule 4, page 8 (after line 32), after item 6, insert:

6A After subsection 8(2)

Insert:

- (2A) If an eligible termination payment within the meaning of subparagraph (2)(c)(iii) has been made or is made to or for a taxpayer after 20 August 1996 and before 20 August 2001, surcharge is payable only on the part of the eligible termination payment that is worked out using the formula:

$$\frac{\text{Post - 20 August 1996 period}}{\text{Total period}} \times \text{Eligible termination payment}$$

where:

post-20 August 1996 period means the number of days in the period of the taxpayer's employment for which the eligible termination payment was made that occurred after 20 August 1996.

total period means the number of days in the period of the taxpayer's employment for which the eligible termination payment was made.

- (4) Schedule 4, page 11 (after line 32), after item 19, insert:

19A Subparagraph 13(7)(a)(i)

Omit “paragraph 8(2)(c)”, substitute “subparagraph 8(2)(c)(i)”.

19B Subparagraph 13(7)(a)(ii)

Omit “paragraph 8(2)(e)”, substitute “subparagraph 8(2)(c)(iii)”.

- (5) Schedule 4, page 14 (after line 28), after item 29, insert:

29A Section 24

Omit “the member may object”, substitute “the member or a superannuation provider may object”.

- (6) Schedule 4, page 19 (after line 19), after item 34, insert:

34A After section 35

Insert:

35A Prohibition of avoidance schemes

A superannuation provider or fund trustee must not enter into, commence to carry out, or carry out, a scheme if the superannuation provider or fund trustee entered into, commenced to carry out, or carried out, the scheme or any part of the scheme with the intention that the scheme would result, or be likely to result, in the avoidance of the surcharge tax, including through the use of allocated surplus amounts.

- (7) Schedule 8, item 1, page 30 (after line 19), after Part IIE, insert:

Part IIF—Interest on overpayments resulting from certain amendments of assessments made under the Superannuation Contributions Tax (Assessment and Collection) Act 1997

8Y Interpretation

Expressions used in this Part that are defined in the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* have the same meanings as in that Act.

8Z Entitlement to interest

If:

- (a) an assessment is made under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* in respect of a superannuation provider’s liability to pay superannuation contributions surcharge in respect of a person who has failed to provide a tax file number; and
- (b) the superannuation provider has paid the assessed amount of the surcharge in respect of the person; and

- (c) the assessment is amended under section 18 of the *Superannuation Contributions Tax (Assessment and Collection) Act 1997* after the person provides a tax file number reducing the liability of the provider to pay surcharge;

interest is payable by the Commissioner to the superannuation provider in accordance with this Part on the amount by which the surcharge payable by the provider under the amended assessment is less than the surcharge that was paid by the provider under the assessment that was amended.

8ZA Period of interest

The interest is payable for the period that:

- (a) started on the later of the following days:
- (i) the day on which the amount of the surcharge was paid;
 - (ii) the day by which the amount of the surcharge was required to be paid; and
- (b) ends on the day on which the assessment was amended.

8ZB Rate of interest

Interest under this Part is payable at such annual rate or rates as are provided for by section 214A of the *Income Tax Assessment Act*.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), amendments (1) to (6) were agreed to.

On the motion of Mr Miles, amendment (7) was disagreed to, after debate.

Mr Miles moved—That Mr R. C. Baldwin, Mr Hardgrave and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendment (7) of the Senate.

Question—put and passed.

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

Reasons for the House of Representatives disagreeing to amendment (7) of the Senate

The amendment proposes the insertion of a new Part IIF into the *Taxation (Interest on Overpayments and Early Payments) Act 1983*, to provide for the payment of interest on overpayments of surcharge which result from a person's failure to provide a tax file number. The House of Representatives does not accept this amendment which would result in inconsistent consequences for the failure to quote a tax file number. In other legislation administered by the Commissioner of Taxation, interest is not applied to amended assessments after the quotation of a tax file number. The legislation already imposes significant requirements on the Commissioner to identify members of superannuation funds before issuing a surcharge assessment on the basis of non-quotation of a tax file number. In addition, the legislation provides that certain superannuation

accounts are to be assessed at a nil rate of surcharge where a tax file number has not been quoted.

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

27 TRADE PRACTICES AMENDMENT (FAIR TRADING) 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 Martin, 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) is of the opinion that the Government's response to the report of the Standing Committee on Industry, Science and Technology entitled ‘Finding a balance: Towards fair trading in Australia’ does not reflect the intent or recommendations of the Committee;
- (2) recommends the Bill be amended to incorporate the recommendations of the Committee;
- (3) considers the Government's response is inadequate and its rhetoric does not match either its election commitments or the committee's findings; and
- (4) calls on the Government members of the Committee, namely the honourable Members for Bendigo, McEwen, Paterson, Cowan, Mallee, Petrie, Canning, Aston and Lowe to support the Opposition's amendments which reflect the recommendations in the Committee's report”—

Debate resumed.

28 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 26 November 1997:

Broadcasting Services Act—Notice of reservation of capacity for national radio broadcasting services 1997 No. 1.

Customs Act and Excise Act—Instrument of approval 1997 No. 26.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Campbell, Mr Georgiou, Mr Howard, Mr Katter and Dr Theophanous.

I. C. HARRIS

Clerk of the House of Representatives

1996-97

**HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS**

No. 132

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 26 NOVEMBER 1997

1 The Main Committee met at 10 a.m.

2 CIVIL AVIATION LEGISLATION AMENDMENT 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.

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.

3 AUSTRALIA NEW ZEALAND FOOD AUTHORITY AMENDMENT BILL (NO. 2) 1997

The order of the day having been read for the second reading—Ms Worth (Parliamentary Secretary to the Minister for Health and Family Services) moved—That the Bill be now read a second time.

Paper

Ms Worth presented an explanatory memorandum to the Bill.

Debate ensued.

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

4 ADJOURNMENT

On the motion of Mr Nairn, the Main Committee adjourned at 12.59 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.

B. C. WRIGHT
Clerk of the Main Committee