

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 126

WEDNESDAY, 6 MAY 1992

1 The House met, at 10 a.m., pursuant to adjournment. The Speaker (the Honourable Leo McLeay) took the Chair, and read Prayers.

2 MESSAGE FROM THE SENATE—CORPORATIONS LEGISLATION (EVIDENCE) AMENDMENT BILL 1992: The following message from the Senate was reported:

Message No. 411

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Australian Securities Commission Act 1989', and to change the Corporations Law, in relation to the privilege against self-incrimination*", 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.

KERRY SIBRAA
President

The Senate,
Canberra, 5 May 1992

Ordered—That the amendment be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

At end of bill, page 4, add the following Part:

"PART 4—REVIEW OF EFFECTS OF THIS ACT

Minister to arrange for review and report

"10. (1) The Minister must cause a person to review, and to report to the Minister in writing about, the operation of the following provisions (**the amended provisions**):

(a) section 68 of the ASC Law of each State and internal Territory, as in force after the commencement of this Act;

(b) sections 597 and 1316A of the Corporations Law of each State and internal Territory, as in force after the commencement of this Act.

"(2) The person must be someone who, in the Minister's opinion, is suitably qualified and appropriate to conduct the review.

"(3) The review and report must relate to the period beginning at the commencement of this Act and ending after the period of 4 years and 6 months.

"(4) The person must give the report to the Minister as soon as practicable, and in any event within 6 months, after the end of that period.

“(5) The review and report must include an assessment of:

- (a) how much, and in what ways, the amended provisions have helped in the enforcement of national scheme laws (as defined in section 5 of the *Australian Securities Commission Act 1989*); and
- (b) how much, and in what ways, the amended provisions have helped the Australian Securities Commission in making investigations and gathering information; and
- (c) the extent (if any) to which persons, to whom the amended provisions have applied, have been unjustifiably prejudiced because of the enactment of sections 4, 7 and 8 of this Act; and
- (d) the changes (if any) to administrative arrangements made for the purposes of national scheme laws that have resulted from the amended provisions.

“(6) The report may include suggestions for changes to national scheme laws that, in the person’s opinion, are needed to overcome, or would help overcome, problems identified during the review and set out in the report.

“(7) The person must provide a reasonable opportunity for members of the public to make submissions to him or her about matters to which the review relates.

“(8) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.”

On the motion of Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Dubois reported accordingly.

On the motion of Mr Johns, the House adopted the report.

3 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 4) 1991: The following message from the Senate was reported:

Message No. 412

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.

KERRY SIBRAA
President

The Senate,
Canberra, 5 May 1992

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 10, page 4, after proposed paragraph 45Z(1)(a) insert the following paragraph:

“(aa) the second company is not a taxpayer in the capacity of trustee; and”.

No. 2—Clause 10, page 5, after proposed subsection 45Z(1), insert the following subsection:

[Shareholder a trustee—beneficiary not absolutely entitled to share]

“(1A) If:

- (a) a share in a company (in this subsection called the “**first company**”) is held by a shareholder as trustee of a trust estate; and
- (b) a dividend is paid to the trustee in respect of the share; and
- (c) the following conditions are satisfied in relation to a taxpayer, being a company (in this subsection called the “**second company**”):
 - (i) the second company is not a taxpayer in the capacity of trustee;
 - (ii) the second company is not absolutely entitled to the share as against the trustee;
 - (iii) an amount is included in the assessable income of the second company of a year of income under subsection 92(1) or section 97 or 100;
 - (iv) the whole or a part of the amount so included in the second company’s assessable income (which whole or part is in this subsection called the “**assessable amount**”) is either:
 - (A) directly attributable to that dividend; or
 - (B) indirectly attributable to that dividend, through one or more interposed trusts or partnerships;

sections 46 to 46F (inclusive) apply as if:

- (d) the second company were a shareholder in the first company; and
- (e) the dividend were paid by the first company to the second company instead of to the trustee; and
- (f) the amount of the dividend were equal to the assessable amount; and
- (g) if the second company has an interest in the share (whether that interest is held directly or indirectly through one or more interposed trusts or partnerships)—that interest were the share in respect of which the dividend was paid; and
- (h) if the second company does not have an interest in the share (including an interest held directly or indirectly through one or more interposed trusts or partnerships):
 - (i) the second company had an interest in the share; and
 - (ii) that interest had been acquired by the second company at the time when the share was acquired by the trustee; and
 - (iii) that interest were the share in respect of which the dividend was paid; and
- (i) a reference to the year of income in which the dividend was paid to the second company were a reference to the year of income to which the assessable amount relates; and
- (j) a reference to a specified date or specified time before, on, at or after which the dividend was paid to the second company were a reference to the date or time before, on, at or after which the dividend was paid to the trustee; and
- (k) the question of when the share was issued to the second company were answered by reference to the time when the share was issued to the trustee; and
- (l) the question of when the share was issued to a person other than the second company were answered by reference to the time when the share was issued to the other person; and
- (m) the question whether the payment of the dividend to the second company may reasonably be regarded as equivalent to the payment of interest on a loan were answered by reference to matters relating to the payment of the dividend to the trustee; and

- (n) the question of the extent to which the dividend was paid by the first company to the second company out of particular profits were answered by reference to the dividend paid to the trustee; and
- (o) the question of the extent to which the dividend paid to the second company was franked were answered by reference to the dividend paid to the trustee; and
- (p) the question of when the dividend paid to the second company was declared were answered by reference to the dividend paid to the trustee.”.

No. 3—Clause 10, page 5, after proposed paragraph 45Z(2)(a), insert the following paragraph:

“(aa) the second company is not a taxpayer in the capacity of trustee; and”.

No. 4—Clause 10, page 6, at end of proposed section 45Z add the following subsections:

[Shareholder a partnership—trustee partner]

“(3) If:

- (a) a share in a company (in this subsection called the “**first company**”) is held by a partnership; and
- (b) a dividend is paid to the partnership in respect of the share; and
- (c) the following conditions are satisfied in relation to a taxpayer, being a company (in this subsection called the “**second company**”):
 - (i) the second company is not a taxpayer in the capacity of trustee;
 - (ii) the second company is not a partner in the partnership;
 - (iii) an amount is included in the assessable income of the second company of a year of income under subsection 92(1) or section 97 or 100;
 - (iv) the whole or a part of the amount so included in the second company’s assessable income (which whole or part is in this subsection called the “**assessable amount**”) is either:
 - (A) directly attributable to that dividend; or
 - (B) indirectly attributable to that dividend, through one or more interposed trusts or partnerships;

sections 46 to 46F (inclusive) apply as if:

- (d) the second company were a shareholder in the first company; and
- (e) the dividend were paid by the first company to the second company instead of to the partnership; and
- (f) the amount of the dividend were equal to the assessable amount; and
- (g) if the second company has an interest in the share (whether that interest is held directly or indirectly through one or more interposed trusts or partnerships)—that interest were the share in respect of which the dividend was paid; and
- (h) if the second company does not have an interest in the share (including an interest held directly or indirectly through one or more interposed trusts or partnerships):
 - (i) the second company had an interest in the share; and
 - (ii) that interest had been acquired by the second company at the time when the share was acquired by the partnership; and
 - (iii) that interest were the share in respect of which the dividend was paid; and
- (i) a reference to the year of income in which the dividend was paid to the second company were a reference to the year of income to which the assessable amount relates; and

- (j) a reference to a specified date or specified time before, on, at or after which the dividend was paid to the second company were a reference to the date or time before, on, at or after which the dividend was paid to the partnership; and
- (k) the question of when the share was issued to the second company were answered by reference to the time when the share was issued to the partnership; and
- (l) the question of when the share was issued to a person other than the second company were answered by reference to the time when the share was issued to the other person; and
- (m) the question whether the payment of the dividend to the second company may reasonably be regarded as equivalent to the payment of interest on a loan were answered by reference to matters relating to the payment of the dividend to the partnership; and
- (n) the question of the extent to which the dividend was paid by the first company to the second company out of particular profits were answered by reference to the dividend paid to the partnership; and
- (o) the question of the extent to which the dividend paid to the second company was franked were answered by reference to the dividend paid to the partnership; and
- (p) the question of when the dividend paid to the second company was declared were answered by reference to the dividend paid to the partnership.

[Modifications for corporate unit trusts and public trading trusts]

'(4) A reference in paragraphs (1)(a) and (aa), (1A)(a) and (c), (2)(aa) and (3)(c) to a trustee does not include a reference to the trustee of:

- (a) a corporate unit trust within the meaning of Division 6B; or
- (b) a public trading trust within the meaning of Division 6C."

No. 5—Clause 14, page 7, proposed paragraph 51(2A)(b), line 22, omit "the whole or".

No. 6—Clause 14, page 7, proposed subsection 51(2A), lines 29 to 34, omit all words after "in paragraph (c).", substitute:

"a deduction under subsection (1) in relation to each part of the stock, equal to so much of the expenditure as is attributable to that part, is allowable from the assessable income of the taxpayer of:

- (d) the year of income in which that part of the stock first becomes trading stock on hand of the taxpayer; or
- (e) if an amount is included in the assessable income of the taxpayer of an earlier year of income in connection with the disposal of that part of the stock—that earlier year of income".

No. 7—Clause 16, page 8, before proposed paragraph 54A(1)(a) insert the following paragraph:

"(aa) if:

- (i) there is in force a determination by the Commissioner under subsection (1A) which specifies a period that the taxpayer may elect to adopt as the effective life of the property; and

(ii) the taxpayer makes a written election to adopt that period; that period;".

No. 8—Clause 16, page 8, proposed paragraph 54A(1)(a), line 10, before "the period" insert "if paragraph (aa) does not apply—".

No. 9—Clause 16, page 8, before proposed subparagraph 54A(1)(b)(i) insert the following subparagraphs:

"(ia) paragraph (aa) does not apply; and

- (ib) the property was new at the time when the property was first used by the taxpayer for assessable income-producing purposes; and"

No. 10—Clause 16, page 8, proposed subparagraph 54A(1)(b)(i), lines 30 and 31, omit “the first use of the property by the taxpayer for assessable income-producing purposes”, substitute “that first use”.

No. 11—Clause 16, page 8, at end of proposed subsection 54A(1) add the following paragraph:

“(c) if:

- (i) paragraph (aa) does not apply; and
 - (ii) the property was not new at the time when the property was first used by the taxpayer for assessable income-producing purposes; and
 - (iii) assuming that the property was new at the time of that first use, it would be reasonable to conclude at that time that the property would be likely to be:
 - (A) scrapped; or
 - (B) sold for scrap; or
 - (C) abandoned;
 by the taxpayer at a later time; and
 - (iv) the period beginning at the time of that first use and ending at that later time is shorter than the period mentioned in paragraph (a);
- that shorter period.”.

No. 12—Clause 16, page 8, after proposed subsection 54A(1) insert the following subsections:

[Commissioner may determine etc. periods which taxpayers may elect to adopt as the effective lives of units of property]

“(1A) The Commissioner may, by writing:

- (a) make a determination specifying periods that taxpayers may elect to adopt as the effective lives of units of property owned by them; and
- (b) revoke or vary such a determination.

[Period may be specified unconditionally]

“(1B) A period may be specified unconditionally.

[Specification of period may be conditional]

“(1C) A period, or 2 or more different periods, may be specified in relation to property of a particular kind subject to one or more specified conditions being satisfied as at the time when the property is first used by the taxpayer for assessable income-producing purposes.

[Conditions may relate to use]

“(1D) The conditions may include, but are not limited to, conditions relating to:

- (a) if the property is installed ready for use for the purpose of producing assessable income and held in reserve by the taxpayer—the particular use or uses for which the property has been installed and held in reserve; or
- (b) in any other case—the particular use or uses of the property by the taxpayer.

[Criteria for specifying periods]

“(1E) The matters to which the Commissioner may have regard in specifying periods include, but are not limited to, the periods that, apart from paragraph (1)(aa), would be applicable under paragraph (1)(a) to property owned by particular groups of taxpayers who use similar property in a similar manner.

[Taxpayer may require the Commissioner to vary a determination so that it specifies a period in relation to property]

'(1F) If, at the time when the property was first used by the taxpayer for assessable income-producing purposes:

- (a) a determination is in force under subsection (1A); and
- (b) the determination does not specify a period that the taxpayer may elect to adopt as the effective life of the property;

the taxpayer may lodge with the Commissioner a written notice requiring the Commissioner to vary the determination in accordance with paragraph (1A)(b) so that the determination specifies such a period.

[Time within which Commissioner must vary determination]

'(1G) The Commissioner must comply with the requirement to vary a determination by whichever is the latest of the following times:

- (a) the end of the period of 60 days (in this subsection called the "original 60-day period") after the notice requiring the Commissioner to vary the determination is lodged;
- (b) if the Commissioner, by written notice served on the taxpayer within the original 60-day period, requests the taxpayer to give information relating to the variation sought by the taxpayer—the end of 60 days after the Commissioner receives that information;
- (c) if the Commissioner, by written notice served under section 264 within the original 60-day period, requires a person other than the taxpayer to give information relating to the variation sought by the taxpayer—the end of 60 days after the Commissioner receives that information.

[Determination etc. to be available for sale to public]

'(1H) A determination, or a variation or revocation of a determination, must be made available for sale to the public.

[When determination etc. may be retrospective]

'(1J) A determination, or a variation or revocation of a determination, may be expressed to apply in relation to property first used by taxpayers for assessable income-producing purposes before the determination, variation or revocation, as the case may be, was made if, and only if:

- (a) in the case of a determination or a variation of a determination—the specified period is the first period applicable to property of that kind; or
- (b) in any case—the retrospectivity works to the advantage of taxpayers in calculating the effective lives of property of that kind.

[Election to adopt period specified in determination as effective life]

'(1K) An election under paragraph (1)(aa) is irrevocable and must be made:

- (a) within 6 months after the later of the following:
 - (i) the end of the year of income in which the property is first used by the taxpayer for assessable income-producing purposes;
 - (ii) the commencement of this section; or
- (b) within such further period as the Commissioner allows.

[Commissioner to make first determination within 28 days]

“(1L) The Commissioner must make a determination under subsection (1A) within 28 days after the commencement of this section.”.

No. 13—Clause 37, page 40, proposed subsection 123BBA(2), line 26, omit “123F(2A)”, substitute “123F(2)”.

No. 14—Clause 42, page 55, lines 13 and 14, omit all words after “following”, substitute “definitions:

“**ancillary activities**”, in relation to a person, means:

- (a) the preparation of a site for the carrying on by the person of prescribed mining operations within the meaning of Subdivision A of Division 10; or
- (b) the provision of:
 - (i) water, light or power for use on; or
 - (ii) access to or communications with;
 a site on which prescribed mining operations within the meaning of Subdivision A of Division 10 are carried on, or to be carried on, by the person; or
- (c) the treatment of minerals obtained from the carrying on by the person of prescribed mining operations within the meaning of Subdivision A of Division 10; or
- (d) the storage (whether before or after treatment) of minerals in relation to the operation of plant for use primarily and principally in the treatment of minerals obtained from the carrying on by the person of prescribed mining operations within the meaning of Subdivision A of Division 10; or
- (e) the preparation of a site for the carrying on by the person of eligible quarrying operations within the meaning of Subdivision B of Division 10; or
- (f) the provision of:
 - (i) water, light or power for use on; or
 - (ii) access to or communications with;
 a site on which eligible quarrying operations within the meaning of Subdivision B of Division 10 are carried on, or to be carried on, by the person; or
- (g) the treatment of quarry materials obtained from the carrying on by the person of eligible quarrying operations within the meaning of Subdivision B of Division 10; or
- (h) the storage (whether before or after treatment) of quarry materials in relation to the operation of plant for use primarily and principally in the treatment of quarry materials obtained from the carrying on by the person of eligible quarrying operations within the meaning of Subdivision B of Division 10; or
- (i) the provision of:
 - (i) water, light or power for use on; or
 - (ii) access to or communications with;
 a site on which prescribed petroleum operations within the meaning of Division 10AA are carried on, or to be carried on, by the person; or
- (j) the liquefaction of natural gas obtained from the carrying on by the person of prescribed petroleum operations within the meaning of Division 10AA;

“**eligible building site**”, in relation to a person, means a site on which buildings, or other improvements or plant necessary for the carrying on by the person of:

- (a) prescribed mining operations within the meaning of Subdivision A of Division 10; or
- (b) eligible quarrying operations within the meaning of Subdivision B

of Division 10; or

- (c) prescribed petroleum operations within the meaning of Division 10AA;

are or were located, but does not include that part (if any) of the site on which housing and welfare are or were located;

“person” means any of the following:

- (a) a company;
 (b) a partnership;
 (c) a person in the capacity of trustee;
 (d) any other person;

“quarry materials” has the same meaning as in Subdivision B of Division 10;

“site” includes a part of a site;

“treatment”:

- (a) in relation to minerals—has the same meaning as in Subdivision A of Division 10; and
 (b) in relation to quarry materials—has the same meaning as in Subdivision B of Division 10.’”.

No. 15—Clause 43, page 55, at end of clause add the following subclause:

“(2) Section 124BB of the Principal Act is amended:

- (a) by inserting in subsection (1) ‘or ancillary activities’ after ‘extractive activities’;
 (b) by inserting in subsection (2) ‘or ancillary activities or both’ after ‘extractive activities’;
 (c) by adding at the end the following subsections:

‘(3) A reference in this section to a site on which the taxpayer conducted ancillary activities includes a reference to an eligible building site.

‘(4) In the case of an eligible building site, a reference in this section to the time at which ancillary activities were first commenced on the site is a reference to the earliest time at which the buildings, improvements or plant concerned were located on the site.’”.

No. 16—Clause 56, page 65, after proposed subsection 262A(4AD) insert the following subsection:

“(4AE) A person who makes an election under paragraph 54A(1)(aa) in relation to a unit of property must retain the election, or a copy, until the end of 5 years after the earlier of:

- (a) the disposal by the person of the property; or
 (b) the loss or destruction of the property.”.

No. 17—Clause 58, page 66, proposed subparagraph 327A(2)(b)(ii), line 30, after “75%” insert “or more”.

No. 18—Clause 63, page 70, subclause (11), lines 11 and 12, omit all words after “paid after”, substitute “the commencement of this subsection”.

On the motion of Mr Johns (Parliamentary Secretary to the Minister for Health, Housing and Community Services), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Dubois reported accordingly.

On the motion of Mr Johns, the House adopted the report.

4 TRAINING GUARANTEE (ADMINISTRATION) AMENDMENT BILL 1992: 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.

Mr Tuckey addressing the House—

It being 12.45 p.m., the debate was interrupted in accordance with sessional order 101A, and the resumption of the debate made an order of the day for a later hour this day.

- 5 **QUESTIONS:** Questions without notice were asked.
- 6 **AUDITOR-GENERAL'S REPORTS—PUBLICATION OF PAPERS:** The Speaker presented the following papers:
 Audit Act—Auditor-General—Audit reports of 1991-92—
 No. 32—Project audits—Department of Social Security: Review and appeals—Adelaide Office of the Social Security Appeals Tribunal.
 No. 33—Efficiency audit—Australian Taxation Office: Administration of fringe benefits tax.
- Mr Beazley (Leader of the House), by leave, moved—That:
- (1) this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the Auditor-General's audit reports Nos. 32 and 33 of 1991-92; and
 - (2) the reports be printed.
- Question—put and passed.
- 7 **PAPERS:** The following papers were presented:
 Administrative Review Council—Report No. 35—Rule making by Commonwealth agencies.
 Advance to the Minister for Finance—
 Statement for April 1992.
 Supporting applications of issues from the Advance during April 1992.
 Automotive Industry Authority Act—Automotive Industry Authority—Report on the state of the automotive industry for 1991.
 National Health and Medical Research Council—Report—112th session, Canberra, October 1991.
- 8 **LEAVE OF ABSENCE TO MEMBER:** Dr Hewson (Leader of the Opposition) moved—That leave of absence for one month be given to Mr Burr on the ground of parliamentary business overseas.
 Question—put and passed.
- 9 **MESSAGE FROM THE SENATE:** Message No. 413, dated 5 May 1992, from the Senate was reported agreeing to the amendments made by the House in the following Bill: Migration Amendment 1992.
- 10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SUPERANNUATION AND SMALL BUSINESS:** The House was informed that Mr Prosser had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's superannuation guarantee levy, which is decimating the small business sector, causing the closure of hundreds of additional small businesses and resulting in the loss of thousands of jobs".
 The proposed discussion having received the necessary support—
 Mr Prosser addressed the House.
 Discussion ensued.
 Discussion concluded.
- 11 **EMPLOYMENT, EDUCATION AND TRAINING—STANDING COMMITTEE:** The House was informed that advice had been received from the National Party Whip that Mr Anderson and Mr B. C. Scott had resigned to him and were no longer members of the Standing Committee on Employment, Education and Training, and that Mr Braithwaite had been nominated to be a member of the committee.
- 12 **TARIFF PROPOSALS:** Mr Beddall (Minister for Small Business, Construction and Customs) moved—
 Excise Tariff Proposal No. 1 (1992); and
 Customs Tariff Proposal No. 4 (1992).

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

- 13 **CUSTOMS TARIFF AMENDMENT BILL 1992:** Mr Beddall (Minister for Small Business, Construction and Customs) presented a Bill for an Act to amend the *Customs Tariff Act 1987*.

Bill read a first time.

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

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

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

- 14 **A.C.T. SUPREME COURT (TRANSFER) BILL 1992:** Mr Duffy (Attorney-General), pursuant to notice, presented a Bill for an Act relating to the transfer of responsibility for the Supreme Court of the Australian Capital Territory from the Commonwealth to the Territory, and for other purposes.

Bill read a first time.

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

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

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

- 15 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—WOOL TAX AMENDMENT BILLS:** Mr Crean (Minister for Primary Industries and Energy), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent 5 Wool Tax Amendment Bills:

(1) being presented and read a first time together and one motion being moved without delay and one question being put in regard to, respectively, the second readings, the committee's report stage, and the third readings, of all the Bills together; and

(2) the consideration of the Bills in one committee of the whole.

Question—put and passed.

- 16 **WOOL TAX (NOS. 1 TO 5) AMENDMENT BILLS 1992:** Mr Crean (Minister for Primary Industries and Energy) presented the following Bills:

A Bill for an Act to amend the *Wool Tax Act (No. 1) 1964*;

A Bill for an Act to amend the *Wool Tax Act (No. 2) 1964*;

A Bill for an Act to amend the *Wool Tax Act (No. 3) 1964*;

A Bill for an Act to amend the *Wool Tax Act (No. 4) 1964*; and

A Bill for an Act to amend the *Wool Tax Act (No. 5) 1964*.

Bills together read a first time.

Mr Crean moved—That the Bills be now read a second time.

Paper: Mr Crean presented an explanatory memorandum to the Bills.

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 17 **WOOL TAX (ADMINISTRATION) AMENDMENT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Wool Tax (Administration) Act 1964*.

Bill read a first time.

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

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

Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

- 18 PRIMARY INDUSTRIES AND ENERGY LEGISLATION AMENDMENT BILL (NO. 2) 1992:** Mr Crean (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend various Acts relating to matters dealt with by the Department of Primary Industries and Energy, and for related purposes.
 Bill read a first time.
 Mr Crean moved—That the Bill be now read a second time.
Paper: Mr Crean presented an explanatory memorandum to the Bill.
 Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.
- 19 DAIRY PRODUCE AMENDMENT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend the *Dairy Produce Act 1986*.
 Bill read a first time.
 Mr Crean moved—That the Bill be now read a second time.
Paper: Mr Crean presented an explanatory memorandum to the following Bills:
 Dairy Produce Amendment 1992.
 Dairy Produce Levy (No. 1) Amendment 1992.
 Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.
- 20 DAIRY PRODUCE LEVY (NO. 1) AMENDMENT BILL 1992:** Mr Crean (Minister for Primary Industries and Energy) presented a Bill for an Act to amend the *Dairy Produce Levy (No. 1) Act 1986*.
 Bill read a first time.
 Mr Crean moved—That the Bill be now read a second time.
 Debate adjourned (Mr Lloyd—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.
- 21 POSTPONEMENT OF NOTICE:** Ordered—That notice No. 4, government business, be postponed until the next sitting.
- 22 MESSAGES FROM THE SENATE:** Messages from the Senate, dated 6 May 1992, were reported:
 (a) returning the following Bills without amendment:
 Message—
 No. 414—Deer Velvet Export Charge 1992 (*without requests*).
 No. 415—Deer Velvet Levy 1992 (*without requests*).
 No. 416—Deer Slaughter Levy 1992 (*without requests*).
 No. 417—Deer Export Charge 1992 (*without requests*).
 No. 418—Primary Industries Levies and Charges Collection Amendment 1992.
 (b) acquainting the House that Senator Parer had been discharged from further attendance on the Joint Committee on the Australian Capital Territory and that Senator Macdonald had been appointed to the committee—Message No. 419.
- 23 TRAINING GUARANTEE (ADMINISTRATION) AMENDMENT BILL 1992:** 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—
 Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Martin (Parliamentary Secretary to the Minister for Foreign Affairs and Trade), the Bill was read a third time.

24 REMUNERATION AND ALLOWANCES LEGISLATION AMENDMENT BILL 1992:

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.

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

AYES, 71

Mr Baldwin	Mr Duncan	Mr Humphreys	Mr Price
Mr Beazley	Mr R. F. Edwards	Mrs Jakobsen	Mr Punch
Mr Beddall	Mr Elliott	Mr Jenkins	Mr Sawford
Mr Bevis	Ms Fatin	Mr Johns	Mr Scholes
Dr Blewett	Mr Ferguson	Mr Jones	Mr J. L. Scott
Mr Brereton	Mr Fitzgibbon	Mr Kerr	Mr L. J. Scott
Mr R. J. Brown	Mr Free	Mr Langmore	Mr Simmons
Mr Campbell	Mr Gayler	Mr Lavarch	Mr Snow
Dr Catley	Mr Gear*	Mr Lee	Mr Snowdon
Dr Charlesworth	Mr Gibson	Mr Lindsay	Mr Staples
Mr Cleary	Mr Gorman	Ms McHugh	Dr Theophanous
Mr Courtney	Mr Grace*	Mr Martin	Mr Tickner
Ms Crawford	Mr Griffiths	Mr Melham	Mr Walker
Mr Crean	Mr Hand	Mr A. A. Morris	Mr West
Mrs Crosio	Mr Holding	Mr P. F. Morris	Mr Willis
Mrs Darling	Mr Hollis	Mr Newell	Mr H. F. Woods
Mr Dubois	Mr Howe	Mr O'Keefe	Mr Wright
Mr Duffy	Mr Hulls	Mr O'Neil	

NOES, 61

Mr Aldred	Mr Costello	Dr Kemp	Mr Shack
Mr Anderson	Mr Cowan	Mr Lloyd	Mr Sharp
Mr J. N. Andrew*	Mr Dobie	Mr McArthur	Mr Sinclair
Mr K. J. Andrews	Mr Downer	Mr McGauran	Mr Smith
Mr Atkinson	Dr H. R. Edwards	Mr Mack	Mr Somlyay
Mrs Bailey	Mr Fife	Mr McLachlan	Mrs Sullivan
Mr Beale	Mr Filing	Mr Miles	Mr Taylor
Mr Bradford	Mr P. S. Fisher	Mr Moore	Mr Truss
Mr Braithwaite	Mr Ford	Mr Nehl*	Mr Tuckey
Mr Broadbent	Mrs Gallus	Mr Nugent	Mr Webster
Mr Cadman	Mr Goodluck	Mr Peacock	Mr Wilson
Mr Cameron	Mr Hall	Mr Prosser	Dr R. L. Woods
Mr Carlton	Mr Halverson	Mr Reid	Dr Wooldridge
Mr Charles	Mr Hawker	Mr Riggall	
Mr Cobb	Mr Howard	Mr Rocher	
Mr Connolly	Mr Jull	Mr Ruddock	

* Tellers

And so it was resolved in the affirmative—Bill read a second time.

Message from the Governor-General: Message No. 256, dated 6 April 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Baldwin (Minister Assisting the Treasurer), the Bill was read a third time.

25 SELECTION COMMITTEE—AMENDED REPORT: Mr R. F. Edwards (Chairman) presented the following report:

Selection Committee—Amended report relating to the program of business prior to 12.30 p.m. on Thursday, 7 May 1992—

and, by leave, moved—That the report be adopted in lieu of the report presented on 30 April 1992.

Question—put and passed.

26 COMMONWEALTH EMPLOYMENT (MISCELLANEOUS AMENDMENTS) BILL

1992: 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.

Message from the Governor-General: Message No. 257, dated 1 May 1992, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Simmons (Minister for Local Government), by leave, moved the following amendments together:

Clause 4—

Page 2, after paragraph (b), insert the following paragraph:

“(ba) by omitting subparagraph (c)(ii) of the definition of ‘Commonwealth authority’ in subsection (1) and substituting the following subparagraph:

‘(ii) in which:

(A) the Commonwealth has a controlling or substantial interest; or

(B) a Territory (other than the Northern Territory) or a body corporate referred to in paragraph (a) or (b) has a controlling interest; and;”.

Page 3, paragraph (e), before the proposed definition of “licence”, insert the following definition:

“‘controlling interest’, in relation to a body corporate, means an interest in the body corporate that enables the person holding the interest to:

(a) control the composition of the board of directors of the body corporate; or

(b) cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the body corporate; or

(c) control more than one-half of the issued share capital of the body corporate (excluding any part of that issued share capital that carries no right to participate beyond a specified amount in a distribution of either profits or capital);”.

Page 3, paragraph (e), after the proposed definition of “previous Commission”, insert the following definition:

“‘substantial interest’, in relation to a body corporate, means an interest (other than a controlling interest) in the body corporate that enables the person holding the interest to cast, or control the casting of, a number of votes at a general meeting of the body corporate that is equal to or greater than the number of votes which may be cast, or whose casting may be controlled, by any other single person;”.

Clause 45, page 29, lines 11 to 22, omit the clause, substitute the following clause:

Interpretation

“45. Section 5 of the Principal Act is amended:

(a) by adding the following word and paragraph at the end of the definition of ‘Commonwealth authority’ in subsection (1):

‘or; (c) a body corporate:

(i) that is incorporated under a law of the Commonwealth or a State or Territory; and

- (ii) in which the Commonwealth has a substantial interest; and
- (iii) that is a body corporate that the Minister, by notice published in the *Gazette*, has declared to be a Commonwealth authority for the purposes of this Act;'
- (b) by inserting 'or (c)' in paragraph (b) of the definition of 'Government business enterprise' in subsection (1) after 'paragraph (b)';
- (c) by inserting in subsection (1) the following definitions:
 - '**"principal officer"**, in relation to a Commonwealth authority, means:
 - (a) the person who constitutes, or is acting as the person who constitutes, the authority or, if the authority is constituted by 2 or more persons, the person who is entitled to preside at any meeting of the authority at which he or she is present; or
 - (b) if the affairs of the authority are administered or managed by a board or other group of persons—the person who is entitled to preside at any meeting of that board or other group at which he or she is present;
 - "substantial interest"**, in relation to a body corporate, means an interest (other than a controlling interest) in the body corporate that enables the person holding the interest to cast, or control the casting of, a number of votes at a general meeting of the body corporate that is equal to or greater than the number of votes which may be cast, or whose casting may be controlled, by any other single person;''.

Paper: Mr Simmons presented notes on the proposed amendments.

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Dubois reported accordingly.

On the motion of Mr Simmons, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

27 **POSTPONEMENT OF NOTICES:** Ordered—That notices Nos. 5 and 6, government business, be postponed until a later hour this day.

28 **AVIATION FUEL REVENUES (SPECIAL APPROPRIATION) AMENDMENT BILL 1992:** 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 (Mr O'Keefe), and the resumption of the debate made an order of the day for the next sitting.

29 **ADJOURNMENT:** Mr Simmons (Minister for Local Government) moved—That the House do now adjourn.

Debate ensued.

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

ATTENDANCE: All Members attended (at some time during the sitting) except Mr Bilney, Mr Burr*, Mrs Kelly, Mr Kerin, Mr Sciacca* and Mr B. C. Scott.

*On leave

L. M. BARLIN
Clerk of the House of Representatives