

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 85

WEDNESDAY, 24 AUGUST 1994

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

2 SUSPENSION OF STANDING AND SESSIONAL ORDERS—ROUTINE OF BUSINESS FOR THIS SITTING

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport), for Mr Beazley (Leader of the House), pursuant to notice, moved—That so much of the standing and sessional orders be suspended as would prevent the routine of business for Wednesday, 24 August 1994, being as follows, unless otherwise ordered:

1. Notices and orders of the day, government business (to be interrupted at 1.30 p.m. in order that the grievance debate can be called on):

Provided that:

- (a) if a division is in progress at the time fixed for interruption, the division shall be completed and the result announced; and
 - (b) the Speaker shall fix the time for the resumption of the debate on any business under discussion and not disposed of at the time of the interruption.
2. Grievance debate.
 3. Members' statements (at approximately 2.45 p.m.).
 4. Questions without notice (at 3 p.m.).
 5. Presentation of papers.
 6. Ministerial statements, by leave.
 7. Notices and orders of the day, government business.

Question—put and passed.

3 MESSAGE FROM THE SENATE—CERTAIN FAMILY LAW ISSUES—JOINT SELECT COMMITTEE

Message No. 312, dated 23 August 1994, from the Senate was reported acquainting the House that the Senate concurs with the resolution of the House relating to amendments to the resolution of appointment of the Joint Select Committee on Certain Family Law Issues.

4 TAXATION LAWS AMENDMENT BILL (NO. 3) 1994

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.

Consideration in detail

Clauses 1 to 46, by leave, taken together, and agreed to.

New clause—

Mr Gear (Assistant Treasurer) moved—That the following new clause be inserted in the Bill:

Certain income not included in assessable income

“46A. Section 128D of the Principal Act is amended by inserting ‘or (gaa)’ after ‘128B(3)(ga)’.”

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

New clause agreed to.

Clause 47—

On the motion of Mr Gear, by leave, the following amendments were made together:

Page 37, after proposed section 128S insert the following section:

Amount of a dividend

“128SA. For the purposes of this Subdivision, in determining the amount of a dividend paid to a resident company:

- (a) subsection 6AC(2) (which increases the amount of a dividend by an amount of foreign underlying tax) is to be disregarded; and
- (b) any foreign tax paid or payable by the company in respect of the dividend, where the company was or is personally liable for the tax, is to be deducted.”

Page 38, proposed paragraph 128TA(2)(b), line 9, after “dividend” insert “, to the extent that it is not exempt from income tax under section 23AI or 23AK”.

Clause, as amended, agreed to.

Clauses 48 to 55, by leave, taken together, and agreed to.

Clause 56—

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

Page 46, lines 33 and 34, omit paragraph (b), substitute the following paragraph:

“(b) a spouse who received home child care allowance within the meaning of the *Social Security Act 1991* in respect of the year of income or part of the year of income;”

Page 47, lines 21-23, omit the definition of “non-HCCA spouse”, substitute the following definition:

“ “non-HCCA spouse” means a spouse who does not receive home child care allowance within the meaning of the *Social Security Act 1991* in respect of a year of income or part of a year of income;”

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 59

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

NOES, 69

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

* Tellers

And so it was negated.

Clause agreed to.

Clauses 57 to 127, by leave, taken together, and agreed to.

Clause 128—

Mr Connolly moved the following amendment: Page 75, at the end of the clause add “and to provide for sales tax credits in respect of parts used in re-manufacturing goods sold to or leased by exempt users”.

Debate continued.

Amendment negated.

Clause agreed to.

Clauses 129 to 131, by leave, taken together, and agreed to.

Proposed new clauses—

Mr Connolly, by leave, moved—That the following new clauses be inserted in the Bill:

Meaning of “eligible short-term lease” etc.

“**131A.** Section 15A of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

‘(2) The Commissioner and

- (a) a person (“**the lessor**”) who grants leases of goods in the course of a business may agree on a percentage (other than nil) as the exempt percentage in relation to goods of a particular kind. The percentage agreed on must be the percentage of the statutory period during which it is agreed to be likely that the goods will be used by the lessor for lease (other than eligible long-term lease) to persons who, or whose sub-lessees, intend to use the goods during the whole of the term of the lease or sub-lease so as to satisfy one or more exemption Items;
- (b) the lessor who grants leases of Australian-used goods in the course of a business may agree on a percentage (other than nil) as the exempt percentage in relation to eligible repair goods incorporated in Australian-used goods of a particular kind. The percentage agreed on must be the percentage of the statutory period during which it is agreed to be likely that the Australian-used goods will be used by the lessor for lease (other than eligible long-term lease) to persons who, or whose sub-lessees, intend to use the Australian-used goods during the whole of the term of the lease or sub-lease so as to satisfy the exemption Items covered by subsection 15C(2)’. ”

Eligible Repair Goods

“**131B.** Section 15C of the Principal Act is amended:

- (a) by omitting from subsection (1) paragraphs (c) and (d) and substituting the following paragraphs:
 - ‘(c) after the goods become an integral part of the Australian-used goods:
 - (i) property in the Australian-used goods passes under a contract from the claimant to another person (the exemption user); or
 - (ii) the Australian-used goods are leased by the claimant to the exemption user for a term at least as long as the statutory period; or
 - (iii) the Australian-used goods are sold by the claimant to a person for lease by that person to the exemption user for a term at least as long as the statutory period; and
 - (d) (i) where subparagraph (c)(i) or (ii) applies—the exemption user gives a declaration under subsection (2) to the claimant; and
 - (ii) where subparagraph (c)(iii) applies—the exemption user gives a declaration under subsection (2) to the lessor of the Australian-used goods and a copy of that declaration is supplied by the lessor to the claimant.’;
- (b) by omitting from subsection (2) ‘and 38’ and substituting ‘, 38 and any other exemption Item which provides exemption for goods for use by an “always-exempt person” within the meaning of the *Sales Tax (Exemptions and Classifications) Act 1992.*’;
- (c) by omitting subsection (3) and substituting the following subsection:

- (3) The time when the goods become eligible repair goods is the later of:
- (a) if subparagraph (1)(c)(i) applies—the time when the property in the Australian-used goods passes to the exemption user; or
 - (b) if subparagraph (1)(c)(ii) or (iii) applies—the time when the Australian-used goods are leased to the exemption user,
- and the time when the declaration, or a copy of the declaration, is given to the claimant.’”.

Proposed new clauses negatived.

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

Bill, as amended, agreed to.

Consideration in detail concluded.

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

5 MESSAGE FROM THE SENATE—PLANT BREEDER'S RIGHTS BILL 1994

Message No. 311, dated 30 June 1994, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to provide for the granting of proprietary rights to breeders of certain new varieties of plants and fungi, to repeal the ‘Plant Variety Rights Act 1987’, and for related purposes*”.

Bill read a first time.

Paper: Mr Walker (Minister for Administrative Services) presented an explanatory memorandum to the Bill.

Mr Walker, by leave, moved—That the Bill be now read a second time.

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Dr Theophanous (Parliamentary Secretary to the Prime Minister), the Bill was read a third time.

6 HUMAN SERVICES AND HEALTH LEGISLATION AMENDMENT BILL (NO. 2) 1994

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

Debate ensued.

Mr M. J. Evans addressing the House—

It being 1.30 p.m., the debate was interrupted in accordance with the resolution agreed to this day, the resumption of the debate made an order of the day for a later hour this day, and Mr M. J. Evans was granted leave to continue his speech when the debate is resumed.

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.

It being 2.45 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 PAPER

The Speaker presented the following paper:

Reserve Bank Act—Reserve Bank of Australia—Report for 1993-94.

11 PAPERS

The following papers were presented:

Advance to the Minister for Finance for 1993-94—Statement of heads of expenditure and the amounts charged thereto pursuant to section 36A of the *Audit Act 1901*.

East Asia Analytical Unit—Department of Foreign Affairs and Trade—Report—Subsistence to supermarket: Food and agricultural transformation in South-East Asia.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Australian Defence Industries Ltd (ADI)—Report for 1992-93.

Final Budget Outcome 1993-94.

Public Accounts—Joint Committee—Report 326—An Assessment of Tax, 5 November 1993—Government response.

University of Canberra Act—Council of the University of Canberra—Report for 1993.

12 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Advance to the Minister for Finance for 1993-94—Statement of heads of expenditure and the amounts charged thereto pursuant to section 36A of the *Audit Act 1901*.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Australian Defence Industries Ltd (ADI)—Report for 1992-93.

Final Budget Outcome 1993-94.

Public Accounts—Joint Committee—Report 326—An Assessment of Tax, 5 November 1993—Government response.

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

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIVATISATION OF PUBLIC ASSETS

The House was informed that Mr Costello (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The political and economic implications of the Government's mismanagement of the privatisation of public assets".

The proposed discussion having received the necessary support—

Mr Costello addressed the House.

Discussion ensued.

Discussion concluded.

14 PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Primary Industries Levies and Charges Collection Amendment Bill 1994 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

15 HORTICULTURAL EXPORT CHARGE AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Horticultural Export Charge Amendment Bill 1994 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

16 HORTICULTURAL LEVY AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Horticultural Levy Amendment Bill 1994 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, the Bill was read a third time.

17 EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION OF PROVIDERS AND FINANCIAL REGULATION) AMENDMENT BILL 1994

Mr Crean (Minister for Employment, Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991*.

Bill read a first time.

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

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

18 ASIAN DEVELOPMENT BANK (ADDITIONAL SUBSCRIPTION) BILL 1994

Mr Gear (Assistant Treasurer), pursuant to notice, presented a Bill for an Act relating to the subscription by Australia for additional shares in the capital stock of the Asian Development Bank.

Bill read a first time.

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

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

19 HUMAN SERVICES AND HEALTH LEGISLATION AMENDMENT BILL (NO. 2) 1994

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. 176, dated 16 August 1994, 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.

Debate ensued.

Bill agreed to.

Consideration in detail concluded.

On the motion of Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health), by leave, the Bill was read a third time.

20 DECLARATION OF BILLS AS COGNATE BILLS

Mr Crean (Minister for Employment, Education and Training), by leave, declared that the Employment Services Bill 1994 and Employment Services (Consequential Amendments) Bill 1994 were cognate Bills.

21 EMPLOYMENT SERVICES BILL 1994

The order of the day having been read for the second reading—Mr Crean (Minister for Employment, Education and Training) moved—That the Bill be now read a second time.

Dr Kemp 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, this House deplores the Government’s failure to provide real sustainable job opportunities”.

Debate continued.

Mr Ruddock addressing the House—

22 ADJOURNMENT

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

Debate ensued.

Question—put and passed.

And then the House, at 7.59 p.m., adjourned until tomorrow at 9.30 a.m.

PAPER

The following paper was deemed to have been presented on 24 August 1994:

Quarantine Act—Determinations 1994 No. 1.

ATTENDANCE

All Members attended (at some time during the sitting) except Ms Deahm, Mr Dobie, Mr Elliott, Mr Gibson, Mr Howard, Mr Howe, Mr Katter, Mr Keating, Mr Langmore, Mr Reid and Mr Willis.

L. M. BARLIN

Clerk of the House of Representatives

1993-94

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 85

MAIN COMMITTEE

MINUTES OF PROCEEDINGS**WEDNESDAY, 24 AUGUST 1994**

1 The Main Committee met at 10 a.m.

2 DECLARATION OF BILLS AS COGNATE BILLS

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), by leave, declared that the Primary Industries Levies and Charges Collection Amendment Bill 1994, Horticultural Export Charge Amendment Bill 1994 and Horticultural Levy Amendment Bill 1994 were cognate Bills.

3 PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved—That the Bill be now read a second time.

Debate ensued.

Mr Dodd addressing the Committee—

Suspension of sitting: At 10.26 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 10.39 a.m., the proceedings were resumed.

Debate continued.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), Bill to be reported to the House without amendment.

4 HORTICULTURAL EXPORT CHARGE AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Duncan, Bill to be reported to the House without amendment.

5 HORTICULTURAL LEVY AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

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

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Duncan, Bill to be reported to the House without amendment.

6 ADJOURNMENT

On the motion of Mr Duncan (Parliamentary Secretary to the Attorney-General), the Main Committee adjourned at 12.44 p.m.

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



I. C. HARRIS

Clerk of the Main Committee