

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 114

THURSDAY, 8 DECEMBER 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 MOVED

Mr Howard moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Bennelong moving forthwith—That the Minister for Transport and Industrial Relations be required to attend question time today.

Closure of Member: Mr Elliott (Parliamentary Secretary to the Treasurer) moved—That the Member be not further heard.

Question—put.

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

AYES, 76

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

NOES, 52

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

* Tellers

And so it was resolved in the affirmative.

Mr McGauran (seconder) addressing the House—

Closure of Member: Mr Beazley (Leader of the House) moved—That the Member be not further heard.

Question—put and passed.

Question—That the motion for the suspension of standing and sessional orders be agreed to—put.

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

AYES, 52

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

NOES, 76

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

* Tellers

And so it was negatived.

3. MESSAGE FROM THE SENATE—SOCIAL SECURITY (PARENTING ALLOWANCE AND OTHER MEASURES) LEGISLATION AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 378

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Social Security Act 1991', 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.

MICHAEL BEAHAN
President

The Senate

Canberra, 6 December 1994

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 15, page 4, subclause (1), line 20, omit "to 166", substitute ", 164, 164A, 165 and 166".

No. 2—Clause 15, page 4, after subclause (1) insert the following subclause:

"(1A) The amendments of the *Income Tax Assessment Act 1936* made by subsection 3(2) and items 165A to 165D of Schedule 1 apply to assessments in respect of income of the 1995-96 year of income and of all later years of income."

No. 3—Schedule 1, page 90, amendments of the *Income Tax Assessment Act 1936*, after item 164, insert the following item:

“164A. Section 24ABXA:

After ‘*Social Security Act 1991*’ insert ‘, as in force immediately before the commencement of Schedule 1 to the *Social Security (Parenting Allowance and Other Measures) Legislation Amendment Act 1994*,’.”

No. 4—Schedule 1, page 91, amendments of the *Income Tax Assessment Act 1936*, after item 165 insert the following items:

“165A. Subsection 159J(5E):

Omit the subsection, substitute:

‘(5E) If:

- (a) after taking into account any reduction because of the application of any other provision of this section, a rebate is allowable to a taxpayer under this section for a year of income in respect of a dependant who is the spouse of the taxpayer; and
- (b) any of the following amounts were paid to the spouse at any time during the year of income:
 - (i) home child care allowance (within the meaning of the *Social Security Act 1991* as in force immediately before the commencement of Schedule 1 to the *Social Security (Parenting Allowance and Other Measures) Legislation Amendment Act 1994*);
 - (ii) parenting allowance (within the meaning of the *Social Security Act 1991*);

the rebate is to be reduced or further reduced, as the case requires, by the sum of the following amounts:

- (c) any home child care allowance;
- (d) if any parenting allowance is non-benefit parenting allowance (within the meaning of the *Social Security Act 1991*)—that non-benefit parenting allowance;
- (e) if any parenting allowance is benefit parenting allowance (within the meaning of the *Social Security Act 1991*)—any part of that allowance that is exempt under paragraph 24ABXB(2)(b) of this Act.’

165B. Subsection 159J(6) (paragraph (a) of definition of ‘separate net income’):

Omit ‘home child care allowance’, substitute ‘non-benefit parenting allowance’.

165C. Subsection 159J(6) (paragraph (a) of definition of ‘separate net income’):

After ‘*Social Security Act 1991*,’ insert ‘home child care allowance within the meaning of the *Social Security Act 1991* as in force immediately before the commencement of Schedule 1 to the *Social Security (Parenting Allowance and Other Measures) Legislation Amendment Act 1994*,’.

165D. Subsection 159J(6) (after paragraph (a) of definition of ‘separate net income’):

Insert:

‘(aaa) does not include any part of benefit parenting allowance paid under the *Social Security Act 1991* that is exempt under paragraph 24ABXB(2)(b) of this Act;’.

No. 5—Schedule 1, page 91, amendments of the *Income Tax Assessment Act 1936*, after item 167 insert the following items:

“167A. Subsection 221YA(1):

Insert:

‘“**first non-159J(1C) year of income**” means the first year of income in respect of which the amount that is taken by section 159HA to replace the amount of \$1,000 in relation to dependants included in class 1 in the table in subsection 159J(2) exceeds \$1,452;

Note: This definition is called the “first non-159J(1C) year of income” because, if it applies in relation to a year of income, subsection 159J(1C) will not apply to any taxpayer for that year of income.’

167B. Subsection 221YCAA(2) (subparagraph (pa)(iii) of definition of ‘Qualifying reductions’):

Omit the subparagraph, substitute:

‘(iii) if:

- (A) the preceding year of income is the 1994-95 year of income or any later year of income; and
- (B) that preceding year of income is not the first non-159J(1C) year of income or any later year of income; and
- (C) subsection 159J(1C) did not apply in relation to the rebate; 100%; or

(iv) if the preceding year of income is the first non-159J(1C) year of income or any later year of income and neither of the following applies:

- (A) on 30 June of that preceding year of income an amount of non-benefit parenting allowance (within the meaning of the *Social Security Act 1991*), or an amount of benefit parenting allowance (within the meaning of that Act) that was to any extent exempt under paragraph 24ABXB(2)(b), became payable to the spouse;
- (B) that 30 June occurred fewer than 14 days after a day on which an amount of such parenting allowance became payable to the spouse;

100%;’.

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

4 MESSAGE FROM THE SENATE—SOCIAL SECURITY (1994 BUDGET AND WHITE PAPER) AMENDMENT BILL 1994

The following message from the Senate was reported:

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the 'Social Security Act 1991', and for related purposes*", and acquaints the House that the Senate has agreed to the bill as amended by the House at the request of the Senate, with the amendments indicated by the annexed schedule.

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

MICHAEL BEAHAN
President

The Senate

Canberra, 7 December 1994

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Schedule 4, page 14, items 1 and 2, omit the items.
- No. 2—Schedule 4, page 14, item 5, proposed subparagraph 525D(1)(a)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 3—Schedule 4, page 15, item 5, proposed subparagraph 525E(1)(a)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 4—Schedule 4, page 16, item 5, proposed subparagraph 525E(2)(a)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 5—Schedule 4, page 17, item 7, proposed subparagraph 607A(1)(a)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 6—Schedule 4, page 18, item 7, proposed subparagraph 607B(1)(a)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 7—Schedule 4, page 18, item 7, proposed subparagraph 607B(2)(a)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 8—Schedule 5, page 20, item 1, proposed subparagraph 570A(1)(b)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 9—Schedule 5, page 22, item 1, proposed paragraph 570J(1)(c), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 10—Schedule 5, page 24, item 1, proposed paragraph 570K(1)(c), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 11—Schedule 5, page 26, item 2, proposed subparagraph 653A(1)(b)(iii), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 12—Schedule 5, page 28, item 2, proposed paragraph 653J(1)(c), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 13—Schedule 5, page 30, item 2, proposed paragraph 653K(1)(c), omit "Youth Training Allowance", substitute "youth training allowance".
- No. 14—Schedule 5, page 32, item 3, omit "Step 11", "*Step 11*" and "*Step 12*", substitute "Step 10", "*Step 10*" and "*Step 11*" (respectively).
- No. 15—Schedule 5, page 35, item 5, omit "Step 9", "*Step 9*" and "*Step 10*", substitute "Step 8", "*Step 8*" and "*Step 9*" (respectively).

No. 16—Schedule 6, pages 42 and 43, item 9, proposed subsection 522(2B), omit the subsection, substitute the following subsections:

“(2B) Commuting is not unreasonably difficult for the purposes of paragraph (2A)(g) if:

- (a) the sole or principal reason for the difficulty is that the commuting involves a journey, either from the person’s home to the place of work or from the place of work to the person’s home, that does not normally exceed 90 minutes in duration; or
- (b) in the Secretary’s opinion, a substantial number of people living in the same area as the person regularly commute to their places of work in circumstances similar to those of the person.

“(2BA) Subsection (2B) does not limit the Secretary’s discretion to form the opinion that, for the purposes of paragraph (2A)(g), commuting is not unreasonably difficult.”.

No. 17—Schedule 6, page 43, item 9, proposed subsection 522(2C), omit “or (2B)”.

No. 18—Schedule 6, page 45, item 20, proposed subsection 601(2B), omit the subsection, substitute the following subsections:

“(2B) Commuting is not unreasonably difficult for the purposes of paragraph (2A)(g) if:

- (a) the sole or principal reason for the difficulty is that the commuting involves a journey, either from the person’s home to the place of work or from the place of work to the person’s home, that does not normally exceed 90 minutes in duration; or
- (b) in the Secretary’s opinion, a substantial number of people living in the same area as the person regularly commute to their places of work in circumstances similar to those of the person.

“(2BA) Subsection (2B) does not limit the Secretary’s discretion to form the opinion that, for the purposes of paragraph (2A)(g), commuting is not unreasonably difficult.”.

No. 19—Schedule 6, page 45, item 20, proposed subsection 601(2C), omit “or (2B)”.

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

5 FINANCIAL MANAGEMENT AND ACCOUNTABILITY BILL 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.

Debate adjourned (Dr Theophanous—Parliamentary Secretary to the Prime Minister), and the resumption of the debate made an order of the day for a later hour this day.

6 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos. 2 and 3, government business, be postponed until a later hour this day.

7 DEFENDING AUSTRALIA—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS

The order of the day having been read for the resumption of the debate on the motion of Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology)—That the House take note of the papers (*presented on 7 December 1994*), viz.:

Defending Australia—

Defence White Paper 1994.

Ministerial statement, 7 December 1994—

Debate resumed.

Debate adjourned (Mr Tickner—Minister for Aboriginal and Torres Strait Islander Affairs), and the resumption of the debate made an order of the day for a later hour this day.

8 FINANCIAL MANAGEMENT AND ACCOUNTABILITY BILL 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.

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 217, dated 4 August 1994, recommending an appropriation for the purposes of the Bill; and

No. 218, dated 7 December 1994, recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Clauses 1 to 18, by leave, taken together, and agreed to.

Clause 19—

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for the Environment, Sport and Territories), the following amendment was made: Page 8, line 9, add at the end the following subclauses:

“(3) The Consolidated Revenue Fund is appropriated for the purposes of subsection (2).

“(4) If another Act (either expressly or by implication) requires or permits an amount to be transferred from the Consolidated Revenue Fund to the Loan Fund, then the Consolidated Revenue Fund is appropriated for the transfer by force of this subsection (unless the contrary intention appears in that other Act).”.

Clause, as amended, agreed to.

Clause 20—

On the motion of Mr Snowdon, the following amendment was made: Page 8, line 28, after subclause (6) insert the following subclause (before the note):

“(7) If another Act (either expressly or by implication) requires or permits an amount to be transferred from the Consolidated Revenue Fund to a component of the Reserved Money Fund, then the Consolidated Revenue Fund is appropriated for the transfer by force of this subsection (unless the contrary intention appears in that other Act).”.

Clause, as amended, agreed to.

Clause 21 agreed to.

Clause 22—

Mr Prosser moved the following amendment: Page 9, line 23, omit “5 sitting days”, substitute “15 sitting days”.

Amendment negatived.

Clause agreed to.

Clauses 23 to 55, by leave, taken together, and agreed to.

Clause 56—

On the motion of Mr Snowdon, the following amendment was made: Page 21, line 16, add at the end the following subclause:

“(3) If the Finance Minister has not given the statements to the Auditor-General within 5 months after the end of the financial year, the Finance Minister must cause to be tabled in each House of the Parliament a statement of the reasons why the statements were not given to the Auditor-General within that period.”.

Clause, as amended, agreed to.

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 Snowdon, by leave, the Bill was read a third time.

9 COMMONWEALTH AUTHORITIES AND COMPANIES BILL 1994

The order of the day having been read for the second reading—Mr Snowdon (Parliamentary Secretary to the Minister for the Environment, Sport and Territories) moved—That the Bill be now read a second time.

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

Consideration in detail

Bill, by leave, taken as a whole.

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

Clause 7, page 4, line 8, add at the end the following subclause:

“(2) For the purposes of subsection (1), all money that a body holds is taken to be held by it on its own account, unless the money is public money as defined in section 5 of the *Financial Management and Accountability Act 1994*.”.

Clause 9—

Page 4, subclause (1), line 23, omit “5th month”, substitute “4th month”.

Page 4, subclause (1), line 25, omit “November”, substitute “October”.

Clause 13, page 6, line 15, after subclause (2) insert the following subclause:

“(2A) Each statement must be accompanied by a report prepared by the Auditor-General in accordance with the regulations.”.

Clause 17—

Page 7, subclause (3), lines 26 and 27, omit “and not more than 5 years.”.

Page 7, lines 32 and 33, omit subclause (5), substitute the following subclause:

- “(5) The directors must keep the responsible Minister informed about:
- (a) significant changes to the plan; and
 - (b) matters that arise that might significantly affect the achievement of the objectives in the plan.”.

Page 8, line 16, add at the end the following subclause:

“(8) The responsible Minister may give written guidelines to the directors that are to be used by the directors in deciding which matters are covered by subsection (5).”.

Clause 21—

Page 9, subclause (1), lines 33 and 34, omit “direct or indirect pecuniary interest”, substitute “material personal interest”.

Page 10, subclause (4), line 7, omit “direct or indirect pecuniary interest”, substitute “material personal interest”.

Clause 22, page 10, lines 26 to 29, omit subclause (2), substitute the following subclause:

“(2) In the exercise of his or her powers and the discharge of his or her duties, an executive officer of a Commonwealth authority (the ‘**actual authority**’) must exercise the same degree of care and diligence that a reasonable person in a like position in a Commonwealth authority would exercise in the actual authority’s circumstances.

Maximum penalty: 50 penalty units.”.

Clause 23, page 10, line 36, before subclause (2) insert the following subclause:

“(1A) If an executive officer is also a public servant, nothing done by the executive officer in the normal course of the performance of his or her duties as a public servant is to be regarded as improper for the purposes of subsection (1). For this purpose, ‘**public servant**’ means an officer or employee within the meaning of the *Public Service Act 1922*.”.

Clause 24, page 11, line 18, add at the end the following subclause:

“(3) If, in proceedings to recover an amount under subsection (2), it appears to the court that:

- (a) the defendant has acted honestly; and
- (b) the defendant ought fairly to be excused for the contravention, having regard to all the circumstances;

the court may relieve the defendant either wholly or partly from the liability to pay the amount.”.

Clause 26, page 11, line 40, after subclause (2) insert the following subclause:

“(2A) Subject to this section, a Commonwealth authority may indemnify a person who is or has been an executive officer against liabilities incurred by the person as an executive officer.”.

Clause 27, page 12, line 20, after subclause (3) insert the following subclause:

“(3A) Subject to this section, a Commonwealth authority may insure a person who is or has been an executive officer against liabilities incurred by the person as an executive officer.”.

Clause 28, page 12, line 33, add at the end the following subclause:

“(4) The responsible Minister may in writing exempt the directors of a Commonwealth authority from subsection (2) or (3) in relation to specified activities.”.

Clause 35, page 15, lines 12 and 13, omit subclause (4), substitute the following subclause:

“(4) If the Commonwealth company is a wholly-owned Commonwealth company, the responsible Minister must cause the documents to be tabled in each House of the Parliament as soon as practicable after receiving them. In all other cases, the Minister must cause the documents to be tabled in each House of the Parliament as soon as practicable after the annual general meeting of the company.”.

Clause 37, page 16, line 6, after subclause (2) insert the following subclause:

“(2A) Each statement must be accompanied by a report prepared by the Auditor-General in accordance with the regulations.”.

Clause 41—

Page 17, subclause (3), lines 17 and 18, omit “and not more than 5 years.”.

Page 17, lines 23 and 24, omit subclause (5), substitute the following subclause:

“(5) The directors must keep the responsible Minister informed about:

- (a) significant changes to the plan; and
- (b) matters that arise that might significantly affect the achievement of the objectives in the plan.”.

Page 18, line 6, add at the end the following subclause:

“(8) The responsible Minister may give written guidelines to the directors that are to be used by the directors in deciding which matters are covered by subsection (5).”.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

10 AUDITOR-GENERAL BILL 1994

The order of the day having been read for the second reading—Mr Snowden (Parliamentary Secretary to the Minister for the Environment, Sport and Territories) moved—That the Bill be now read a second time.

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

Message from the Governor-General: Message No. 219, dated 4 August 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Consideration in detail

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5—

Mr Prosser moved the following amendment: Page 2, before the definition of “Minister” insert the following definition:

“‘**Joint Committee of Public Accounts and Audit**’ means the Joint Committee of Public Accounts and Audit established under the *Public Accounts Committee Act 1951*;”.

Amendment negatived.

Clause agreed to.

Clause 6 agreed to.

Clause 7—

On the motion of Mr Snowdon, the following amendment was made: Page 3, line 18, add at the end the following subclause:

“(2) Whenever a vacancy occurs in the office of Auditor-General, an appointment must be made to the office as soon as practicable.”.

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

Clause, as amended, agreed to.

Clause 8 agreed to.

Proposed new clause—

Mr Prosser moved—That the following new clause be inserted in the Bill:

Auditor-General and Joint Committee of Public Accounts and Audit

“8A. The Auditor-General must, so far as is practicable, operate under the general oversight of the Joint Committee of Public Accounts and Audit, and, in particular—

- (a) have regard to audit priorities advised by the committee in accordance with paragraph 8(1)(da) of the *Public Accounts Committee Act 1951*;
- (b) have regard to any reports of the committee made in accordance with paragraph 8(1)(de) of the *Public Accounts Committee Act 1951*.”.

Question—That the new clause proposed to be inserted be so inserted—put.

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

AYES, 56

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

NOES, 75

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

* Tellers

And so it was negated.

Clauses 9 to 13, by leave, taken together, and agreed to.

Clause 14—

Mr Prosser moved the following amendment: Page 4, lines 24-27, omit subclause (2), substitute the following subclause:

“(2) The Auditor-General may at any time conduct a performance audit of a Commonwealth authority that is a GBE (other than a GBE accepted by the Joint Committee of Public Accounts and Audit as a GBE with significant private sector financial involvement) or any of its subsidiaries.”.

Amendment negated.

Clause agreed to.

Clause 15—

Mr Prosser moved the following amendment: Page 4 (line 36) to page 5 (line 2), omit subclause (2), substitute the following subclause:

“(2) The Auditor-General may at any time conduct a performance audit of a Commonwealth company that is a GBE (other than a GBE accepted by the Joint Committee of Public Accounts and Audit as a GBE with significant private sector financial involvement) or any of its subsidiaries.”.

Amendment negated.

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

Page 4, subclause (2), line 37, before “Commonwealth company” insert “wholly-owned”.

Page 5, line 6, add at the end the following subclause:

“(4) In this section:

‘wholly-owned Commonwealth company’ has the same meaning as in the *Commonwealth Authorities and Companies Act 1994*.”.

Clause, as amended, agreed to.

Clause 16—

On the motion of Mr Snowdon, the following amendment was made: Page 5, subclause (4), line 21, omit “authorities and their subsidiaries and Commonwealth companies”, substitute “authorities (other than GBEs) and their subsidiaries and Commonwealth companies (other than GBEs)”.

Clause, as amended, agreed to.

Clause 17—

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

Page 5, subclause (2), line 29, before “the body” insert “an officer of”.

Page 5, subclause (3), line 30, omit “section 16”, substitute “section 13, 14, 15 or 16”.

Page 5, subclause (3), lines 31 and 32, omit “or body”.

Mr Prosser moved the following amendment: Page 5, after proposed subclause (3) insert the following subclause:

“(3A) A person to whom the Auditor-General gives a copy of a report under this section must not disclose the information contained in the report in any manner other than as may be necessary in the consideration of the report or the preparation of comments on the report.

Penalty: 10 penalty units.”.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 18 to 20, by leave, taken together, and agreed to.

Clause 21—

On the motion of Mr Snowdon, the following amendment was made: Page 7, lines 1 to 3, omit subclause (2).

Clause, as amended, agreed to.

Clauses 22 to 27, by leave, taken together, and agreed to.

Clause 28—

On the motion of Mr Snowdon, the following amendment was made: Page 8, line 14, omit paragraph (c).

Clause, as amended, agreed to.

Clauses 29 to 32, by leave, taken together, and agreed to.

Clause 33—

On the motion of Mr Snowdon, the following amendment was made: Page 10, line 22, add at the end the following subclause:

“(3) A person who receives a proposed report under section 17 must not disclose any of the information in the report except with the consent of the Auditor-General.

Maximum penalty: Imprisonment for 2 years.”.

Clause, as amended, agreed to.

Clause 34—

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

Page 10, subclause (1), lines 24 to 30, omit “the information is sensitive information” (wherever occurring), substitute “disclosure of the information would be contrary to the public interest for any of the reasons set out in subsection (1A)”.

Page 10, line 30, after subclause (1) insert the following subclause:

“(1A) The reasons are:

- (a) it would prejudice the security, defence or international relations of the Commonwealth;
- (b) it would involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet;
- (c) it would prejudice relations between the Commonwealth and a State;
- (d) it would divulge any information or matter that was communicated in confidence by the Commonwealth to a State, or by a State to the Commonwealth;
- (e) it would unfairly prejudice the commercial interests of any body or person;
- (f) any other reason that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the information should not be disclosed.”.

Page 10, subclause (2), line 35, omit “sensitive”.

Page 11, subclause (3), definition of “sensitive information”, lines 1 to 14, omit the definition.

Clause, as amended, agreed to.

Clauses 35 and 36, by leave, taken together, and agreed to.

Clause 37—

Mr Prosser moved the following amendment: Page 11, at the end of the clause add the following subclause:

“(2) Notwithstanding the provisions of any other Act, regulation, determination, order, instrument or enactment, the Auditor-General may employ persons to work in the Audit Office on such terms and conditions as the Auditor-General thinks fit, provided that at the time they are agreed such terms and conditions are consistent with the industrial relations policy of the Government.”.

Amendment negatived.

Clause agreed to.

Clause 38—

On the motion of Mr Snowdon, the following amendment was made: Page 11, line 33, add at the end the following subclause:

“(2) Whenever a vacancy occurs in the office of Independent Auditor, an appointment must be made to the office as soon as practicable.”.

Clause, as amended, agreed to.

Clause 39 agreed to.

Proposed new clause—

Mr Prosser moved—That the following new clause be inserted in the Bill:

Independent-Auditor and Joint Committee of Public Accounts and Audit

“39A. The Independent Auditor must have regard to the audit priorities advised by the Joint Committee of Public Accounts and Audit in accordance with paragraph 8(1)(df) of the *Public Accounts Committee Act 1951*.”

Proposed new clause negatived.

Clause 40 agreed to.

Clause 41—

On the motion of Mr Snowden, the following amendment was made: Page 12, line 13, after subclause (1) insert the following subclause:

“(1A) After preparing a proposed report on an audit, the Independent Auditor must give a copy of the proposed report to the Auditor-General. If the Auditor-General gives written comments to the Independent Auditor within 28 days after receiving the proposed report, the Independent Auditor must consider those comments before preparing a final report.”

Clause, as amended, agreed to.

Clauses 42 to 52, by leave, taken together, and agreed to.

Proposed new part—

Mr Prosser, by leave, moved—That the following new Part 8A (comprising new clauses 53 to 56) be inserted in the Bill:

“PART 8A—AMENDMENTS OF THE PUBLIC ACCOUNTS COMMITTEE ACT 1951

Principal Act

“53. In this Part, ‘Principal Act’ means the *Public Accounts Committee Act 1951*.

Title of committee

“54. The Principal Act is amended by omitting ‘Joint Committee of Public Accounts’ (wherever occurring) and substituting ‘Joint Committee of Public Accounts and Audit’.

Duties of the committee

“55. Section 8 of the Principal Act is amended:

(a) by inserting after paragraph (1)(d) the following paragraphs:

‘(da) to advise the Auditor-General of the Committee’s audit priorities in respect of Commonwealth bodies;

(db) to advise the responsible Minister in relation to a government business enterprise (GBE) that the Committee attaches a priority to a performance audit being undertaken of certain activities of that GBE, for the purpose of requesting that Minister, where appropriate, to seek the Auditor-General’s agreement to undertake the performance audit;

(dc) to consider the resources of the Australian National Audit Office (ANAO) for the purposes of assessing the effectiveness of the ANAO in undertaking its charter and the adequacy of resource

levels, including charge-out rates, to undertake an appropriate program of audit coverage; and as appropriate, to make recommendations to the Auditor-General and/or the Executive Government;

(de) to report to both Houses on any matters arising out of the Committee's consideration of ANAO resources, reports of the Independent Auditor on the operations of the ANAO, or other matters relating to the performance of the Auditor-General's functions which the committee considers should be drawn to the attention of the Parliament; and

(df) to advise the Independent Auditor appointed under Part 7 of the *Auditor-General Act 1994* of the Committee's audit priorities in respect of the ANAO.';

(b) by inserting after 'and include such other duties as are assigned to the Committee by Joint Standing Orders' 'or resolutions'.

Sectional committees

"56. Section 9 of the Principal Act is amended by inserting the following subsection after subsection (1):

'(2) As soon as practicable after the commencement of the first session of each Parliament, the Committee must appoint a Sectional Committee, to be known as the Audit Committee, consisting of 9 of its members to perform the duties set out in paragraphs 8(1)(da)–8(1)(df).'."

Proposed new part negatived.

Schedule 1—

On the motion of Mr Snowdon, the following amendment was made: Page 15, subclause 1(1), omit "a term of up to 7 years", substitute "a term of at least 5 years and not more than 7 years".

Mr Prosser moved the following amendment: Page 15, omit subclause 1(2), substitute the following subclause:

"(2) Before making a recommendation to the Governor-General, the Minister must consult the Finance Minister and seek the approval of the following in respect of the proposed appointment:

(a) the Leader of the Opposition in the House of Representatives or his or her nominee; and

(b) the Joint Committee of Public Accounts and Audit."

Question—That the amendment be agreed to—put.

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

AYES, 57

Mr Abbott	Mr R.D.C.Evans	Mr McArthur	Mr B. C. Scott
Mr Aldred	Mr Filing	Mr McGauran	Mr Sharp
Mr Anderson	Mr Fischer	Mr McLachlan	Mr Slipper
Mr J. N. Andrew	Mr Forrest	Mr Miles	Mr Somlyay
Mr K. J. Andrews	Mr Georgiou	Mr Moore	Mr Taylor
Mr Atkinson	Mr Hall	Mrs Moylan	Mr Truss
Mrs Bishop	Mr Hawker*	Mr Neville	Mr Tuckey
Mr Bradford	Dr Hewson	Mr Nugent	Mr Vaile
Mr Cadman	Mr Hicks*	Mr Prosser	Mr Wakelin
Mr Cameron	Mr Howard	Mr Pyne	Mr Williams
Mr Charles	Mr Jull	Mr Reid	Dr Wooldridge
Mr Cobb	Mr Katter	Mr Reith	Ms Worth
Mr Connolly	Dr Kemp	Mr Rocher	
Mr Costello	Mr Lieberman	Mr Ronaldson	
Mr Dobie	Mr Lloyd	Mr Ruddock	

NOES, 75

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

* Tellers

And so it was negatived.

On the motion of Mr Snowdon, the following amendment was made: Page 15, subclause 1(2), at the end of the subclause add the following paragraph:

“(d) the Chairperson of the Audit Committee of the Parliament (if such a committee exists).”.

Schedule, as amended, agreed to.

Schedule 2—

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

Page 18, omit subclause 1(2), substitute the following subclause:

“(2) Before making a recommendation to the Governor-General, the Minister must seek the approval of the Joint Committee of Public Accounts and Audit in respect of the proposed appointment.”.

Page 18, subclause (4), omit “Joint Committee of Public Accounts”, substitute “Joint Committee of Public Accounts and Audit”.

Amendments negatived.

On the motion of Mr Snowdon, the following amendment was made: Page 18, clause 1, omit subclause (2), substitute the following subclause:

“(2) Before making a recommendation to the Governor-General, the Minister must consult the following:

- (a) the Chairman of the Joint Committee of Public Accounts;
- (b) the Chairperson of the Audit Committee of the Parliament (if such a committee exists).”

Schedule, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

11 CHILD SUPPORT LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Snowdon (Parliamentary Secretary to the Minister for the Environment, Sport and Territories) moved—That the Bill be now read a second time.

Mr Pyne 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, the House condemns the Government for:

- (1) its deleterious handling of the provision of child support maintenance for both custodial and non-custodial parents;
- (2) its continued failure to address the significant deficiencies of the operation of the Child Support Agency;
- (3) its prevarication in taking action to reform child support maintenance in this country to ensure it is fair and equitable to all parties”.

Debate continued.

Ms Deahm addressing the House—

It being 3 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.

12 QUESTIONS

Questions without notice being asked—

Paper: Mr Howe (Minister for Housing and Regional Development) presented the following paper:

Long Term Strategies—Standing Committee—Report—Patterns of urban settlement: Consolidating the future?, August 1992—Government response and ministerial statement, December 1994.

Questions without notice continued.

13 PAPERS

Mr Keating (Prime Minister), during a personal explanation, presented the following paper:

For the record—Excerpts from *Sunday*, 9 Network, 4 December 1994 and *Daybreak*, ABC radio, 30 November 1994.

Mr Costello (Deputy Leader of the Opposition), by leave, presented the following paper:

Department of the Parliamentary Library—Transcript of interview with Mr Costello on *Daybreak*, ABC Radio, 30 November 1994.

14 PRIVILEGE—STATEMENT BY SPEAKER

The Speaker referred to a possible matter of privilege raised on 7 December 1994 by Mrs Bishop concerning the release of Bills to the media prior to presentation.

The Speaker stated that on the information available to him, he did not consider that *prima facie* evidence of an issue of privilege was involved.

15 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 12 of 1994-95—Audit reports on 1993-94 financial statements of Commonwealth entities.

Mr Baldwin (Minister for Social Security), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 12 of 1994-95; and
- (2) the report be printed.

Question—put and passed.

16 PAPERS

The following papers were presented:

Australian Meat and Livestock Industry Policy Council Act—Australian Meat and Livestock Industry Policy Council—Report for 1993-94.

Australian National Railways Commission Act—Australian National Railways Commission (Australian National)—Report for 1993-94.

Australian Security Intelligence Organization—Parliamentary Joint Committee—Report—ASIO and security assessment: A review of security assessment procedures, March 1994—Government response.

Corporations and Securities—Parliamentary Joint Committee—Report—*Close Corporations Act 1989*, December 1992—Government response.

Employment, Education and Training Act—National Board of Employment, Education and Training—Report by the Schools Council, including the Board's comments—The role of schools in the vocational preparation of Australia's senior secondary students: Final report, December 1994.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Army and Air Force Canteen Service (AAFCANS)—Report for 1993-94.

Family Law Council—

Female genital mutilation—Report, June 1994—Government response.

Sterilisation and other medical procedures on children—Report, November 1994.

Finance and Public Administration—Standing Committee—Government responses to reports—

A taxing review: Review of six efficiency audits of the Australian Taxation Office, May 1988.

Follow the yellow brick road: Final report of an efficiency audit of the Australian Taxation Office: International profit shifting, March 1991.

Taxpayers or tax players?—Further report on an Auditor-General's efficiency audit of the Australian Taxation Office: International profit shifting.

Government responses to parliamentary committee reports—Response, 8 December 1994, to the list tabled in the House of Representatives on 1 June 1994.

Horticultural Policy Council Act—Horticultural Policy Council—Report for 1993-94.

Immigration Review Tribunal—Report for 1993-94.

International Labour Organisation—International Labour Conference—80th Session, 1993—

Convention 174—Prevention of major industrial accidents.

Recommendation 181—Prevention of major industrial accidents.

Statement by Mr Brereton (Minister for Industrial Relations).

International Monetary Agreements Act and the International Bank for Reconstruction and Development (General Capital Increase) Act—Australia and the World Bank—Report for 1993-94.

Landcare Australia Limited—5th report, for 1993-94.

National Training Board Limited—5th report, for 1993-94.

Primary Industries and Energy Research and Development Act—Forest and Wood Products Research and Development Corporation and Forest and Wood Products Research and Development Corporation Selection Committee—Reports for period 1 January to 30 June 1994.

Privacy Act—Privacy Commissioner—6th report, for 1993-94.

17 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian National Railways Commission Act—Australian National Railways Commission (Australian National)—Report for 1993-94.

Australian Security Intelligence Organization—Parliamentary Joint Committee—Report—ASIO and security assessment: A review of security assessment procedures, March 1994—Government response.

Corporations and Securities—Parliamentary Joint Committee—Report—*Close Corporations Act 1989*, December 1992—Government response.

Employment, Education and Training Act—National Board of Employment, Education and Training—Report by the Schools Council, including the Board's comments—The role of schools in the vocational preparation of Australia's senior secondary students: Final report, December 1994.

Family Law Council—

Female genital mutilation—Report, June 1994—Government response.

Sterilisation and other medical procedures on children—Report, November 1994.

Finance and Public Administration—Standing Committee—Government responses to reports—

A taxing review: Review of six efficiency audits of the Australian Taxation Office, May 1988.

Follow the yellow brick road: Final report of an efficiency audit of the Australian Taxation Office: International profit shifting, March 1991.

Taxpayers or tax players?—Further report on an Auditor-General's efficiency audit of the Australian Taxation Office: International profit shifting.

Government responses to parliamentary committee reports—Response, 8 December 1994, to the list tabled in the House of Representatives on 1 June 1994.

Immigration Review Tribunal—Report for 1993-94.

Landcare Australia Limited—5th report, for 1993-94.

National Training Board Limited—5th report, for 1993-94.

Privacy Act—Privacy Commissioner—6th report, for 1993-94.

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

18 PAPERS

Mr Beazley (Leader of the House) presented the following papers:

Petitions not in accord with standing and sessional orders of the House—

Enactment of the National Forest Policy Statement (Mr McGauran, 286 petitioners).

Family law and child support (Mr Chynoweth, 455 petitioners).

Kuranda and environs poor television signal (Mr Dodd, 306 petitioners).

National Museum of Australia (Mr Langmore, 458 petitioners).

19 SUSPENSION OF STANDING AND SESSIONAL ORDERS—GOVERNMENT BUSINESS

Mr Beazley (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 1, government business, being called on before the matter of public importance.

Debate ensued.

Question—put and passed.

20 SUSPENSION OF STANDING ORDERS 48A AND 103

Mr Beazley (Leader of the House), pursuant to notice, moved—That standing order 48A (adjournment and next meeting) and standing order 103 (new business) be suspended for this sitting.

Question—put and passed.

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIME MINISTER

The House was informed that Mr Downer (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Prime Minister to require his Ministers to uphold proper standards and the consequent pain caused to Australians by his and his Ministers' actions".

The proposed discussion having received the necessary support—

Mr Downer addressed the House.

Discussion ensued.

Discussion concluded.

22 PARLIAMENTARY ZONE—INSTALLATION OF SCULPTURE BETWEEN HIGH COURT OF AUSTRALIA AND NATIONAL GALLERY OF AUSTRALIA BUILDINGS—APPROVAL OF PROPOSAL

Mr Gear (Assistant Treasurer), for Mr Howe (Minister for Housing and Regional Development), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 5 December 1994, namely: Installation of a sculpture between the High Court of Australia and National Gallery of Australia buildings.

Question—put and passed.

23 DISCHARGE OF ORDERS OF THE DAY

Mr Gear (Assistant Treasurer), by leave, moved—That the following orders of the day, government business, be discharged:

Nursing Home Standards Review Panels—Report—Motion to take note of paper: Resumption of debate.

Joint Coal Board—Report—Motion to take note of paper: Resumption of debate.

Australian Defence Industries Limited—Report—Motion to take note of paper: Resumption of debate.

Administrative Appeals Tribunal—Report—Motion to take note of paper: Resumption of debate.

High Court of Australia—Report—Motion to take note of paper: Resumption of debate.

Federal Court of Australia—Report—Motion to take note of paper: Resumption of debate.

Office of Parliamentary Counsel—Report—Motion to take note of paper: Resumption of debate.

Royal Australian Air Force Veterans' Residences Trust—Report—Motion to take note of paper: Resumption of debate.

National Registration Authority for Agricultural and Veterinary Chemicals—Report—Motion to take note of paper: Resumption of debate.

National Native Title Tribunal—Report—Motion to take note of paper: Resumption of debate.

Freedom of Information Act—Report—Motion to take note of paper: Resumption of debate.

Australian Institute of Criminology—Report—Motion to take note of paper: Resumption of debate.

Criminology Research Council—Report—Motion to take note of paper: Resumption of debate.

Nursing Home and Hostel Standards—Report—Motion to take note of paper: Resumption of debate.

Foreign Investment Review Board—Report—Motion to take note of paper: Resumption of debate.

Civil Aviation Authority—EEO report—Motion to take note of paper: Resumption of debate.

AUSCRIPT—Report—Motion to take note of paper: Resumption of debate.

Advance to the Minister for Finance, October 1994—Papers—Motion to take note of papers: Resumption of debate.

Department of Immigration and Ethnic Affairs—Report—Motion to take note of paper: Resumption of debate.

Department of Finance—Report—Motion to take note of paper: Resumption of debate.

Department of Administrative Services—Report—Motion to take note of paper: Resumption of debate.

Department of Industrial Relations—Report—Motion to take note of paper: Resumption of debate.

Aboriginal and Torres Strait Islander Commission—Report—Motion to take note of paper: Resumption of debate.

Australian Centre for International Agricultural Research—Report—Motion to take note of paper: Resumption of debate.

National Occupational Health and Safety Commission—Report—Motion to take note of paper: Resumption of debate.

Administrative Review Council—Report—Motion to take note of paper: Resumption of debate.

Murray-Darling Basin Commission—Report—Motion to take note of paper: Resumption of debate.

Aboriginal Deaths in Custody—Royal Commission—New South Wales 1992-93 implementation report—Motion to take note of paper: Resumption of debate.

Environment, Recreation and the Arts—Standing Committee—Report on the contribution of community based programs to biodiversity—Government response—Motion to take note of paper: Resumption of debate.

Snowy Mountains Council—Report—Motion to take note of paper: Resumption of debate.

Reserve Bank of Australia—EEO report—Motion to take note of paper: Resumption of debate.

Law Reform Commission—Report on child care for kids—Motion to take note of paper: Resumption of debate.

Proposed amendments to the standing orders—Paper—Motion to take note of paper: Resumption of debate.

Refugee Review Tribunal—Report—Motion to take note of paper: Resumption of debate.

Aboriginals Benefit Trust Account—Report—Motion to take note of paper: Resumption of debate.

Australian Security Intelligence Organization—Report—Motion to take note of paper: Resumption of debate.

Australian Federal Police—Report—Motion to take note of paper: Resumption of debate.

Australia Post—EEO report—Motion to take note of paper: Resumption of debate.

Department of Transport—Report—Motion to take note of paper: Resumption of debate.

Defence Science and Technology Organisation Commercial Activities Trust Account—Report—Motion to take note of paper: Resumption of debate.

Health Insurance Commission—Report—Motion to take note of paper: Resumption of debate.

National Health and Medical Research Council—Report—Motion to take note of paper: Resumption of debate.

Special Broadcasting Corporation—Report—Motion to take note of paper: Resumption of debate.

Australian National Maritime Museum—Report—Motion to take note of paper: Resumption of debate.

National Library of Australia—Report—Motion to take note of paper: Resumption of debate.

Australia Council—Report—Motion to take note of paper: Resumption of debate.

Australian Broadcasting Authority—Report—Motion to take note of paper: Resumption of debate.

Development Allowance Authority—Report—Motion to take note of paper: Resumption of debate.

Management Advisory Board—Ongoing reform in the Australian Public Service—Paper—Motion to take note of paper: Resumption of debate.

National Treatment Monitoring Committee—Report—Motion to take note of paper: Resumption of debate.

Coal Mining Industry (Long Service Leave Funding) Corporation—Report—Motion to take note of paper: Resumption of debate.

Affirmative Action Agency—Report—Motion to take note of paper: Resumption of debate.

Stevedoring Industry Finance Committee—Report—Motion to take note of paper: Resumption of debate.

Comcare Australia—Report—Motion to take note of paper: Resumption of debate.

Department of Foreign Affairs and Trade—Report—Motion to take note of paper: Resumption of debate.

Qantas Airways Limited—Report—Motion to take note of paper: Resumption of debate.

International Air Services Commission—Report—Motion to take note of paper: Resumption of debate.

Public Service Commissioner—Report—Motion to take note of paper: Resumption of debate.

Supervising Scientist for the Alligator Rivers Region—Report—Motion to take note of paper: Resumption of debate.

National Museum of Australia—Report—Motion to take note of paper: Resumption of debate.

Attorney-General's Department—Report—Motion to take note of paper: Resumption of debate.

Inspector-General of Intelligence and Security—Report—Motion to take note of paper: Resumption of debate.

Australian Securities Commission—Report—Motion to take note of paper: Resumption of debate.

Commonwealth Superannuation Board of Trustees No. 1—Report—Erratum—Motion to take note of paper: Resumption of debate.

Commonwealth Superannuation Board of Trustees No. 2—Report—Erratum—Motion to take note of paper: Resumption of debate.

Department of Human Services and Health—Report—Motion to take note of paper: Resumption of debate.

Australian Institute of Health and Welfare—Report—Motion to take note of paper: Resumption of debate.

Insurance and Superannuation Commission—Report—Motion to take note of paper: Resumption of debate.

Energy Research and Development Corporation—Report—Motion to take note of paper: Resumption of debate.

Commissioner for Superannuation—Report—Motion to take note of paper: Resumption of debate.

Office of Australian War Graves—Report—Motion to take note of paper: Resumption of debate.

Export Finance and Insurance Corporation—Report—Motion to take note of paper: Resumption of debate.

Commonwealth Scientific and Industrial Research Organisation—Report—Motion to take note of paper: Resumption of debate.

Australia-Japan Foundation—Report—Motion to take note of paper: Resumption of debate.

Australian Electoral Commission—Report—Motion to take note of paper: Resumption of debate.

Industry Commission—Report for 1993-94—Motion to take note of paper: Resumption of debate.

Inspector-General in Bankruptcy—Report—Motion to take note of paper: Resumption of debate.

Department of Housing and Regional Development—Report—Motion to take note of paper: Resumption of debate.

Repatriation Commission and the Department of Veterans' Affairs—Report—Motion to take note of paper: Resumption of debate.

Defence Force Retirement and Death Benefits Authority—Report—Motion to take note of paper: Resumption of debate.

Military Superannuation and Benefits Board of Trustees No. 1—Report—Motion to take note of paper: Resumption of debate.

Australian Archives—Report—Motion to take note of paper: Resumption of debate.

Australian War Memorial—Report—Motion to take note of paper: Resumption of debate.

Australian Tourist Commission—Report—Motion to take note of paper: Resumption of debate.

Department of Social Security—Report—Motion to take note of paper: Resumption of debate.

Australian Nature Conservation Agency—Report—Motion to take note of paper: Resumption of debate.

Australian Sports Commission—Report—Motion to take note of paper: Resumption of debate.

Law Reform Commission—Report for 1993-94—Motion to take note of paper: Resumption of debate.

Department of the Environment, Sport and Territories—Report—Motion to take note of paper: Resumption of debate.

Advisory Council on Australian Archives—Report—Motion to take note of paper: Resumption of debate.

Australian National Training Authority—Report—Motion to take note of paper: Resumption of debate.

Members of Parliament (Staff) Act—Report—Motion to take note of paper: Resumption of debate.

Commonwealth Superannuation Board of Trustees No. 1—Report—Motion to take note of paper: Resumption of debate.

Commonwealth Superannuation Board of Trustees No. 2—Report—Motion to take note of paper: Resumption of debate.

Department of Primary Industries and Energy—Report—Motion to take note of paper: Resumption of debate.

Department of Housing and Regional Development—Report—Motion to take note of paper: Resumption of debate.

Department of Employment, Education and Training—Report—Motion to take note of paper: Resumption of debate.

National Food Authority—Report—Motion to take note of paper: Resumption of debate.

Commonwealth and Defence Force Ombudsman—Report—Motion to take note of paper: Resumption of debate.

Defence Force Remuneration Tribunal—Report—Motion to take note of paper: Resumption of debate.

Social Security Appeals Tribunal—Report—Motion to take note of paper: Resumption of debate.

Australian National University—Report—Motion to take note of paper: Resumption of debate.

Australian Transaction Reports and Analysis Centre—Report—Motion to take note of paper: Resumption of debate.

Remuneration Tribunal—Report for 1993-94—Motion to take note of paper: Resumption of debate.

Australian Hearing Services—Report—Motion to take note of paper: Resumption of debate.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report—Motion to take note of paper: Resumption of debate.

Economic Planning Advisory Council—Report—Motion to take note of paper: Resumption of debate.

Department of Industry, Science and Technology—Report—Motion to take note of paper: Resumption of debate.

Seafarers Safety, Rehabilitation and Compensation Authority—Report—Motion to take note of paper: Resumption of debate.

Australian Maritime Safety Authority—Report—Motion to take note of paper: Resumption of debate.

Commonwealth Director of Public Prosecutions—Report—Motion to take note of paper: Resumption of debate.

Department of the Treasury—Report—Motion to take note of paper: Resumption of debate.

Trade Practices Commission—Report—Motion to take note of paper: Resumption of debate.

Australian Heritage Commission—Report—Motion to take note of paper: Resumption of debate.

Australian Securities Commission—Report on Girvan Corporation Limited—Motion to take note of paper: Resumption of debate.

Construction Industry Development Agency—Report—Corrigendum—Motion to take note of paper: Resumption of debate.

Local Government Grants commissions—Recommendations—Motion to take note of paper: Resumption of debate.

Commissioner of Taxation—Report on Data-matching Program—Motion to take note of paper: Resumption of debate.

National Capital Planning Authority—Report—Motion to take note of paper: Resumption of debate.

Commonwealth Funds Management Limited—Report—Motion to take note of paper: Resumption of debate.

Merit Protection and Review Agency—Report—Motion to take note of paper: Resumption of debate.

Textiles, Clothing and Footwear Development Authority—Report—Motion to take note of paper: Resumption of debate.

Advance to the Minister for Finance, September 1994—Papers—Motion to take note of papers: Resumption of debate.

Federal Police Disciplinary Tribunal—Report—Motion to take note of paper: Resumption of debate.

Privilege—Matter raised by Mr Jones on 20 September 1994—Papers—Motion to take note of papers: Resumption of debate.

Royal Australian Air Force F-111C A8-127 accident investigation—Paper—Motion to take note of paper: Resumption of debate.

Judge Advocate General—Report—Motion to take note of paper: Resumption of debate.

Security Appeals Tribunal—Report—Motion to take note of paper: Resumption of debate.

National Landcare Advisory Committee—Report—Motion to take note of paper: Resumption of debate.

Department of Housing and Regional Development—Report on Data-matching Program—Motion to take note of paper: Resumption of debate.

Department of Veterans' Affairs—Report on Data-matching Program—Motion to take note of paper: Resumption of debate.

Australian Industry Development Corporation—Report—Motion to take note of paper: Resumption of debate.

Australian Maritime College—Report—Motion to take note of paper: Resumption of debate.

Industry Commission—Report on petroleum products—Motion to take note of paper: Resumption of debate.

Nuclear Safety Bureau—Report—Motion to take note of paper: Resumption of debate.

Migration—Joint Standing Committee—Report on asylum, border control and detention—Government response—Motion to take note of paper: Resumption of debate.

National Capital and External Territories—Joint Standing Committee—Report on pay parking in the parliamentary zone—Government response—Motion to take note of paper: Resumption of debate.

National Debt Commission—Report—Motion to take note of paper: Resumption of debate.

Resource Assessment Commission—Report—Motion to take note of paper: Resumption of debate.

Aboriginal Deaths in Custody—Royal Commission—Australian Capital Territory 1992-93 implementation report—Motion to take note of paper: Resumption of debate.

Administrative Review Council—Report on environmental decisions and the Administrative Appeals Tribunal—Motion to take note of paper: Resumption of debate.

Environment, Recreation and the Arts—Standing Committee—Report on review of Auditor-General's audit report on implementation of interim greenhouse response—Interim Government response—Motion to take note of paper: Resumption of debate.

Official Establishments Trust—Report—Motion to take note of paper: Resumption of debate.

Industry Commission—Report on tobacco growing and manufacturing industries—Motion to take note of paper: Resumption of debate.

Final budget outcome 1993-94—Paper—Motion to take note of paper: Resumption of debate.

Advance to the Minister for Finance—Paper—Motion to take note of paper: Resumption of debate.

Public Accounts—Joint Committee—Report on assessment of tax—Government response—Motion to take note of paper: Resumption of debate.

Australian Defence Industries—EEO report—Motion to take note of paper: Resumption of debate.

Law Reform Commission—Report on justice for women—Motion to take note of paper: Resumption of debate.

Human Rights and Equal Opportunity Commission—Report on certain provisions of the Tasmanian Criminal Code—Motion to take note of paper: Resumption of debate.

United Nations General Assembly—Report—Motion to take note of paper: Resumption of debate.

Advisory Panel on the Marketing in Australia of Infant Formula—Report—Motion to take note of paper: Resumption of debate.

Migration Regulations—Joint Standing Committee—Report on Australia's refugee and humanitarian system—Government response—Motion to take note of paper: Resumption of debate.

Long term costs of the Commonwealth's civilian and military superannuation schemes—Papers—Motion to take note of papers: Resumption of debate.

Working Nation—Ministerial statement and papers—Motion to take note of papers: Resumption of debate.

The new South Africa—Ministerial statement—Motion to take note of paper: Resumption of debate.

Australian Military Forces Relief Trust Fund—Report—Motion to take note of paper: Resumption of debate.

Special purpose flights—Paper—Motion to take note of paper: Resumption of debate.

Standing Advisory Committee on Commonwealth/State Cooperation for Protection against Violence—Paper—Motion to take note of paper: Resumption of debate.

Law Reform Commission—Report on compliance with the Trade Practices Act—Motion to take note of paper: Resumption of debate.

Australian Institute of Health and Welfare—Paper—Motion to take note of paper: Resumption of debate.

Human Rights—National action plan—Papers—Motion to take note of papers: Resumption of debate.

Allegations against US pilots during Exercise Southern Frontier—Paper—Motion to take note of paper: Resumption of debate.

Australian Land Transport Development Program—Paper—Motion to take note of paper: Resumption of debate.

Royal Australian Air Force Welfare Trust Fund—Report—Motion to take note of paper: Resumption of debate.

Royal Australian Navy Relief Trust Fund—Report—Motion to take note of paper: Resumption of debate.

Superannuation Policy—Ministerial statement—Motion to take note of paper: Resumption of debate.

Australian International Development Cooperation Program—Paper—Motion to take note of paper: Resumption of debate.

Higher Education Council—Paper—Motion to take note of paper: Resumption of debate.

Bougainville—Report of Australian Parliamentary Delegation—Government response—Motion to take note of paper: Resumption of debate.

Banking, Finance and Public Administration—Standing Committee—Report on efficiency dividend arrangements—Government response—Motion to take note of paper: Resumption of debate.

Environment, Recreation and the Arts—Standing Committee—Report on review of Auditor-General's report on the Community Cultural, Recreational and Sporting Facilities Program—Government response—Motion to take note of paper: Resumption of debate.

Australian Wool Corporation—Report—Motion to take note of paper: Resumption of debate.

Ministers' private interests—Returns—Motion to take note of paper: Resumption of debate.

Science and Technology Budget Statement 1994-95—Paper—Motion to take note of paper: Resumption of debate.

Mental Health Federal Budget Initiatives 1994-95—Paper—Motion to take note of paper: Resumption of debate.

Construction Industry Development Agency—Report—Motion to take note of paper: Resumption of debate.

Royal Australian Air Force F/A-18 accident inquiry—Paper—Motion to take note of paper: Resumption of debate.

War criminals in Australia—Paper—Motion to take note of paper: Resumption of debate.

Northern Territory Fisheries Joint Authority—Report for 1992—Motion to take note of paper: Resumption of debate.

Automotive Industry Authority—Report—Motion to take note of paper: Resumption of debate.

Operation of the UK Children Act 1989—Paper—Motion to take note of paper: Resumption of debate.

Industry Commission—Report on impediments to regional industry adjustment—Motion to take note of papers: Resumption of debate.

Law Reform Commission—Interim report on women's access to the legal system—Motion to take note of paper: Resumption of debate.

National Board of Employment, Education and Training—Review—Motion to take note of paper: Resumption of debate.

Review of plans and arrangements in relation to counter-terrorism—Ministerial statement and paper—Motion to take note of papers: Resumption of debate.

Australian Science and Technology Council—Review of operation of external earnings targets for CSIRO, ANSTO and AIMS—Motion to take note of papers: Resumption of debate.

National Committee for the UN International Conference on Population and Development—Report—Motion to take note of paper: Resumption of debate.

Committee for Quality Assurance in Higher Education—Report—Motion to take note of paper: Resumption of debate.

Australian Nature Conservation Agency—Report—Motion to take note of paper: Resumption of debate.

Foreign Investment Review Board—Report—Motion to take note of paper: Resumption of debate.

Higher education funding for the 1994-96 triennium—Report—Motion to take note of paper: Resumption of debate.

Torres Strait Protection Zone Joint Authority—Report—Addendum—Motion to take note of paper: Resumption of debate.

Northern Land Council—Report—Motion to take note of paper: Resumption of debate.

Comcare Australia—Report—Addendum—Motion to take note of paper: Resumption of debate.

Aboriginals Benefit Trust Account—Report—Motion to take note of paper: Resumption of debate.

Civil Aviation Authority—EEO report—Motion to take note of paper: Resumption of debate.

Australia-Korea Foundation—Report—Motion to take note of paper: Resumption of debate.

Department of the Environment, Sport and Territories—Report—Motion to take note of paper: Resumption of debate.

Commonwealth and Defence Force Ombudsman—Report—Motion to take note of paper: Resumption of debate.

Special purpose flights—Paper—Motion to take note of paper: Resumption of debate.

Question—put and passed.

24 AUDIT (TRANSITIONAL AND MISCELLANEOUS) AMENDMENT BILL 1994

Mr Gear (Assistant Treasurer), for Mr Beazley (Minister for Finance), pursuant to notice, presented a Bill for an Act to deal with transitional and consequential matters arising from the repeal of the *Audit Act 1901* and the enactment of the *Auditor-General Act 1994*, the *Financial Management and Accountability Act 1994* and the *Commonwealth Authorities and Companies Act 1994*, and for related purposes.

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.

25 TRANSPORT LEGISLATION AMENDMENT BILL 1994

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport), pursuant to notice, presented a Bill for an Act to amend legislation relating to transport, and for related purposes.

Bill read a first time.

Paper: Mr O'Keefe presented an explanatory memorandum to the Bill.

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

26 SOCIAL SECURITY (NON-BUDGET MEASURES) LEGISLATION AMENDMENT BILL 1994

Mr Gear (Assistant Treasurer), for Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), pursuant to notice, presented a Bill for an Act to amend the law relating to social security, and for related purposes.

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.

27 POSTPONEMENT OF NOTICE

Ordered—That notice No. 6, government business, be postponed until a later hour this day.

28 ENVIRONMENT, SPORT AND TERRITORIES LEGISLATION AMENDMENT BILL (NO. 2) 1994

Mr Snowdon (Parliamentary Secretary to the Minister for the Environment, Sport and Territories) presented a Bill for an Act to amend legislation administered by the Department of the Environment, Sport and Territories, and for related purposes.

Bill read a first time.

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

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

29 FIRST CORPORATE LAW SIMPLIFICATION BILL 1994

Mr Gear (Assistant Treasurer), for Mr Lavarch (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the Corporations Law, to repeal the Close Corporations legislation, and for related purposes.

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.

30 TAX LAW IMPROVEMENT (SUBSTANTIATION) BILL 1994

Mr Gear (Assistant Treasurer) presented a Bill for an Act to amend the law relating to income tax, and for related purposes.

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.

31 RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 1994

Mr Gear (Assistant Treasurer) presented a Bill for an Act to amend the *Radiocommunications (Transmitter Licence Tax) Act 1983*.

Bill read a first time.

Paper: Mr Gear presented an explanatory memorandum to the following Bills:

Radiocommunications Taxes Collection Amendment 1994;

Radiocommunications (Transmitter Licence Tax) Amendment 1994; and

Radiocommunications (Receiver Licence Tax) Amendment 1994.

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

32 RADIOCOMMUNICATIONS TAXES COLLECTION AMENDMENT BILL 1994

Mr Gear (Assistant Treasurer) presented a Bill for an Act to amend the *Radiocommunications Taxes Collection Act 1983*.

Bill read a first time.

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

33 MESSAGE FROM THE SENATE—SUPPORTED ACCOMMODATION ASSISTANCE BILL 1994

The following message from the Senate was reported:

Message No. 382

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to financial assistance to the States, the Australian Capital Territory and the Northern Territory in connection with the jointly-funded program known as the Supported Accommodation Assistance Program ('SAAP'), 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.

MICHAEL BEAHAN
President

The Senate

Canberra, 8 December 1994

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 4, page 4, lines 1 to 23, omit "shelter" (wherever occurring), substitute "housing".

No. 2—Clause 4, page 4, at end of subclause (2) add the following word and paragraph:

“; or (d) places the person in circumstances which threaten or adversely affect the adequacy, safety, security and affordability of that housing”.

No. 3—Clause 5, page 4, subclause (2), lines 30 to 36, omit the subclause, substitute the following subclause:

Aim of SAAP

“(2) The overall aim of SAAP is to provide transitional supported accommodation and related support services, in order to help people who are homeless to achieve the maximum possible degree of self-reliance and independence. Within this aim the goals are:

- (a) to resolve crisis; and
- (b) to re-establish family links where appropriate; and
- (c) to re-establish a capacity to live independently of SAAP.”.

No. 4—Clause 5, page 5, subclause (3), lines 1 to 6, omit the subclause, substitute the following subclause:

How the aim of SAAP is to be achieved

“(3) The aim of SAAP is to be achieved by:

- (a) providing or arranging for the provision of support services and supported accommodation; and
- (b) helping people who are homeless to obtain long-term, secure and affordable housing or accommodation and support services.

Services are said to be **provided under SAAP** if the provision of the services is covered by paragraph (a) or (b).”.

On the motion of Mr Gear (Assistant Treasurer), the amendments were agreed to.

34 MESSAGES FROM THE SENATE

Messages from the Senate were reported returning the following Bills without amendment:

8 December 1994—Message—

No. 383—Supported Accommodation Assistance Amendment 1994.

No. 384—Taxation Laws Amendment (Infrastructure Borrowings) 1994.

No. 385—Infrastructure Certificate Cancellation Tax 1994 (*without requests*).

35 MEMBERS' INTERESTS COMMITTEE—PAPER

Mr Grace (Chair) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 37th Parliament—Notifications of alterations of interests received during the period 30 June to 7 December 1994.

36 PRIVILEGES COMMITTEE—REPORTS—STATEMENT BY MEMBER

Mr Sawford (Chair) presented the following reports, including minutes of proceedings:

Committee of Privileges—Matters referred to the committee on—

9 June 1994—Report concerning actions initiated against Mr A. Cross and Mr R. Ellems, 6 December 1994.

27 June 1994—Report concerning proposal to transfer to the Federal Court certain responsibilities in relation to disputed claims for public interest immunity, 6 December 1994.

Severally ordered to be printed.

Mr Sawford, by leave, made a statement in connection with the reports.

37 PUBLICATIONS COMMITTEE—18TH REPORT

Mr Horne (Chair) presented the following report:

PUBLICATIONS COMMITTEE 18TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the Senate.

The Committee, having considered petitions and documents presented to the Parliament since 15 November 1994, recommends that the following be printed:

Aboriginal Hostels Limited—Report for 1993-94.

Administrative Appeals Tribunal Act—Administrative Appeals Tribunal—Report for 1993-94.

Anglo-Australian Telescope Agreement Act—Anglo-Australian Telescope Board—Report for 1993-94.

Australian Film Commission Act—Film Australia Pty Ltd—Report for 1993-94.

Australian Film, Television and Radio School Act—Australian Film, Television and Radio School—Report for 1993-94.

Australian Horticultural Corporation Act—Australian Horticultural Corporation—Report for 1993-94.

Australian Nuclear Science and Technology Organisation Act—Safety Review Committee—Report for 1993-94.

Australian Securities Commission Act—

Australian Accounting Standards Board—Report for 1993-94.

Companies and Securities Advisory Committee—Report for 1993-94.

Companies Auditors and Liquidators Disciplinary Board—Report for 1993-94.

Corporations and Securities Panel—Report for 1993-94.

Australian Wine and Brandy Corporation Act—Australian Wine and Brandy Corporation—Report for 1993-94—Corrigenda.

Australian Wool Research and Promotion Organisation Act—Australian Wool Research and Promotion Organisation—Report for period 1 December 1993 to 30 June 1994.

Automotive Industry Authority Repeal Act—Automotive Industry Authority—Report for 1993-94.

Coal Industry Act—Joint Coal Board—Report for 1993-94.

Commissioner of Taxation—Report for 1993-94—Erratum.

Commonwealth Legal Aid Act—National Legal Aid Advisory Committee—Report for 1993-94.

Copyright Act—

Audio-Visual Copyright Society Ltd—Report for 1993-94.

Copyright Agency Limited—Report for 1993-94.

Council for Aboriginal Reconciliation—Walking together: The first steps—Report, 1991-94.

Defence Housing Authority Act—Defence Housing Authority—Report for 1993-94.

Defending Australia—Defence White Paper, 1994.

Exotic Animal Disease Control Act—Exotic Animal Disease Preparedness Consultative Council (EXANDIS)—Report for 1993-94.

Family Law Act—Family Court of Australia—Report for 1993-94.

Fisheries Administration Act—Australian Fisheries Management Authority—Report for 1993-94.

Great Barrier Reef Marine Park Act—Great Barrier Reef Marine Park Authority—Report for 1993-94.

Horticultural Research and Development Corporation Act—Horticultural Research and Development Corporation—Report for 1993-94.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—

Federal Race Discrimination Commissioner—State of the Nation: A report on people of non-English speaking backgrounds—Report for 1994.

Report for 1993-94.

Industrial Relations Act—Industrial Relations Court of Australia—Report for period 30 March to 30 June 1994.

Industry Commission Act—Industry Commission—Report No. 41—Defence procurement, 30 August 1994.

National Gallery Act—National Gallery of Australia—Report for 1993-94.

National Health Act—Private Health Insurance Administration Council—Operations of the registered health benefits organisations—Report for 1993-94.

National Rail Corporation Agreement Act—National Rail Corporation Limited—Report for 1993-94.

Nuclear Non-Proliferation (Safeguards) Act—Australian Safeguards Office—Report for 1993-94.

Pharmaceutical Benefits Pricing Authority—Report for 1993-94.

Pooled Development Funds Act—PDF Registration Board—Report for 1993-94.

Poultry Industry Assistance Act—Report for 1993-94.

Prices Surveillance Act—Prices Surveillance Authority—Report for 1993-94.

Primary Industries and Energy Research and Development Act—

Chicken Meat Research and Development Council—Report for 1993-94.

Egg Industry Research and Development Council—Report for 1993-94.

Honeybee Research and Development Council—Report for 1993-94.

Pig Research and Development Corporation—Report for 1993-94.

Sugar Research and Development Corporation and Sugar Research and Development Corporation Selection Committee—Report for 1993-94.

Protection of Movable Cultural Heritage Act—Report on the Act and National Cultural Heritage Fund, for 1993-94.

Rural Adjustment Act—Rural Adjustment Scheme Advisory Council—Report for 1993-94, including a report for 1993-94 on the Rural Adjustment Scheme.

Wool International Act—Wool International—Report for period 1 December 1993 to 30 June 1994.

BOB HORNE
Chair

8 December 1994

Mr Horne, by leave, moved—That the report be agreed to.

Question—put and passed.

**38 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—
REPORT—STATEMENTS BY MEMBERS**

Mr Melham (Chair) presented the following report and related papers:

Legal and Constitutional Affairs—Standing Committee—The use of the Coat of Arms: Armed with national pride—

Report, December 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Melham and Mr Cadman, by leave, made statements in connection with the report.

**39 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT COMMITTEE—
REPORT—STATEMENTS BY MEMBERS**

Mr Price presented the following report and related papers:

Foreign Affairs, Defence and Trade—Joint Committee—Australia's participation in peacekeeping—

Report, including a minority report, December 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Price and Mr Sinclair, by leave, made statements in connection with the report.

40 **RADIOCOMMUNICATIONS (RECEIVER LICENCE TAX) AMENDMENT BILL 1994**

Mr Beazley (Minister for Finance) presented a Bill for an Act to amend the *Radiocommunications (Receiver Licence Tax) Act 1983*.

Bill read a first time.

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

41 **SPECIAL ADJOURNMENT**

Mr Beazley (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 31 January 1995, at 12.30 p.m., unless otherwise called together by the Speaker or, in the event of the Speaker being unavailable, by the Deputy Speaker.

Debate ensued.

Question—put and passed.

42 **LEAVE OF ABSENCE TO ALL MEMBERS**

Mr Beazley (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

43 **MIGRATION—JOINT STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS**

Mr Ferguson presented the following report and related papers:

Migration—Joint Standing Committee—The Immigration Review Tribunal appointments process—

Report, incorporating a dissenting report, December 1994.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Ferguson, Mr Ruddock and Mr Holding, by leave, made statements in connection with the report.

44 **ANZAC DAY BILL 1994**

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), for Mr Sciacca (Minister for Veterans' Affairs), pursuant to notice, presented a Bill for an Act to declare Anzac Day, on 25 April, to be the national day of commemoration to recognise and commemorate the contribution of all those who have served Australia (including those who died) in time of war and in war-like conflicts.

Bill read a first time.

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

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

45 CHILD SUPPORT LEGISLATION AMENDMENT BILL 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—*And on the amendment moved thereto by Mr Pyne, 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 condemns the Government for:

- (1) its deleterious handling of the provision of child support maintenance for both custodial and non-custodial parents;
- (2) its continued failure to address the significant deficiencies of the operation of the Child Support Agency;
- (3) its prevarication in taking action to reform child support maintenance in this country to ensure it is fair and equitable to all parties”—

Debate resumed.

Debate adjourned (Mr Lindsay—Parliamentary Secretary to the Minister for Industry, Science and Technology), and the resumption of the debate made an order of the day for a later hour this day.

46 MESSAGE FROM THE SENATE—HIGHER EDUCATION FUNDING (STUDENT ORGANISATIONS) AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 388

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Higher Education Funding Act 1988’*”, 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.

MICHAEL BEAHAN
President

The Senate

Canberra, 8 December 1994

Ordered—That the amendment be considered forthwith.

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Clause 4, page 3, proposed subsection 25B(6), lines 5 to 15, omit the subsection, substitute the following subsection:

“ (6) In this section:

“permitted purposes” means:

- (a) the purposes of providing benefits to students within the meaning of paragraph 51 (xxiiiA) of the Constitution; or
- (b) purposes that otherwise further the objects of a student organisation; being lawful purposes;

“**student organisation**” means an organisation that has as one of its objects or purposes the furthering of the interests generally of students at an institution and that is:

- (a) a financial corporation or trading corporation within the meaning of paragraph 51(xx) of the Constitution; or
- (b) an incorporated body or an unincorporated body of any other kind.”.

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved—That the amendment be agreed to.

Question—put.

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

AYES, 67

Mr Adams	Mr Duncan	Mr Howe	Mr Price
Mr Baldwin	Mrs Easson	Mr Humphreys	Mr Punch
Mr Beazley	Mr Elliott	Mr Jenkins	Mr Quick
Mr Beddall	Mr M. J. Evans	Mr Kerr	Mr Sawford*
Mr Bevis	Ms Fatin	Mr Knott	Mr Sciacca
Mr Bilney	Mr Ferguson	Mr Langmore	Mr L. J. Scott
Mr Brereton	Mr Fitzgibbon	Mr Latham	Mr Simmons
Mr Brown	Mr Free	Mr Lee	Mrs S. J. Smith
Mr Campbell	Mr Gear	Mr Lindsay	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Ms McHugh	Mr Snow
Mr Cleeland	Mr Grace*	Mr McLeay	Mr Snowdon
Ms Crawford	Mr Griffin	Mr Melham	Mr Swan
Mr Crean	Mr Haviland	Mr A. A. Morris	Mr Tanner
Mrs Crosio	Ms Henzell	Mr P. F. Morris	Mr Tickner
Mr Cunningham	Mr Holding	Mr Newell	Mr Willis
Ms Deahm	Mr Hollis	Mr O'Connor	Mr Woods
Mr Dodd	Mr Horne	Mr O'Keefe	

NOES, 50

Mr Abbott	Mr Fischer	Mr McArthur	Mr Ruddock
Mr Aldred	Mr Forrest	Mr McGauran	Mr B. C. Scott
Mr Anderson	Mr Georgiou	Mr McLachlan	Mr Sharp
Mr K. J. Andrews	Mr Hall	Mr Miles	Mr Slipper
Mr Atkinson	Mr Halverson	Mrs Moylan	Mr Somlyay
Mrs Bishop	Mr Hawker*	Mr Neville	Mr Taylor
Mr Cadman	Mr Hicks*	Mr Nugent	Mr Truss
Mr Cameron	Mr Howard	Mr Prosser	Mr Vaile
Mr Charles	Mr Jull	Mr Pyne	Mr Williams
Mr Cobb	Mr Katter	Mr Reid	Dr Wooldridge
Mr Dobie	Dr Kemp	Mr Reith	Ms Worth
Mr R.D.C.Evans	Mr Lieberman	Mr Rocher	
Mr Filing	Mr Lloyd	Mr Ronaldson	

* Tellers

And so it was resolved in the affirmative.

47 CHILD SUPPORT LEGISLATION AMENDMENT BILL 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—*And on the amendment moved thereto by Mr Pyne, 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 condemns the Government for:

- (1) its deleterious handling of the provision of child support maintenance for both custodial and non-custodial parents;
- (2) its continued failure to address the significant deficiencies of the operation of the Child Support Agency;
- (3) its prevarication in taking action to reform child support maintenance in this country to ensure it is fair and equitable to all parties”—

Debate resumed.

The House continuing to sit until after midnight—

FRIDAY, 9 DECEMBER 1994

Debate continued.

Debate adjourned (Mr Lindsay—Parliamentary Secretary to the Minister for Industry, Science and Technology), and the resumption of the debate made an order of the day for a later hour this day.

48 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 4) 1994

The following message from the Senate was reported:

Message No. 389

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.

MICHAEL BEAHAN
President

The Senate

Canberra, 8 December 1994

Power of House in respect of money bills—Statement by Speaker

I wish to make a short statement to the House concerning proposals of the Senate in respect of this bill.

I understand that there is doubt as to whether it is open to the Senate to propose as amendments two of the alterations it has agreed to.

This is because of the provisions of the third paragraph of section 53 of the Constitution, which provides that “the Senate may not amend any proposed law so as to increase any proposed charge or burden on the people”.

I understand that two of these proposals were originally drafted by the Office of Parliamentary Counsel as requests.

I acknowledge that once again it may be difficult for the House to reach a conclusive understanding as to the effect of the proposals in question in terms of the requirements of section 53. It will also be all but impossible for any satisfactory dialogue to take place between the Houses on this matter.

As Members may be aware, the Legal and Constitutional Affairs Committees of each House have been considering the interpretation and application of the third paragraph of section 53. I am sure we can be confident that these inquiries will help greatly in the application of these provisions in the future.

In the meantime, I presume that even if the House deals with these present proposals as amendments, Members would not want this action to be taken as an acceptance by the House that they should have been proposed in this way. This reservation may also be relevant in relation to other legislation before the Houses at this time.

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Schedule 1, page 30, subitem 86(2), omit all words after “to the company,” substitute the following word and paragraphs:

“but:

- (a) the class A franking account balance of the company at the start of the 1994-95 franking year is taken to be nil; and
- (b) a class A franking debit of the company equal to the amount of the franking deficit, or the amount of the increase in the franking deficit, arises on the day when this item commences.”.

No. 2—Schedule 1, page 31, at end of subitem 86(3), add the following definition:

“**1994-95 franking year**, in relation to a company, means the franking year of the company immediately following the 1993-94 franking year.”.

No. 3—Schedule 6, pages 102 to 131, omit the Schedule.

On the motion of Mr Gear (Assistant Treasurer), the amendments were agreed to.

49 CHILD SUPPORT LEGISLATION AMENDMENT BILL 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—*And on the amendment moved thereto by Mr Pyne, 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 condemns the Government for:

- (1) its deleterious handling of the provision of child support maintenance for both custodial and non-custodial parents;
- (2) its continued failure to address the significant deficiencies of the operation of the Child Support Agency;
- (3) its prevarication in taking action to reform child support maintenance in this country to ensure it is fair and equitable to all parties”—

Debate resumed.

Debate adjourned (Mrs Crosio—Parliamentary Secretary to the Minister for Social Security), and the resumption of the debate made an order of the day for a later hour this day.

50 MESSAGES FROM THE SENATE

Messages from the Senate were reported returning the following Bills without requests:

8 December 1994—Message—

No. 390—Income Tax (Former Complying Superannuation Funds) 1994.

No. 391—Income Tax (Former Non-resident Superannuation Funds) 1994.

No. 392—Income Tax Rates Amendment 1994.

No. 393—Income Tax (Deficit Deferral) 1994.

51 MESSAGE FROM THE GOVERNOR-GENERAL—STUDENT ASSISTANCE (YOUTH TRAINING ALLOWANCE) AMENDMENT BILL 1994

Message No. 220, dated 18 November 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of an amendment to be made upon request by the Senate in a Bill for an Act to amend the *Student Assistance Act 1973*.

52 MESSAGE FROM THE SENATE—STUDENT ASSISTANCE (YOUTH TRAINING ALLOWANCE) AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 386

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Student Assistance Act 1973’*”, and requests the House to amend the bill as indicated by schedule A annexed.

The Senate desires to inform the House that the amendments indicated by schedule B annexed have been made by the Senate in the bill.

MICHAEL BEAHAN
President

The Senate

Canberra, 8 December 1994

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUESTS BY THE SENATE FOR AMENDMENTS

No. 1—Clause 18, pages 25 and 26, proposed subsection 75(9), line 32 (page 25) to line 3 (page 26), omit the subsection, substitute the following subsections:

“ ‘(9) For the purposes of paragraph (8)(g), commuting is not unreasonably difficult if:

- (a) the sole or principal reason for the difficulty is that the commuting involves a journey, either from the person’s home to the place of work or from the place of work to the person’s home, that does not normally exceed 90 minutes in duration; or
- (b) in the Secretary’s opinion a substantial number of people living in the same area as the person regularly commute to their places of work in circumstances similar to those of the person.

‘(9A) Subsection (9) does not limit the Secretary’s discretion to form the opinion that, for the purposes of paragraph (8)(g), commuting is not unreasonably difficult.’”

No. 2—Clause 18, page 27, proposed subsection 77(1), line 34, omit “subsection (2)”, substitute “subsections (2) and (3)”.

No. 3—Clause 18, page 28, at end of proposed section 77 add the following subsection:

- “(3) Paragraph (1)(b) does not apply if:
- (a) the person was employed by the organisation; and
 - (b) that employment ended on a day, but not later than 2 weeks after that day the person was engaged in full-time voluntary work for the organisation; and
 - (c) the person is a qualified beneficiary and was a qualified beneficiary immediately after the person started working for the organisation in such a full-time voluntary capacity.”

No. 4—Clause 18, page 69, proposed paragraph 124(a), lines 19 and 20, omit the paragraph, substitute the following paragraph:

- “(a) a person is released from gaol, or from psychiatric confinement that the person was undergoing because he or she had been charged with committing an offence, after spending at least 7 days in gaol or such confinement; and”.

No. 5—Clause 18, page 147, proposed section 251, Indexed Amounts Table, item 2, at end of column 3, add “and Table DB in point D6 in MODULE D in Schedule 1—column 3—all amounts”.

No. 6—Clause 18, page 148, proposed section 251, Indexed Amounts Table, item 8, omit the item, substitute the following items:

“

8.	Rate of pharmaceutical allowance for a person: (a) who is a member of a couple; and (b) whose partner is receiving a service pension (abbreviated as ‘PA item 8 rate’)	Item 5 in Table C in point C5 in MODULE C in Schedule 1—column 3
9.	Rate of pharmaceutical allowance for a person: (a) who is a member of a couple; and (b) whose partner is in gaol (abbreviated as ‘PA item 9 rate’)	Item 6 in Table C in point C5 in MODULE C in Schedule 1—column 3

”.

No. 7—Clause 18, page 149, proposed subsection 252(1), CPI Indexation Table, item 5, column 2, at end of column, add “and PA item 8 rate”.

No. 8—Clause 18, page 219, proposed Schedule 1, subclause 2(11), omit the subclause, substitute the following subclause:

Living away from home

- “(11) A person is independent if that person:

- (a) does not live, and for a continuous period of at least 18 weeks has not lived, at a home of the parents, or of a parent, of the person; and
- (b) has, at a time when the person was not living at such a home:
 - (i) been employed for at least 20 hours per week; or
 - (ii) been registered by the Commonwealth Employment Service in an allowance category as being unemployed;
 for the period of, or for periods that total, at least 13 weeks; and
- (c) does not receive regular financial support from a parent of the person.”.

No. 9—Clause 18, page 219, proposed Schedule 1, after subclause 2(11) insert the following subclause:

“(11A) A person is taken to be independent for the purposes of this Schedule if:

- (a) the person does not live at a home of the parents, or of a parent, of the person; and
- (b) the person does not receive regular financial support from a parent of the person; and
- (c) one of the following subparagraphs applies:
 - (i) there was a period in which the person was regarded as an independent young person for the purposes of the Social Security Act and:
 - (A) received sickness allowance before 1 January 1995; or
 - (B) received on or after that date sickness allowance in the calculation of which subsection 709(2) of the *Social Security Act 1991* as in force at a time on or after that date applied;
 - (ii) the person received special benefit before 1 January 1995 and continued to receive that benefit on that date and there was a period, whether before, on or after that date, in which the person was regarded as an independent young person for the purposes of the Social Security Act;
 - (iii) there was a period in which the person was regarded as an independent young person for the purposes of the Social Security Act and received job search allowance.”.

No. 10—Clause 18, page 221, proposed Schedule 1, Module A, *Method statement, Step 7*, paragraph (a), omit “\$30.90”, substitute “\$62.90”.

No. 11—Clause 18, page 222, proposed Schedule 1, Module A, *Method statement, Step 10*, subparagraph (a)(i), omit the subparagraph, substitute the following subparagraphs:

- “(i) if paragraph (a) of Step 7 applied to the person—the minimum non-independent payment rate; or
- (ia) if Step 8 did not apply to the person because of points F2 and F3 (other than paragraph (g) of point F3) in MODULE F below—the maximum payment rate; or
- (ib) if paragraph (g) of point F3 applied to the person and Step 7 did not apply to the person—the maximum payment rate; or”.

No. 12—Clause 18, page 223, proposed Schedule 1, Module B, Table B, item 6, column 3, omit “\$268.20”, substitute “\$269.20”.

No. 13—Clause 18, page 224, proposed Schedule 1, Module C, Table C, item 5, omit the item, substitute the following items:

“

5.	Partnered (partner getting service pension)	\$2.60
6.	Partnered (partner in gaol)	\$5.20

”

No. 14—Clause 18, page 227, proposed Schedule 1, Module D, Table DB, item 1, column 3, omit “\$60.00”, substitute “\$61.80”.

No. 15—Clause 18, page 227, proposed Schedule 1, Module D, Table DB, items 2 and 3, column 3, omit “\$100.00”, substitute “\$103.20”.

No. 16—Clause 18, page 227, proposed Schedule 1, Module D, Table DB, items 4 to 6, column 3, omit “\$100.00”, substitute “\$61.80”.

No. 17—Clause 18, page 230, proposed Schedule 1, Module E, after point E12, insert the following note and point:

“Note: For ‘principal home’ see subsections 11(5), (6) and (7) of the Social Security Act.

Exclusion of certain farm assets

“E12A. If a drought relief exceptional circumstance certificate referred to in section 8A of the *Farm Household Support Act 1992* was issued in respect of a person, or in respect of a family member of a person, and has effect, the person’s assets do not include any asset that is an exempt asset in respect of the person, or in respect of the family member of the person, as the case may be, within the meaning of that Act.”

No. 18—Clause 18, page 232, proposed Schedule 1, Module F, *Method statement, Step 8*, paragraph (a), omit “\$21,300”, substitute “\$21,660”.

No. 19—Clause 18, page 234, proposed Schedule 1, Module F, point F4, omit “financial year that ended on the last 30 June that preceded the relevant time”, substitute “accounting period ending on the last 30 June before the calendar year in which the relevant time occurs”.

No. 20—Clause 18, page 234, proposed Schedule 1, Module F, point F7, omit “the financial year in which the relevant time occurs”, substitute “the accounting period ending in the calendar year before the calendar year in which the relevant time occurs”.

No. 21—Clause 18, page 234, proposed Schedule 1, Module F, point F7, omit “the financial year that ends in the calendar year in which the relevant time occurs”, substitute “the accounting period ending in the calendar year in which the relevant time occurs”.

No. 22—Clause 18, page 235, proposed Schedule 1, Module F, point F11, omit the point, substitute the following point:

Combined parental fringe benefits value

“F11. The person’s **combined parental fringe benefits value** for the relevant accounting period is:

- (a) if the person had only one parent in that period—the amount (if any) of the excess fringe benefits value for that parent for that period; or
- (b) if the person had more than one parent in that period—the sum of the respective amounts (if any) of the excess fringe benefits values for the parents for that period.

For the purposes of this point, the **excess fringe benefits value** for a parent of the person for the relevant accounting period is the amount (if any) by which the total of the values of the fringe benefits received by that parent in the most recent fringe benefits year that ended before the end of the relevant accounting period (as worked out under points F12 and F13) is more than \$1,000.”.

No. 23—Clause 18, page 239, proposed Schedule 1, Module G, point G3, after paragraph (c) insert the following paragraph:

“(ca) a payment under Part 5 or 6 of the *Farm Household Support Act 1992*; or”.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), requested amendments Nos. 1 to 7 and 9 to 23 were made.

On the motion of Mr Free, requested amendment No. 8 was not made, but, in place thereof, the Bill was amended as follows: Clause 18, page 219, proposed Schedule 1, omit proposed subclause 2(11), substitute the following subclause:

Living away from home for 18 weeks

“(11) A person is independent if the person:

- (a) does not live, and for a continuous period of at least 18 weeks has not lived, at a home of the parents, or of a parent, of the person; and
- (b) has, at a time when the person was not living at such a home been employed for at least 20 hours a week for the period of, or for periods that total, at least 13 weeks; and
- (c) is not receiving financial or other support from either or both of his or her parents, or from someone else who is acting as his or her guardian, and did not receive such support during the period referred to in paragraph (a).”.

53 MESSAGE FROM THE GOVERNOR-GENERAL—STUDENT ASSISTANCE (YOUTH TRAINING ALLOWANCE—TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994

Message No. 221, dated 18 November 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purpose of amendments to be made upon request by the Senate in a Bill for an Act to enact saving and transitional provisions, and amend various Acts, as a result of the enactment of the *Student Assistance (Youth Training Allowance) Amendment Act 1994*.

54 MESSAGE FROM THE SENATE—STUDENT ASSISTANCE (YOUTH TRAINING ALLOWANCE—TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994

The following message from the Senate was reported:

Message No. 387

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to enact saving and transitional provisions, and amend various Acts, as a result of the enactment of the ‘Student Assistance (Youth Training Allowance) Amendment Act 1994’*”, and requests the House to amend the bill as indicated by schedule A annexed.

The Senate desires to inform the House that the amendments indicated by schedule B annexed have been made by the Senate in the bill.

MICHAEL BEAHAN
President

The Senate

Canberra, 8 December 1994

Ordered—That the amendments requested by the Senate be considered forthwith.

SCHEDULE OF THE REQUESTS BY THE SENATE FOR
AMENDMENTS

No. 1—Clause 4, page 2, lines 17 to 19, omit all words after proposed paragraph (b) substitute the following word and paragraphs:

“then:

- (c) the *Social Security Act 1991* continues to apply in relation to the person as if Part 8 of the *Student and Youth Assistance Act 1973* had not been enacted; but
- (d) paragraph (c) ceases to have effect if the person ceases to be qualified for job search allowance for a period of at least 6 weeks.”.

No. 2—Schedule 1, page 34, after item 245 insert the following item:

“245A. Paragraph 1161(1)(a):

Omit the paragraph, substitute:

- ‘(a) a person is released from gaol, or from psychiatric confinement that the person was undergoing because he or she had been charged with committing an offence, after spending at least 7 days in gaol or such confinement; and’.”.

No. 3—Schedule 1, page 36, item 254, paragraph (f), proposed item 18B, at end of column 4 add “and Table DB in point 1067E-D6—column 3—all amounts”.

No. 4—Schedule 1, page 37, item 254, paragraph (j), proposed item 49H, omit the item, substitute the following items:

"49H	Rate of pharmaceutical allowance for a person: (a) who is a member of a couple; and (b) whose partner is receiving a service pension	PA (SA) (item 49H)	Sickness Allowance Rate Calculator—Point 1067E-C4—item 5— column 3
49J	Rate of pharmaceutical allowance for a person: (a) who is a member of a couple; and (b) whose partner is in gaol	PA (SA) (item 49J)	Sickness Allowance Rate Calculator—Point 1067E-C4—item 6— column 3

”.

No. 5—Schedule 1, page 38, item 255, paragraph (e), proposed item 33A, at end of column 2 add “and PA (SA) (item 49H)”.

No. 6—Schedule 1, page 38, item 255, paragraph (e), proposed item 33A, columns 4 and 5, omit “June” (wherever occurring), substitute “September”.

No. 7—Schedule 2, page 44, proposed subsection 1067B(11), omit the subsection, substitute the following subsection:

Living away from home

“(11) A person is independent if that person:

- (a) does not live, and for a continuous period of at least 18 weeks has not lived, at a home of the parents, or of a parent, of the person; and
- (b) has, at a time when the person was not living at such a home:
 - (i) been employed for at least 20 hours per week; or
 - (ii) been registered by the Commonwealth Employment Service in an allowance category as being unemployed;
 for the period of, or for periods that total, at least 13 weeks; and
- (c) does not receive regular financial support from a parent of the person.”.

No. 8—Schedule 2, page 44, after proposed subsection 1067B(11) insert the following subsection:

“(11A) A person is taken to be independent for the purposes of this Part if:

- (a) the person does not live at a home of the parents, or of a parent, of the person; and
- (b) the person does not receive regular financial support from a parent of the person; and
- (c) immediately before qualifying for sickness allowance or, if the person has qualified for sickness allowance on more than one occasion, immediately before last qualifying for that allowance, the person was receiving youth training allowance under Part 8 of the *Student and Youth Assistance Act 1973*; and
- (d) for the purposes of the payment of that youth training allowance the person was regarded as independent within the meaning of Schedule

1 to that Act (otherwise than because of subclause (10) of clause 2 of Part 1 of that Schedule).”.

No. 9—Schedule 2, page 47, Module A, *Method statement, Step 7*, proposed paragraph (a), omit “\$30.90”, substitute “\$62.90”.

No. 10—Schedule 2, page 47, Module A, *Method statement, Step 10*, proposed subparagraph (a)(i), omit the subparagraph, substitute the following subparagraphs:

“(i) if paragraph (a) of Step 7 applied to the person—the minimum non-independent payment rate; or

(ia) if Step 8 did not apply to the person because of points 1067E-F2 and 1067E-F3 (other than paragraph (g) of point 1067E-F3)—the maximum payment rate; or

(ib) if paragraph (g) of point 1067E-F3 applied to the person and Step 7 did not apply to the person—the maximum payment rate; or”.

No. 11—Schedule 2, page 48, Module B, Table B, proposed item 6, column 3, omit “\$268.20”, substitute “\$269.20”.

No. 12—Schedule 2, page 50, Module C, Table C, proposed item 5, omit the item, substitute the following items:

“

5.	Partnered (partner getting service pension)	\$2.60
6.	Partnered (partner in gaol)	\$5.20

”.

No. 13—Schedule 2, page 53, Module D, Table DB, proposed item 1, column 3, omit “\$60.00”, substitute “\$61.80”.

No. 14—Schedule 2, page 53, Module D, Table DB, proposed items 2 and 3, column 3, omit “\$100.00”, substitute “\$103.20”.

No. 15—Schedule 2, page 53, Module D, Table DB, proposed items 4 to 6, column 3, omit “\$100.00”, substitute “\$61.80”.

No. 16—Schedule 2, page 56, Module E, after proposed point 1067E-E12 insert the following note and point:

“Note: For ‘principal home’ see subsections 11(5), (6) and (7).

Exclusion of certain farm assets

“ ‘1067E-E12A. If a drought relief exceptional circumstance certificate referred to in section 8A of the *Farm Household Support Act 1992* was issued in respect of a person, or in respect of a family member of a person, and has effect, the person’s assets do not include any asset that is an exempt asset in respect of the person, or in respect of the family member of the person, as the case may be, within the meaning of that Act.”.

No. 17—Schedule 2, page 58, Module F, *Method statement, Step 8*, proposed paragraph (a), omit “\$21,300”, substitute “\$21,660”.

No. 18—Schedule 2, page 60, Module F, proposed point 1067E-F4, omit “financial year that ended on the last 30 June that preceded the relevant time”, substitute “accounting period ending on the last 30 June before the calendar year in which the relevant time occurs”.

No. 19—Schedule 2, page 60, Module F, proposed point 1067E-F7, omit “the financial year in which the relevant time occurs”, substitute “the accounting period ending in the calendar year before the calendar year in which the relevant time occurs”.

No. 20—Schedule 2, page 60, Module F, proposed point 1067E-F7, omit “the financial year that ends in the calendar year in which the relevant time occurs”, substitute “the accounting period ending in the calendar year in which the relevant time occurs”.

No. 21—Schedule 2, page 61, Module F, proposed point 1067E-F11, omit the point, substitute the following point:

Combined parental fringe benefits value

“1067E-F11. The person’s **combined parental fringe benefits value** for the relevant accounting period is:

- (a) if the person had only one parent in that period—the amount (if any) of the excess fringe benefits value for that parent for that period; or
- (b) if the person had more than one parent in that period—the sum of the respective amounts (if any) of the excess fringe benefits values for the parents for that period.

For the purposes of this point, the **excess fringe benefits value** for a parent of the person for the relevant accounting period is the amount (if any) by which the total of the values of the fringe benefits received by that parent in the most recent fringe benefits year that ended before the end of the relevant accounting period (as worked out under points 1067E-F12 and 1067E-F13) is more than \$1,000.”.

No. 22—Schedule 2, page 65, Module G, point 1067E-G3, after proposed paragraph (c) insert the following paragraph:

“(ca) a payment under Part 5 or 6 of the *Farm Household Support Act 1992*; or”.

On the motion of Mr Free (Minister for Schools, Vocational Education and Training), requested amendments Nos. 1 to 6 and 8 to 22 were made.

On the motion of Mr Free, requested amendment No. 7 was not made, but, in place thereof, the Bill was amended as follows: Schedule 2, page 44, omit proposed subsection 1067B(11), substitute the following subsection:

Living away from home for 18 weeks

“(11) A person is independent if the person:

- (a) does not live, and for a continuous period of at least 18 weeks has not lived, at a home of the parents, or of a parent, of the person; and
- (b) has, at a time when the person was not living at such a home been employed for at least 20 hours a week for the period of, or for periods that total, at least 13 weeks; and
- (c) is not receiving financial or other support from either or both of his or her parents, or from someone else who is acting as his or her guardian, and did not receive such support during the period referred to in paragraph (a).”.

55 PUBLICATIONS COMMITTEE—19TH REPORT

Mr Horne (Chair) presented the following report:

PUBLICATIONS COMMITTEE 19TH REPORT

The Publications Committee, having considered petitions and documents presented to the Parliament since 7 December 1994, recommends that the following be printed:

Australian Meat and Livestock Industry Policy Council Act—Australian Meat and Livestock Industry Policy Council—Report for 1993-94.

Australian National Railways Commission Act—Australian National Railways Commission (Australian National)—Report for 1993-94.

Horticultural Policy Council Act—Horticultural Policy Council—Report for 1993-94.

Immigration Review Tribunal—Report for 1993-94.

International Monetary Agreements Act and the International Bank for Reconstruction and Development (General Capital Increase) Act—Australia and the World Bank—Report for 1993-94.

Long Term Strategies—Standing Committee—Australia's population "carrying capacity": One Nation—Two ecologies—Report, December 1994—Corrections to report.

Primary Industries and Energy Research and Development Act—Forest and Wood Products Research and Development Corporation and Forest and Wood Products Research and Development Corporation Selection Committee—Reports for period 1 January to 30 June 1994.

Privacy Act—Privacy Commissioner—6th report, for 1993-94.

BOB HORNE
Chair

8 December 1994

Mr Horne, by leave, moved—That the report be agreed to.

Question—put and passed.

56 MESSAGE FROM THE SENATE—EMPLOYMENT SERVICES BILL 1994

The following message from the Senate was reported:

Message No. 379

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to employment services*", 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.

MICHAEL BEAHAN
President

The Senate

Canberra, 7 December 1994

Ordered—That the amendment be considered forthwith.

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Clause 41, page 24, paragraph (2)(b), line 25, omit "paid employment" (twice occurring), substitute "self-employment or paid employment".

On the motion of Mr Crean (Minister for Employment, Education and Training), the amendment was agreed to.

57 MESSAGE FROM THE SENATE—EMPLOYMENT SERVICES (CONSEQUENTIAL AMENDMENTS) BILL 1994

The following message from the Senate was reported:

Message No. 380

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the statute law of the Commonwealth in consequence of the enactment of the 'Employment Services Act 1994', and for other 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.

MICHAEL BEAHAN
President

The Senate

Canberra, 7 December 1994

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Schedule, page 24, item 11, at end of item add the following note:

“Note: This item amends the second occurring reference to Subdivision F in Division 1 of Part 2.12.”.

No. 2—Schedule, page 24, after item 12 insert the following item:

“12A. Section 630C:

Reposition at the beginning of Subdivision G (immediately before section 631).”.

No. 3—Clause 33, page 13, proposed subsection 546B(2), lines 1 to 3, omit the subsection, substitute the following subsection:

““(2) Subject to subsections (3) and (6) of this section and sections 546BA and 546BB, the activity test deferment period commences on the day after the person has been paid the next two instalments of Job Search Allowance that the person would ordinarily receive after the activity test deferment period determination is made, as if no determination had been made.”.

No. 4—Clause 34, page 15, proposed subsection 547B(2), lines 20 to 22, omit the subsection, substitute the following subsection:

““(2) Subject to subsections (3) and (6) of this section and section 547C, the activity test deferment period commences on the day after the person has been paid the next two instalments of Job Search Allowance that the person would ordinarily receive after the administrative breach deferment period determination is made, as if no determination had been made.”.

No. 5—Clause 35, page 17, proposed subsection 630B(2), lines 9 to 11, omit the subsection, substitute the following subsection:

“(2) Subject to subsections (3) and (6) of this section and sections 630BA and 630BB, the activity test deferment period commences on the day after the person has been paid the next two instalments of Job Search Allowance that the person would ordinarily receive after the activity test deferment period determination is made, as if no determination had been made.”.

No. 6—Clause 36, page 19, proposed subsection 631B(2), lines 30 to 32, omit the subsection, substitute the following subsection:

“(2) Subject to subsections (3) and (6) of this section and section 631C, the activity test deferment period commences on the day after the person has been paid the next two instalments of Job Search Allowance that the person would ordinarily receive after the administrative breach deferment period determination is made, as if no determination had been made.”.

On the motion of Mr Crean (Minister for Employment, Education and Training), Senate amendments Nos. 1 and 2 were agreed to.

On the motion of Mr Crean, Senate amendments Nos. 3 to 6 were disagreed to.

Mr Crean moved—That Mr Grace, Mr L. J. Scott and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments Nos. 3 to 6 of the Senate.

Question—put and passed.

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

Reasons of the House of Representatives for disagreeing to amendments Nos. 3 to 6 of the Senate

These amendments are opposed on the basis that they are no more workable than the existing provisions introduced by the Democrats in July. These amendments still reward a person's failure to meet his/her obligations by paying the person two further payments of allowance before a deferment of allowance is imposed.

Given the Government's substantial commitment to unemployed people announced in "Working Nation", it would be unacceptable to allow the Green's amendments to pass thereby enabling jobseekers who are clearly in breach of their reciprocal obligations to continue to receive allowance for a further four weeks. This would not be acceptable in terms of sound policy and administration or in terms of equity in the eyes of the Australian taxpayer.

To complement the increased assistance to be provided to jobseekers, the Government announced in Working Nation enhanced reciprocal obligations for those receiving income support. The Government believes that provision of a period of notice before payment of allowance is deferred sends the wrong signals to jobseekers about the importance of their reciprocal obligations.

The Bill seeks to rectify this by providing that recipients be properly notified of the imposition of a deferment period, but that this period commences on the day that notice is given, rather than after two further payments of allowance.

Administrative processes already provide that notices are issued to a person warning that a deferment period may be imposed if a breach is not remedied. In this regard, it should be noted that the report on the Bill by the House of

Representatives Standing Committee on Legal and Constitutional Affairs considered that the administrative processes in place prior to the July amendments had inbuilt safeguards which did provide sufficient notice of deferment of income support without the need for additional payments periods.

The Bill conforms with administrative procedures that were in place up to July 1994, and which the Government believes were fair and equitable and provided sufficient notice to the person of the consequences of failing to respond to a specific requirement made of the person.

In summary, these procedures were:

- (1) the person was given a clear requirement to attend or contact the CES and a deadline to respond by (5-21 days hence);
- (2) failure to respond to that requirement always generated a second letter which clearly warned the person that he/she risked loss of allowance if he/she failed to respond within a further 14 days;
- (3) the CES could be approached at any time during this process to change an appointment or listen to a person's reasons or complaints;
- (4) when a person was found to be in breach of a particular requirement, he/she is notified of the decision in writing and had immediate recourse to a well-established review and appeals process which ensured that his/her concerns are responded to promptly; and
- (5) there was discretion on the part of the reviewing officer to continue payment of allowance pending review where circumstances warranted this.

It is not the Government's aim to deal harshly with the unemployed—however, it is the Government's responsibility, on behalf of the whole community, to ensure that jobseekers respond positively to the many and varied measures of assistance offered to them. This is the role of reciprocal obligations, and the success of the CES in helping jobseekers is largely dependent on their timely and cooperative responses to requirements made of them.

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

58 SUSPENSION OF SITTING

At 12.40 a.m. the Speaker left the Chair.

59 RESUMPTION OF SITTING

The Speaker resumed the Chair at 10 a.m.

60 CHILD SUPPORT LEGISLATION AMENDMENT BILL 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—*And on the amendment moved thereto by Mr Pyne, 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 condemns the Government for:

- (1) its deleterious handling of the provision of child support maintenance for both custodial and non-custodial parents;
- (2) its continued failure to address the significant deficiencies of the operation of the Child Support Agency;
- (3) its prevarication in taking action to reform child support maintenance in this country to ensure it is fair and equitable to all parties”—

Debate resumed.

Amendment negatived.

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Gear (Assistant Treasurer), by leave, the following amendments were made together:

Clause 2, page 2, omit the clause, substitute the following clause:

Commencement

“2.(1) This Act (other than section 22) commences on the day on which it receives the Royal Assent.

“(2) Section 22 commences immediately after the commencement of section 16.”.

Clause 20—

Page 11, proposed paragraph (aa) of the definition of “appealable refusal decision”, lines 35 and 36, omit “under subsection 28A(5) refusing to grant an application under subsection 28A(3)”, substitute “under paragraph 28A(5)(d) or (e)”.

Page 12, proposed paragraph (bb) of the definition of “appealable refusal decision”, lines 1 and 2, omit “under subsection 39A(6) refusing to grant an application under subsection 39A(4)”, substitute “under paragraph 39A(6)(b) or (c)”.

Clause 21, page 12, line 36, to page 13, line 4, omit proposed subsection 28A(5), substitute the following subsection:

Registrar’s decision—arrear s for more than 3 months

“(5) If:

- (a) the specified period exceeds 3 months; and
- (b) the Registrar registers the liability under subsection 25(2);

then:

(c) if the Registrar is satisfied that there are exceptional circumstances—the Registrar must grant the payee’s application; or

(d) if:

- (i) the Registrar is not satisfied that there are exceptional circumstances; and
- (ii) unpaid amounts are payable under the liability in relation to the period of 3 months that ended at the end of the maximum arrears period;

the Registrar must:

- (iii) treat the payee’s application as if the specified period were the period of 3 months that ended at the end of the maximum arrears period; and
- (iv) grant the payee’s application; or
- (e) if:
 - (i) the Registrar is not satisfied that there are exceptional circumstances; and

- (ii) no unpaid amounts are payable under the liability in relation to the period of 3 months that ended at the end of the maximum arrears period;

the Registrar must refuse to grant the payee's application.”.

Clause 23, page 14, lines 27 to 32, omit proposed subsection 39A(6), substitute the following subsection:

Registrar's decision—arrears for more than 3 months

“ (6) If the specified period exceeds 3 months, then:

- (a) if the Registrar is satisfied that there are exceptional circumstances—the Registrar must grant the payee's application; or
- (b) if:
 - (i) the Registrar is not satisfied that there are exceptional circumstances; and
 - (ii) unpaid amounts are payable under the liability in relation to the period of 3 months that ended at the end of the maximum arrears period;

the Registrar must:

- (iii) treat the payee's application as if the specified period were the period of 3 months that ended at the end of the maximum arrears period; and
- (iv) grant the payee's application; or
- (c) if:
 - (i) the Registrar is not satisfied that there are exceptional circumstances; and
 - (ii) no unpaid amounts are payable under the liability in relation to the period of 3 months that ended at the end of the maximum arrears period;

the Registrar must refuse to grant the payee's application.”.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

61 DECLARATION OF BILLS AS COGNATE BILLS

Mr Bevis (Parliamentary Secretary to the Minister for Defence), by leave, declared that the Health and Other Services (Compensation) Bill 1994, the Health and Other Services (Compensation) Care Charges Bill 1994, the Health and Other Services (Compensation) Administration Fee Bill 1994 and the Health and Other Services (Compensation) (Consequential Amendments) Bill 1994 were cognate Bills.

62 HEALTH AND OTHER SERVICES (COMPENSATION) BILL 1994

The order of the day having been read for the second reading—Mr Bevis (Parliamentary Secretary to the Minister for Defence) moved—That the Bill be now read a second time.

Debate ensued.

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport), by leave, moved the following amendments together:

Clause 3—

Page 4, subclause (1), definition of "reimbursement arrangement", line 30, omit "the costs incurred", substitute "expenses as they are incurred".

Page 4, subclause (1), definition of "reimbursement arrangement", paragraph (b), line 35, omit "costs", substitute "expenses".

Clause 11—

Page 11, paragraph (4)(c), lines 34 and 35, omit "(whether or not that notification occurs within the notification period)".

Page 11, subclause (4), lines 36 and 37, omit " , within 28 days after being notified of the claim, give to the Commission written notice of the claim.", substitute the following:

"give to the Commission written notice of the claim:

- (d) if the other person's notification occurred within the notification period—subject to subsection (4A), within 6 months and 28 days after the day on which the claim was made; or
- (e) if the other person's notification occurred after the end of the notification period—within 28 days after the other person's notification."

Page 11, after subclause (4) insert the following subclause:

"(4A) If:

- (a) the insurer or representative organization is also obliged under this Division (other than this section) to give another notice in respect of the claim on any matter arising out of the claim; and
- (b) the last day of the period within which the insurer or representative organization is obliged to give that other notice occurs within 6 months and 28 days after the day on which the claim was made;

the insurer or representative organization must give the notice under subsection (4) on or before the last day of the period within which it is obliged to give that other notice."

Paper: Mr O'Keefe presented a supplementary explanatory memorandum to the Bill.

Debate ensued.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr O'Keefe, by leave, the Bill was read a third time.

63 HEALTH AND OTHER SERVICES (COMPENSATION) CARE CHARGES BILL 1994

The order of the day having been read for the second reading—Mr O'Keefe (Parliamentary Secretary to the Minister for Transport) moved—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 O'Keefe, the Bill was read a third time.

64 HEALTH AND OTHER SERVICES (COMPENSATION) ADMINISTRATION FEE BILL 1994

The order of the day having been read for the second reading—Mr O'Keefe (Parliamentary Secretary to the Minister for Transport) moved—That the Bill be now read a second time.

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

Consideration in detail

Bill, by leave, taken as a whole, and agreed to, after debate.

Consideration in detail concluded.

On the motion of Mr O'Keefe, by leave, the Bill was read a third time.

65 HEALTH AND OTHER SERVICES (COMPENSATION) (CONSEQUENTIAL AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr O'Keefe (Parliamentary Secretary to the Minister for Transport) moved—That the Bill be now read a second time.

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

Message from the Governor-General: Message No. 222, dated 6 December 1994, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr O'Keefe, the Bill was read a third time.

66 PAPER

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport) presented the following paper:

Child Support Legislation Amendment Bill 1994—Supplementary explanatory memorandum.

67 DEFENDING AUSTRALIA—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS

The order of the day having been read for the resumption of the debate on the motion of Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology)—That the House take note of the papers (*presented on 7 December 1994*), viz.:

Defending Australia—

Defence White Paper 1994.

Ministerial statement—

Debate resumed.

Mr Connolly, who had already spoken, again addressed the House, by leave.

Debate continued.

Mr Bevis (Parliamentary Secretary to the Minister for Defence), who had already spoken, again addressed the House, by leave.

Debate continued.

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

68 BANKING, FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORTS ON FRAUD ON THE COMMONWEALTH AND THE LAW ENFORCEMENT ACCESS NETWORK—GOVERNMENT RESPONSES—MOTION TO TAKE NOTE OF PAPER

Mr Elliott (Parliamentary Secretary to the Treasurer) presented the following paper:

Banking, Finance and Public Administration—Standing Committee—Government responses to reports—

Focusing on fraud: Inquiry into fraud on the Commonwealth, 18 November 1993.

Matching and catching: Law Enforcement Access Network (LEAN), November 1992.

and moved—That the House take note of the paper.

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

69 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day Nos. 10 to 39, government business, be postponed until a later hour this day.

70 APEC INFORMAL LEADERS' MEETING, BOGOR, INDONESIA—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Beazley (Leader of the House)—That the House take note of the paper (*presented on 6 December 1994*), viz.:

APEC informal leaders' meeting, Bogor, Indonesia, 15 November 1994—Ministerial statement—

Debate resumed.

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

71 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS

Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

8 December 1994—Message—

No. 223—

AeroSpace Technologies of Australia Limited Sale 1994.

ANL Guarantee 1994.

Departure Tax Amendment 1994.

Higher Education Funding Legislation Amendment 1994.

Veterans' Affairs Legislation Amendment (No. 2) 1994.

No. 224—Merit Protection (Australian Government Employees) Amendment 1994.

72 SUSPENSION OF STANDING ORDERS—ADJOURNMENT DEBATE

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport), by leave, moved—That so much of the standing orders be suspended as would allow each Member speaking to the question for the adjournment of the House to terminate this sitting to speak for one period of 10 minutes.

Question—put and passed.

73 ADJOURNMENT NEGATIVED

Mr O'Keefe (Parliamentary Secretary to the Minister for Transport) moved—That the House do now adjourn.

Debate ensued.

Question—put and negatived.

74 MESSAGES FROM THE SENATE

Messages from the Senate, dated 9 December 1994, were reported returning the following Bills without amendment:

Message—

No. 394—Human Rights (Sexual Conduct) 1994.

No. 398—Industrial Relations Legislation Amendment (No. 2) 1994.

75 MESSAGE FROM THE SENATE—EMPLOYMENT SERVICES (CONSEQUENTIAL AMENDMENTS) BILL 1994

The following message from the Senate was reported:

Message No. 395

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the statute law of the Commonwealth in consequence of the enactment of the 'Employment Services Act 1994', and for other purposes*", and acquaints the House that the Senate does not insist upon its amendments nos 3 to 6 disagreed to by the House of Representatives and has made a further amendment to the bill, as indicated by the annexed schedule.

The Senate desires the concurrence of the House in the further amendment made by the Senate.

MICHAEL BEAHAN
President

The Senate

Canberra, 9 December 1994

Ordered—That the further amendment be considered forthwith.

**SCHEDULE OF THE FURTHER AMENDMENT MADE BY THE
SENATE**

After clause 36, page 21 insert the following clauses:

Secretary may continue payment pending outcome of application for review

“**36A.** Section 1241 of the Principal Act is amended by omitting paragraph (1)(b) and substituting the following paragraph:

‘(b) the adverse decision:

- (i) depends on the exercise of a discretion by a person or the holding of an opinion by a person; or
- (ii) would result in the application of a deferment period; and

Note: For “deferment period” see section 23.’

Insertion of new section

“**36B.** After section 1241 of the Principal Act the following section is inserted:

Guidelines for exercise of Secretary’s power to continue payment

‘1241A.(1) The Minister, by determination in writing:

- (a) is to set guidelines for the exercise of the Secretary’s power to make declarations under subsection 1241(1) in relation to social security payments to persons who are subject to deferment periods; and
- (b) may revoke or vary those guidelines.

Note: For “deferment period” see section 23.

‘(2) A determination made under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.’”

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the further amendment made by the Senate was agreed to.

76 MESSAGE FROM THE SENATE—STUDENT ASSISTANCE (YOUTH TRAINING ALLOWANCE) AMENDMENT BILL 1994

The following message from the Senate was reported:

Message No. 396

Mr Speaker,

The Senate returns to the House of Representatives the bill for “*An Act to amend the ‘Student Assistance Act 1973’*”, and acquaints the House that the Senate has considered message no. 435 of the House relating to the bill.

The Senate does not press its request for amendment no. 8, which the House has not made, has agreed to the amendment made by the House in place thereof, and has agreed to the bill as amended by the House in accordance with the Senate’s requests for amendments nos 1 to 7 and 9 to 23, with the amendments indicated by the annexed schedule.

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

MICHAEL BEAHAN
President

The Senate
Canberra, 9 December 1994

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 5, page 2, lines 9 to 18, omit the clause, substitute the following clause:

Interpretation

“5. Section 3 of the Principal Act is amended:

- (a) by omitting the definition of ‘officer’ from subsection (1) and substituting the following definition:

‘ “**officer**” means a person performing duties, or exercising powers or functions, under or in relation to this Act and, in relation to a provision of Division 3 of Part 10, includes:

- (a) a person who has been such a person; and
- (b) a person who is or has been appointed or employed by the Commonwealth and who, as a result of that appointment or employment, may acquire or has acquired information concerning a person under this Act; and
- (c) a person who, although not appointed or employed by the Commonwealth, performs or did perform services for the Commonwealth and who, as a result of performing those services, may acquire or has acquired information concerning a person under this Act;’;

- (b) by omitting from subsection (1) the definitions of ‘authorised person’ and ‘prescribed officer’;

- (c) by inserting in subsection (1) the following definitions:

‘ “**protected information**” means information about a person that is held in the records of the Department of Employment, Education and Training or of the Department of Social Security;

“**student assistance benefit**” means a payment under:

- (a) the AUSTUDY scheme; or
- (b) the Student Financial Supplement Scheme; or
- (c) a current or former special educational assistance scheme;’.

No. 2—Clause 6, page 2, lines 19 to 21, omit the clause, substitute the following clause:

Repeal of section

“6. Section 4 of the Principal Act is repealed.”.

No. 3—Clause 7, page 2, lines 22 to 24, omit the clause, substitute the following clause:

Binding of the Crown

“7. Subsection 5(1) of the Principal Act is repealed and the following subsection is substituted:

‘(1) This Act other than:

- (a) Part 8 but subject to section 249; and
- (b) Part 9, in so far as it relates to youth training allowance; and
- (c) Part 10, in so far as it relates to youth training allowance but subject to subsection 331(2);

binds the Crown in all its capacities.’.”.

No. 4—Clause 8, page 3, proposed section 5C, note, lines 19 to 21, omit the note, substitute the following note:

“Note: In administering this Act, the Secretary is also bound by the *Privacy Act 1988* and by the provisions of this Act concerning confidentiality—see Division 3 of Part 10.”

No. 5—After clause 8, page 3, insert the following clauses:

Benefits under the AUSTUDY scheme

“8A. Section 7 of the Principal Act is amended by omitting from subsection (1) ‘an authorised person’ and substituting ‘the Secretary’.

Advances on account of benefit

“8B. Section 11 of the Principal Act is amended by omitting ‘An authorised person’ and substituting ‘The Secretary’.

Secretary to give student notice of entitlement

“8C. Section 12F of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘An authorised person’ and substituting ‘The Secretary’;
- (b) by omitting from subsection (2) ‘an authorised person’ and substituting ‘the Secretary’;
- (c) by omitting from subsection (3) ‘an authorised person’ and substituting ‘the Secretary’.

Payments to stop if student ceases to be eligible for financial supplement

“8D. Section 12R of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘an authorised person’ and substituting ‘the Secretary’;
- (b) by omitting from subsection (1) ‘the authorised person’ and substituting ‘the Secretary’;
- (c) by omitting from subsection (2) ‘the authorised person’ and substituting ‘the Secretary’.

What happens if student fails to notify change in circumstances

“8E. Section 12S of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘a prescribed officer’ and substituting ‘the Secretary’;
- (b) by omitting from subsection (1) ‘the prescribed officer’ and substituting ‘the Secretary’;
- (c) by omitting from subsection (2) ‘the prescribed officer’ and substituting ‘the Secretary’;
- (d) by omitting from paragraph (2)(a) ‘an authorised person’ and substituting ‘the Secretary’.

Payments to stop if student is found never to have been eligible for financial supplement

“8F. Section 12T of the Principal Act is amended:

- (a) by omitting from paragraph (1)(b) ‘an authorised person’ and substituting ‘the Secretary’;
- (b) by omitting from subsection (1) ‘the authorised person’ and substituting ‘the Secretary’;
- (c) by omitting from subsection (2) ‘the authorised person’ and substituting ‘the Secretary’.

What happens if financial supplement was paid because of provision of false or misleading information

“8G. Section 12U of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘a prescribed officer’ and substituting ‘the Secretary’;
- (b) by omitting from subsection (1) ‘the prescribed officer’ and substituting ‘the Secretary’;
- (c) by omitting from subsection (2) ‘the prescribed officer’ and substituting ‘the Secretary’.

Death of student

“8H. Section 12V of the Principal Act is amended by omitting from subsection (1) ‘an authorised person’ and substituting ‘the Secretary’.

Notice and a certificate to Commissioner

“8J. Section 12ZH of the Principal Act is amended by omitting from subsection (3) ‘arrange for a prescribed officer to’.

Explanation of Division

“8K. Section 12ZV of the Principal Act is amended by omitting from paragraph (b) ‘by authorised persons or prescribed officers’ and substituting ‘by the Secretary’.

What happens if a decision of Secretary is set aside or varied

“8L. Section 12ZX of the Principal Act is amended by omitting ‘an authorised person or a prescribed officer’ and substituting ‘the Secretary’.

Repeal of Part 5

“8M. Part 5 of the Principal Act is repealed.

Recovery of certain overpayments by offsetting

“8N. Section 38 of the Principal Act is amended:

- (a) by omitting from subsection (2) ‘a prescribed officer’ and substituting ‘the Secretary’;
- (b) by omitting from subsection (4) ‘a prescribed officer’ and substituting ‘the Secretary’;
- (c) by omitting from paragraph (4)(b) ‘the prescribed officer’ and substituting ‘the Secretary’;
- (d) by omitting from subsection (5) ‘a prescribed officer’ and substituting ‘the Secretary’.

Late payment charge and interest in relation to overpayment of a benefit

“8P. Section 40 of the Principal Act is amended:

- (a) by omitting from subsection (1A) ‘a prescribed officer’ and substituting ‘the Secretary’;
- (b) by omitting from subsection (5) ‘paragraph 43(2)(c)’ and substituting ‘section 284 as applied under subsection 43(2)’;
- (c) by omitting from subsection (6) ‘a prescribed officer’ and substituting ‘the Secretary’.

Determination that late payment interest not to be payable in relation to certain periods

“8Q. Section 41 of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘Minister or a prescribed officer’ and substituting ‘Secretary’;
- (b) by omitting from subsection (4) ‘Minister or the prescribed officer’ and substituting ‘Secretary’;
- (c) by omitting subsection (7).

Recovery of certain overpayments from third parties

“**8R.** Section 42 of the Principal Act is amended:

- (a) by omitting from subsection (3) ‘A prescribed officer’ and substituting ‘The Secretary’;
- (b) by omitting from subsection (6) ‘The prescribed officer’ and substituting ‘The Secretary’;
- (c) by omitting from paragraph (9)(a) ‘a prescribed officer’ and substituting ‘the Secretary’;
- (d) by omitting from subsection (13) ‘a prescribed officer’ and substituting ‘the Secretary’;
- (e) by omitting from paragraph (13)(b) ‘the prescribed officer’ and substituting ‘the Secretary’;
- (f) by omitting from subsection (14) ‘a prescribed officer’ and substituting ‘the Secretary’.”.

No. 6—Clause 9, page 3, line 24, omit “subsection”, substitute “subsections”.

No. 7—Clause 9, page 3, proposed subsection 43(2), lines 25 to 27, omit the subsection, substitute the following subsections:

“(2) Section 284 and Subdivision D of Division 15 of Part 8 apply to recoverable amounts referred to in subsection (1) in the same way as that section and that Subdivision apply to debts recoverable by the Commonwealth under Subdivision B of Division 15 of that Part.

“(3) In the application of Subdivision D of Division 15 of Part 8 to recoverable amounts referred to in subsection (1), that Subdivision has effect as if the reference in subsection 289(5) to \$200 were a reference to \$50.’”.

No. 8—After clause 9, page 3, insert the following clause:

Repeal of section

“**9A.** Section 44 of the Principal Act is repealed.”.

No. 9—Clause 10, line 28 (page 3) to line 6 (page 4), omit the clause, substitute the following clause:

Repeal of sections

“**10.** Sections 45 to 47 of the Principal Act are repealed.”.

No. 10—Clause 12, page 4, lines 10 to 12, omit the clause, substitute the following clause:

Offences

“**12.** Section 49 of the Principal Act is amended:

- (a) by inserting ‘other than Part 8’ after ‘Act’ (wherever occurring);
- (b) by omitting from subsection (3) ‘a prescribed officer’ and substituting ‘the Secretary’.”.

No. 11—Clause 14, page 4, lines 21 to 23, omit the clause, substitute the following clauses:

Evidentiary certificates

“14. Section 51 of the Principal Act is amended:

- (a) by omitting from subsection (1) ‘a prescribed officer’ (twice occurring), and substituting ‘the Secretary’;
- (b) by inserting in paragraph (1)(a) ‘other than Part 8’ after ‘Act’;
- (c) by omitting from subsection (2) ‘by a prescribed officer’ and substituting ‘by the Secretary’;
- (d) by omitting from paragraph (2)(h) ‘an authorised person or a prescribed officer’ and substituting ‘the Secretary’;
- (e) by omitting from subsection (3) ‘a prescribed officer’ and substituting ‘the Secretary’.

Repeal of sections

“14A. Sections 52, 53 and 54 of the Principal Act are repealed.”

No. 12—Clause 15, page 4, lines 24 and 25, omit the clause.

No. 13—Clause 16, page 4, proposed paragraph 55A(1B)(a), line 31, after “Part 8”, insert “(other than section 136)”.

No. 14—Clause 17, line 35 (page 4) to line 13 (page 5), omit the clause, substitute the following clauses:

Repeal of section

“17. Section 55B of the Principal Act is repealed.

Regulations

“17A. Section 56 of the Principal Act is amended by omitting paragraph (c).”

No. 15—Clause 18, page 5, line 15, omit “Part”, substitute “Parts”.

No. 16—Clause 18, page 5, proposed section 57, lines 19 to 32, omit the section, substitute the following section:

Application of Part 1.2 of the Social Security Act

“ 57.(1) Subject to subsection (4), the provisions of Part 1.2 of the Social Security Act apply for the purposes:

- (a) of this Part; and
- (b) of Parts 9 and 10 in so far as those Parts apply to youth training allowance.

‘(2) Without limiting the generality of subsection (1), if a provision of Part 1.2 of the Social Security Act applies only for the purposes of a particular provision or particular provisions of that Act, then, subject to subsection (4), the first-mentioned provision also applies for the purposes of any provision:

- (a) of this Part; or
- (b) of Part 9 or 10 in so far as that Part applies to youth training allowance;

that corresponds to that particular provision or those particular provisions of the Social Security Act.

‘(3) In applying a provision of Part 1.2 of the Social Security Act under subsection (1) or (2) for the purposes:

- (a) of this Part or a provision of this Part; or
- (b) of Part 9 or 10, or a provision of Part 9 or 10, in so far as that Part applies to youth training allowance;

this Part, and Parts 9 and 10 in so far as they so apply, are to be treated as if they were incorporated in the Social Security Act.

‘(4) A provision of Part 1.2 of the Social Security Act only applies under subsection (1) or (2) in so far as it is not inconsistent:

- (a) with this Part; and
- (b) with Parts 9 and 10 in so far as those Parts apply to youth training allowance.”.

No. 17—Clause 18, page 7, proposed subsection 58(1), definition of “**employer**”, line 5, omit the definition, substitute the following definition:

“ ‘**entry contribution**’ has the same meaning as in section 1147 of the Social Security Act;”.

No. 18—Clause 18, page 7, proposed subsection 58(1), definition of “**officer**”, lines 20 to 23, omit the definition.

No. 19—Clause 18, page 7, proposed subsection 57(1), definition of “**parent**”, line 26, after “(except in” insert “Part 2 of ”.

No. 20—Clause 18, page 11, proposed subsection 62(1), line 24, omit “Part”, substitute “Act”.

No. 21—Clause 18, page 11, proposed subsection 62(2), line 31, omit “Part”, substitute “Act”.

No. 22—Clause 18, page 54, proposed subsection 101(3), note, line 4, omit “541C(3)”, substitute “7(1)”.

No. 23—Clause 18, page 54, proposed subsection 102(2), note, line 39, omit “541C(3)”, substitute “7(1)”.

No. 24—Clause 18, page 69, proposed section 124, heading, line 17, after “**gaol**” insert “**or from psychiatric confinement following criminal charge**”.

No. 25—Clause 18, page 111, proposed subsection 200(2), heading, line 33, after “*subject to*” insert “*section*”.

No. 26—Clause 18, page 114, proposed section 206, note 2, line 8, after “*section*” insert “58 of this Act and *section*”.

No. 27—Clause 18, page 151, proposed section 256, line 27, omit “PA item 8 rate”, substitute “PA item 9 rate”.

No. 28—Clause 18, page 181, proposed Division 16, heading, line 28, omit the heading, substitute the following heading:

“ **PART 9—REVIEW OF DECISIONS**”.

No. 29—Clause 18, page 181, proposed Subdivision A, heading, line 29, omit the heading, substitute the following heading:

“ *Division 1—Internal review*”.

No. 30—Clause 18, page 181, before proposed section 292 insert the following section and note:

Application of Division

“ 291A. Unless otherwise stated, this Division applies to:

- (a) all decisions of an officer under this Act relating to the AUSTUDY scheme; or
- (b) all decisions of an officer under this Act relating to the Student Financial Supplement Scheme; or
- (c) all decisions of an officer under this Act relating to the recovery of amounts paid under a current or former special educational assistance scheme; or
- (d) all decisions of an officer under this Act relating to the youth training allowance (including a decision under section 80 to the extent to which it relates to the terms of a Youth Training Activity Agreement that is in force).

Note: For "officer" see subsection 3(1)."

No. 31—Clause 18, page 181, proposed subsection 292(1), lines 32 and 33, omit "a decision of an officer under this Part", substitute "a decision to which this Division applies".

No. 32—Clause 18, page 181, proposed subsection 292(1), note, lines 34 to 39, omit the note, substitute the following note:

"Note: If a payment made under Part 8 is stopped or a rate of payment is varied because of the operation of a computer program there will still be a decision of an officer for review purposes. Section 159 provides that there is a decision of the Secretary if Part 8 operates automatically to terminate or reduce the rate of a youth training allowance. If the Secretary could have made a determination to suspend or cancel, or increase or reduce the rate of, a youth training allowance, section 164 provides that the determination is taken to have been made."

No. 33—Clause 18, page 182, proposed subsection 292(7), line 38, omit "Part", substitute "Act".

No. 34—Clause 18, page 183, proposed subsection 293(1), line 3, omit "a decision of an officer under this Part", substitute "a decision to which this Division applies".

No. 35—Clause 18, page 183, proposed subsection 293(1), notes 1 and 2, lines 5 to 11, omit the notes, substitute the following note:

"Note: If a payment made under Part 8 is stopped or a rate of payment is varied because of the operation of a computer program there will still be a decision of an officer for review purposes. Section 159 provides that there is a decision of the Secretary if Part 8 operates automatically to terminate or reduce the rate of a youth training allowance. If the Secretary could have made a determination to suspend or cancel, or increase or reduce the rate of, a youth training allowance, section 164 provides that the determination is taken to have been made."

No. 36—Clause 18, page 183, before proposed subsection 293(2) insert the following subsection:

Period within which application for internal review to be sought

"(1A) If a decision referred to in subsection (1) is a decision relating to a matter other than youth training allowance, the application under subsection (1) must be made within 3 months, or within such longer period as the Secretary, in special circumstances, allows, after the making of the decision."

No. 37—Clause 18, page 183, proposed subsection 293(4), line 25, after "the person is" insert "if the application to the Tribunal is made within any applicable time limit under subsection (1A),".

No. 38—Clause 18, page 183, proposed paragraph 294(1)(a), lines 32 and 33, omit the paragraph, substitute the following paragraph:

“(a) a decision to which this Division applies is an adverse decision; and”.

No. 39—Clause 18, page 183, proposed subsection 294(1), lines 39 and 40, omit “the youth training allowance”, substitute “benefit under the AUSTUDY scheme, Financial Supplement, or youth training allowance, to which the decision relates”.

No. 40—Clause 18, page 184, proposed subsection 294(2), lines 1 to 4, omit the subsection, substitute the following subsection:

Application of Act

“(2) While a declaration under subsection (1) is in force in relation to the adverse decision, this Act (other than this Part) applies as if the adverse decision had not been made.”.

No. 41—Clause 18, page 184, proposed subsection 294(4), line 18, omit “Part”, substitute “Act”.

No. 42—Clause 18, page 184, proposed subsection 294(5), definition of “**adverse decision**”, lines 23 to 25, omit the definition, substitute the following definition:

“ ‘**adverse decision**’ means:

- (a) in relation to the AUSTUDY scheme—a decision:
 - (i) to amend a determination of benefit under the AUSTUDY scheme by reducing the rate of benefit payable; or
 - (ii) to replace a determination of benefit under the scheme by substituting a new determination of a lesser rate; or
- (b) in relation to Financial Supplement—a decision under section 12R or 12T to stop the payment of Financial Supplement; or
- (c) in relation to youth training allowance:
 - (i) a decision to cancel or suspend the allowance; or
 - (ii) a decision to reduce the rate of the allowance.”.

No. 43—Clause 18, page 185, proposed subsection 295(3), line 13, omit “Part”, substitute “Act”.

No. 44—Clause 18, page 186, proposed paragraph 297(1)(a), line 21, omit “Part”, substitute “Act”.

No. 45—Clause 18, page 187, proposed Subdivision B, heading, line 1, omit the heading, substitute the following heading:

“ *‘Division 2—Review by Social Security Appeals Tribunal’* ”.

No. 46—Clause 18, page 187, proposed section 298, lines 2 to 6, omit the section, substitute the following section and note:

Application of Division

“ 298. Unless otherwise stated, this Division applies to:

- (a) all decisions of an officer under this Act relating to the AUSTUDY scheme; or
- (b) all decisions of an officer under this Act relating to the Student Financial Supplement Scheme; or

- (c) all decisions of an officer under this Act relating to the recovery of amounts paid under a current or former special educational assistance scheme; or
- (d) all decisions of an officer under this Act relating to the youth training allowance (including a decision under section 80 to the extent to which it relates to the terms of a Youth Training Activity Agreement that is in force).

Note: For "officer" see subsection 3(1)."

No. 47—Clause 18, page 187, proposed section 299, line 9, omit "Part", substitute "Act".

No. 48—Clause 18, page 187, proposed subsection 300(1), note, lines 22 to 27, omit the note, substitute the following note:

"Note: If a payment made under Part 8 is stopped or a rate of payment is varied because of the operation of a computer program there will still be a decision of an officer for review purposes. Section 159 provides that there is a decision of the Secretary if Part 8 operates automatically to terminate or reduce the rate of a youth training allowance. If the Secretary could have made a determination to suspend or cancel, or increase or reduce the rate of, a youth training allowance, section 164 provides that the determination is taken to have been made."

No. 49—Clause 18, page 187, at end of proposed section 300, add the following subsection:

Period within which application for review by SSAT to be sought

"(3) If the decision last referred to in subsection (1) is a decision affirming, varying or setting aside a decision relating to a matter other than a youth training allowance, the application under subsection (1) to the Social Security Appeals Tribunal for review of the decision as affirmed, as varied or as substituted for the decision set aside must be made within 3 months, or within such longer period as the Secretary, in special circumstances, allows after the original decision was affirmed, varied or set aside by the Secretary or an authorised review officer."

No. 50—Clause 18, page 188, before proposed paragraph 302(a) insert the following paragraph:

"(aa) requesting information or evidence about a student's eligibility for benefit under the AUSTUDY scheme; or"

No. 51—Clause 18, page 188, proposed paragraph 303(1)(a), lines 17 and 18, omit the paragraph, substitute the following paragraph:

"(a) a decision to which this Division applies is an adverse decision; and"

No. 52—Clause 18, page 188, proposed subsection 303(1), line 24, omit "the youth training allowance", substitute "benefit under the AUSTUDY scheme, Financial Supplement or youth training allowance to which the decision relates".

No. 53—Clause 18, page 188, proposed subsection 303(3), lines 29 to 32, omit the subsection, substitute the following subsection:

Act applies as if decision not made

"(3) While a declaration under subsection (1) is in force in relation to the adverse decision, this Act (other than this Part) applies as if the adverse decision had not been made."

No. 54—Clause 18, page 189, proposed subsection 303(5), line 8, omit “Part”, substitute “Act”.

No. 55—Clause 18, page 189, proposed subsection 303(6), definition of “**adverse decision**”, lines 13 to 15, omit the definition, substitute the following definition:

“ ‘**adverse decision**’ means:

- (a) in relation to the AUSTUDY scheme—a decision:
 - (i) to amend a determination of benefit under the AUSTUDY scheme by reducing the rate of benefit payable; or
 - (ii) to replace a determination of benefit under the scheme by substituting a new determination of a lesser rate; or
- (b) in relation to Financial Supplement—a decision under section 12R or 12T to stop the payment of Financial Supplement; or
- (c) in relation to youth training allowance:
 - (i) a decision to cancel or suspend the allowance; or
 - (ii) a decision to reduce the rate of the allowance.”

No. 56—Clause 18, page 189, proposed paragraph 304(2)(e), line 36, omit “this Part (other than this Division)”, substitute “this Act (other than this Part)”.

No. 57—Clause 18, page 190, before proposed subsection 305(2) insert the following subsection:

“ (1A) If the Social Security Appeals Tribunal sets a decision aside and substitutes for it:

- (a) a decision that a person is entitled to benefit under the AUSTUDY scheme and Financial Supplement; or
- (b) a decision that a person is entitled to Financial Supplement;

the Tribunal must:

- (c) assess the rate at which benefit under the AUSTUDY scheme and Financial Supplement, or Financial Supplement, is to be paid to the person; or
- (d) ask the Secretary to assess the rate at which benefit under the AUSTUDY scheme and Financial Supplement, or Financial Supplement, is to be paid to the person.”

No. 58—Clause 18, page 190, proposed subsection 305(3), line 28, omit “Part”, substitute “Act”.

No. 59—Clause 18, page 190, proposed subsection 305(3), line 29, omit “Part”, substitute “Act”.

No. 60—Clause 18, page 190, proposed subsection 305(4), line 32, omit “Part”, substitute “Act”.

No. 61—Clause 18, page 190, proposed paragraph 305(4)(b), lines 36 and 37, omit the paragraph, substitute the following paragraphs:

- “(b) a provision dealing with the manner of payment of benefit under the AUSTUDY scheme, Financial Supplement or youth training allowance; or
- (ba) subsection 42(3) (notice requiring payment to the Commonwealth); or”

No. 62—Clause 18, page 191, proposed subsection 305(5), line 17, omit “Subdivision”, substitute “Division”.

No. 63—Clause 18, page 192, proposed paragraph 307(4)(a), line 11, omit “a decision under this Part”, substitute “a decision to which this Division applies that relates to youth training allowance”.

No. 64—Clause 18, page 192, proposed paragraph 307(5)(a), line 35, after “decision” insert “to which this Division applies”.

No. 65—Clause 18, page 193, proposed subsection 309(1), lines 17 to 22, omit all words before paragraph (b), substitute the following:

“ 309.(1) A person may apply to the Social Security Appeals Tribunal for review of a decision by:

- (a) sending or delivering a written application to:
 - (i) an office of the Tribunal; or
 - (ii) an office of the Department; or
 - (iii) in the case of a review of a decision relating to youth training allowance—an office of the Department of Social Security; or”.

No. 66—Clause 18, page 194, proposed paragraph 311(1)(b), line 29, omit “to the Department of Social Security”.

No. 67—Clause 18, page 194, after proposed subsection 311(1) insert the following subsection:

Meaning of Secretary in certain circumstances

“(1A) For the purposes of subsection (1), if a decision is made on the basis of issues determined solely by officers of the Department of Social Security, the Secretary referred to in paragraph (1)(b) is the Secretary to that Department.”.

No. 68—Clause 18, page 195, proposed Subdivision C, heading, line 5, omit the heading, substitute the following heading:

“ ***Division 3—Right to review by Administrative Appeals Tribunal*** ”.

No. 69—Clause 18, page 195, proposed section 312, lines 6 to 8, omit the section, substitute the following section and note:

Application of Division

“ 312. Unless otherwise stated, this Division applies to:

- (a) all decisions of an officer under this Act relating to the AUSTUDY scheme; or
- (b) all decisions of an officer under this Act relating to the Student Financial Supplement Scheme; or
- (c) all decisions of an officer under this Act relating to the recovery of amounts paid under a current or former special educational assistance scheme; or
- (d) all decisions of an officer under this Act relating to the youth training allowance (including a decision under section 80 to the extent to which it relates to the terms of a Youth Training Activity Agreement that is in force).

Note: For “officer” see subsection 3(1).”.

No. 70—Clause 18, page 195, proposed subsection 313(4), line 37, omit “Subdivision”, substitute “Division”.

No. 71—Clause 18, page 196, proposed Subdivision D, heading, lines 34 and 35, omit the heading, substitute the following heading:

“ *Division 4—Modification of the Administrative Appeals Tribunal Act 1975*”.

No. 72—Clause 18, page 196, proposed section 316, line 37, omit “Subdivision”, substitute “Division”.

No. 73—Clause 18, pages 197 and 198, proposed subsections 320(1) and (2), line 35 (page 197) to line 10 (page 198), omit the subsections, substitute the following subsections:

Certain references in the AAT Act taken to be references to a Secretary

“ 320.(1) The *Administrative Appeals Tribunal Act 1975* applies to an application for review under section 313 as if references in section 37 of that Act to the person who made the decision that is the subject of an application for review by the Administrative Appeals Tribunal were:

- (a) if the decision was a decision other than a decision referred to in paragraph (b)—the Secretary; and
- (b) if the decision was a decision relating to youth training allowance and was made on the basis of issues determined solely by officers of the Department of Social Security—the Secretary to that Department.

Compliance with obligations under paragraph 37(1)(a) of AAT Act

“(2) If a person applies to the Administrative Appeals Tribunal under section 313 for a review of a decision, the Secretary or the Secretary to the Department of Social Security, as the case requires, is taken to have complied with his or her obligations under paragraph 37(1)(a) of the *Administrative Appeals Tribunal Act 1975* in relation to the decision if he or she gives the Administrative Appeals Tribunal the prescribed number of copies of the statement prepared by the Social Security Appeals Tribunal under paragraph 128(1)(a) of the Social Security Act.”

No. 74—Clause 18, page 198, proposed subsection 320(3), note 1, line 26, before “a copy of the statement” insert “, or the Secretary to the Department of Social Security,”.

No. 75—Clause 18, page 198, proposed subsection 320(3), note 1, lines 26 and 27, omit “the Secretary to the Department of Social Security has possession of the statement and the relevant documents, the Secretary”, substitute “the Secretary, or the Secretary to the Department of Social Security, as the case requires, has possession of the statement and relevant documents, he or she”.

No. 76—Clause 18, page 199, proposed paragraph 322(2)(d), line 23, omit “to the Department of Social Security”.

No. 77—Clause 18, page 199, proposed section 323, lines 34 and 35, omit “were a reference to the Secretary to the Department of Social Security.”, substitute:

“were:

- (a) if the decision was a decision other than a decision referred to in paragraph (b)—the Secretary; and

- (b) if the decision was a decision relating to youth training allowance and was made on the basis of issues determined solely by officers of the Department of Social Security—the Secretary to that Department.”.

No. 78—Clause 18, page 200, proposed Division 17, heading, line 1, omit the heading, substitute the following heading:

“ **PART 10—ADMINISTRATION**”.

No. 79—Clause 18, page 200, proposed Subdivision A, heading, line 2, omit the heading, substitute the following heading:

“ *Division 1—General administration*”.

No. 80—Clause 18, page 200, proposed subsection 324(1), line 6, omit “Part”, substitute “Act”.

No. 81—Clause 18, page 200, proposed subsection 324(3), line 17, omit “Part”, substitute “Act”.

No. 82—Clause 18, page 200, proposed subsection 324(4), line 21, omit “Part”, substitute “Act”.

No. 83—Clause 18, page 200, proposed section 325, line 28, omit “Division 16”, substitute “Part 9”.

No. 84—Clause 18, page 200, proposed section 326, lines 29 to 35, omit the section, substitute the following section:

The Secretary and the Secretary to the Department of Social Security may agree on administrative arrangements for Parts 8, 9 and 10

“ 326. The Secretary and the Secretary to the Department of Social Security may, to further the objectives:

(a) of Part 8; and

(b) of Part 9 and this Part, in so far as they relate to Part 8;

agree on administrative arrangements under which officers of the Department of Social Security perform duties, or exercise powers or functions, under or in relation to Part 8, and under and in relation to Part 9 and this Part in so far as they so relate.”.

No. 85—Clause 18, page 201, proposed subsection 327(1), line 4, omit “Part”, substitute “Act”.

No. 86—Clause 18, page 201, proposed subsection 327(4), note 2, line 26, omit the note, substitute the following note:

“Note 2: For ‘officer’ see subsection 3(1).”.

No. 87—Clause 18, page 201, proposed subsection 328(1), line 31, omit “Part”, substitute “Act”.

No. 88—Clause 18, page 202, proposed subsection 329(1), line 3, omit “Part”, substitute “Act”.

No. 89—Clause 18, page 202, proposed subsection 329(2), line 5, omit “Part”, substitute “Act”.

No. 90—Clause 18, page 202, proposed subsection 330(1), lines 7 to 18, omit the subsection, substitute the following subsections and note:

Notice of decisions

Notices other than notices under Part 8 taken to have been given

“ 330.(1) If notice of a decision under a Part of this Act other than Part 8 is:

- (a) delivered to a person personally; or
- (b) left at the address of the place of residence or business of the person last known to the Secretary; or
- (c) sent by pre-paid post to the address of the place of residence or business of the person last known to the Secretary;

notice of the decision is taken, for the purposes of this Act, to have been given to the person even if the Secretary is satisfied that the person did not actually receive the notice.

Note: Compare section 28A of the *Acts Interpretation Act 1901*.

Notices under Part 8 to have been given

‘(1A) If notice of a decision under Part 8 is:

- (a) delivered to a person personally; or
- (b) left at the address of the place of residence or business of the person last known to the Secretary, or to the Secretary to the Department of Social Security; or
- (c) sent by pre-paid post to the address of the place of residence or business of the person last known to the first-mentioned Secretary, or to the Secretary to the Department of Social Security;

notice of the decision is taken, for the purposes of this Act, to have been given to the person even if the first-mentioned Secretary is satisfied that the person did not actually receive the notice.”

No. 91—Clause 18, page 202, proposed subsection 330(2), line 21, omit “Part”, substitute “Act”.

No. 92—Clause 18, page 202, proposed subsection 330(3), line 25, omit “Part”, substitute “Act”.

No. 93—Clause 18, page 202, proposed subsection 330(4), lines 33 to 36, omit all words after “in relation to other notices”, substitute “under this Act”.

No. 94—Clause 18, page 203, proposed Subdivision B, heading, line 1, omit the heading, substitute the following heading:

“ ***Division 2—Information gathering***”.

No. 95—Clause 18, page 203, proposed subsection 331(1), line 4, omit “Subdivision”, substitute “Division”.

No. 96—Clause 18, page 203, proposed subsection 331(2), line 9, omit “Subdivision”, substitute “Division”.

No. 97—Clause 18, page 203, proposed subsection 331(3), line 13, omit “Subdivision”, substitute “Division”.

No. 98—Clause 18, page 203, at end of proposed section 331 add the following subsection:

Operation of section 12ZU unaffected

“ (4) Nothing in this Division affects the operation of section 12ZU.”

No. 99—Clause 18, page 203, proposed section 332, lines 16 to 28, omit the section, substitute the following section:

General power to obtain information*Secretary may require information concerning student assistance benefits*

“ 332.(1) The Secretary may require a person to give information, or to produce a document that is in the person’s custody or under the person’s control, to the Department if the Secretary considers that the information or document may be relevant to:

- (a) whether a person who has made a claim for a student assistance benefit under this Act is or was qualified for the benefit; or
- (b) whether a student assistance benefit under this Act is payable to a person who is receiving it; or
- (c) whether a student assistance benefit under this Act was payable to a person who has received it; or
- (d) the rate of a student assistance benefit that applies or applied to a person.

Secretary may require information concerning youth training allowances

“(2) The Secretary may require a person to give information, or produce a document that is in the person’s custody or under the person’s control, to the Department, or to the Department of Social Security, as the case requires, if the Secretary considers that the information or document may be relevant to:

- (a) whether a person who has made a claim for youth training allowance is or was qualified for the allowance; or
- (b) whether youth training allowance is payable to a person who is receiving it; or
- (c) whether youth training allowance was payable to a person who has received it; or
- (d) the rate of youth training allowance that applies or applied to a person.”

No. 100—Clause 18, pages 203 and 204, proposed subsection 333(1), line 32 (page 203) to line 7 (page 204), omit the subsection, substitute the following subsections and note:

Power to obtain information from a person who owes a debt to the Commonwealth*Information from persons owing debts under Parts of Act other than Part 8*

“ 333.(1) The Secretary may require a person who owes a debt to the Commonwealth under this Act in relation to a student assistance benefit:

- (a) either to:
 - (i) give to the Department information that is relevant to the person’s financial situation; or
 - (ii) produce to the Department a document that is in the person’s custody or under the person’s control and is relevant to the person’s financial situation; and
- (b) if the person’s address changes—to notify the Department of the new address within 14 days of the change.

Note: A requirement under this subsection may be sent to a company as well as to a natural person—paragraph 22(1)(a) of the *Acts Interpretation Act 1901* provides that “person” includes a body corporate.

‘(1A) The Secretary may require a person who owes a debt to the Commonwealth under this Act in relation to youth training allowance:

- (a) either to:
 - (i) give to the Department of Social Security information that is relevant to the person’s financial situation; or
 - (ii) produce to the Department of Social Security a document that is in the person’s custody or under the person’s control and is relevant to the person’s financial situation; and
- (b) if the person’s address changes—to notify the Department of Social Security of the new address within 14 days of the change.”.

No. 101—Clause 18, page 204, proposed section 334, lines 13 to 23, omit the section, substitute the following section:

Power to obtain information about a person who owes a debt to the Commonwealth

Secretary may require information etc. concerning debts under Act other than Part 8

“ ‘334.(1) If the Secretary believes that a person may have information or a document:

- (a) that would help the Department locate another person who owes a debt to the Commonwealth under this Act in relation to a student assistance benefit; or
- (b) that is relevant to the financial situation of a person referred to in paragraph (a);

the Secretary may require the first-mentioned person to give the information, or produce the document, to the Department.

Secretary may require information etc. concerning debts under Part 8

‘(2) If the Secretary believes that a person may have information or a document:

- (a) that would help the Department of Social Security locate another person who owes a debt to the Commonwealth under this Act in relation to youth training allowance; or
- (b) that is relevant to the financial situation of a person referred to in paragraph (a);

the Secretary may require the first-mentioned person to give the information, or produce the document, to the Department of Social Security.”.

No. 102—Clause 18, page 207, proposed section 337, line 8, omit “Part”, substitute “Act”.

No. 103—Clause 18, page 207, proposed Subdivision C, heading, line 27, omit the heading, substitute the following heading:

“ *‘Division 3—Confidentiality’*”.

No. 104—Clause 18, page 207, before proposed section 339 insert the following section:

Operation of section 12ZU unaffected

“ ‘338A. Nothing in this Division affects the operation of section 12ZU.’”.

- No. 105—Clause 18, page 207, proposed subsection 339(1), line 31, omit “Part”, substitute “Act”.
- No. 106—Clause 18, page 208, proposed subsection 339(3), line 7, omit “Division”, substitute “Part”.
- No. 107—Clause 18, page 208, proposed subsection 339(3), line 9, after “of”, insert “the *Child Support (Assessment) Act 1989* or ”.
- No. 108—Clause 18, page 208, proposed subparagraph 340(b)(i), line 14, omit “Part”, substitute “Act”.
- No. 109—Clause 18, page 208, proposed section 340, notes 2 and 3, lines 26 to 28, omit the notes, substitute the following notes:
“Note 2: A person, including an officer, is authorised to obtain protected information for the purposes of this Act (see subsection 339(1)).
Note 3: For ‘protected information’ see subsection 3(1).”
- No. 110—Clause 18, page 208, proposed paragraph 341(b), line 38, omit “Part”, substitute “Act”.
- No. 111—Clause 18, page 209, proposed section 341, note 2, line 11, omit “Part”, substitute “Act”.
- No. 112—Clause 18, page 209, proposed section 342, line 15, omit “Part”, substitute “Act”.
- No. 113—Clause 18, page 209, proposed section 342, line 20, omit “Part”, substitute “Act”.
- No. 114—Clause 18, page 209, proposed paragraph 343(1)(a), line 34, omit “Part”, substitute “Act”.
- No. 115—Clause 18, page 209, after proposed paragraph 343(1)(b) insert the following paragraph:
“(ba) disclose any such information to a contracted case manager within the meaning of the *Employment Services Act 1994* for the purposes of that Act; or”.
- No. 116—Clause 18, page 210, proposed subsection 344(2), note, line 25, omit the note.
- No. 117—Clause 18, page 210, proposed paragraph 345(b), line 30, omit “Subdivision”, substitute “Division”.
- No. 118—Clause 18, page 211, proposed section 345, notes 2 and 3, lines 1 and 2, omit the notes, substitute the following notes:
“Note 2: For ‘protected information’ see subsection 3(1).
Note 3: For ‘officer’ see subsection 3(1).”
- No. 119—Clause 18, page 211, proposed section 346, notes 2 and 3, lines 20 and 21, omit the notes, substitute the following notes:
“Note 2: For ‘protected information’ see subsection 3(1).
Note 3: For ‘officer’ see subsection 3(1).”
- No. 120—Clause 18, page 212, proposed subsection 347(2), note 2, line 1, omit the note, substitute the following note:
“Note 2: For ‘protected information’ see subsection 3(1).”
- No. 121—Clause 18, page 212, proposed subsection 347(3), line 7, omit “Part”, substitute “Act”.
- No. 122—Clause 18, page 212, proposed subsection 347(3), note, line 8, omit the note, substitute the following note:

“Note: For ‘officer’ see subsection 3(1).”

No. 123—Clause 18, page 212, proposed section 348, note, line 13, omit the note, substitute the following note:

“Note: For ‘officer’ see subsection 3(1).”

No. 124—Clause 18, page 212, proposed section 349, line 15, omit “Division”, substitute “Part”.

No. 125—Clause 18, page 212, after proposed subsection 351(1) insert the following note:

“Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by a court on an individual convicted of the same offence.”

No. 126—Clause 18, page 213, after proposed subsection 352(1) insert the following note:

“Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by a court on an individual convicted of the same offence.”

No. 127—Clause 18, page 213, after proposed subsection 353(1) insert the following note:

“Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by a court on an individual convicted of the same offence.”

No. 128—Clause 18, page 213, at end of proposed section 354 add the following note:

“Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by a court on an individual convicted of the same offence.”

No. 129—Clause 18, page 213, at end of proposed section 355 add the following note:

“Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by a court on an individual convicted of the same offence.”

No. 130—Clause 18, pages 212 to 216, proposed Division 18, line 17 (page 212) to line 14 (page 216), re-locate the Division to page 181, immediately after Division 15 of Part 8, as Division 15A of Part 8, with the proposed sections of Division 18 that are set out in column 1 of the Table below re-numbered as set out in Column 2 of the Table.

TABLE

Column 1 Current proposed section number	Column 2 Proposed section number after re-location
350	291A
351	291B
352	291C
353	291D
354	291E
355	291F
356	291G
357	291H
358	291J
359	291K

No. 131—Clause 18, page 217, proposed Schedule 1, clause 1, before definition of **“independent”** insert the following definitions:

“**‘accounting period’**, in MODULE F, means a period of 12 months;
‘employer’, in MODULE F, has the meaning given by Schedule 3;”

No. 132—Clause 18, page 217, proposed Schedule 1, clause 1, definition of **“parent”**, after “means” insert “in Part 2”.

No. 133—Clause 18, page 218, proposed Schedule 1, subclause 2(5), omit “natural or adoptive” (wherever occurring).

No. 134—Clause 18, page 218, proposed Schedule 1, subclause 2(6), omit “natural or adoptive” and “such”.

No. 135—Clause 18, page 218, proposed Schedule 1, paragraph 2(8)(a), omit “natural or adoptive”.

No. 136—Clause 18, page 218, proposed Schedule 1, paragraph 2(9)(b), omit “natural or adoptive”.

No. 137—Clause 18, page 219, proposed Schedule 1, paragraph 2(9)(d), omit “natural or adoptive”.

No. 138—Clause 18, page 219, proposed Schedule 1, paragraph 2(11)(c), omit the paragraph, substitute the following paragraph:

“(c) the person is not receiving financial or other support from either or both of his parents, or from someone else who is acting as his or her guardian, and did not receive such support during the period referred to in paragraph (a); and”.

No. 139—Clause 18, page 219, proposed Schedule 1, after subclause 2(12) insert the following note:

“Note: For ‘parent’ see section 58.”

No. 140—Clause 18, page 220, proposed Schedule 1, after subclause 3(3) insert the following note:

“Note: For ‘parent’ see section 58.”

No. 141—Clause 18, page 229, proposed Schedule 1, Module E, point E6, omit “If a person (the **‘relevant person’**) is a member of a couple, the value of the relevant person’s assets”, substitute “The value of the assets of a person (the **‘relevant person’**)”.

- No. 142—Clause 18, page 229, proposed Schedule 1, Module E, point E6, paragraph (b), omit “the person”, substitute “a person”.
- No. 143—Clause 18, page 234, proposed Schedule 1, Module F, point F5, omit “that is not a financial year”, substitute “that ends on a day other than 30 June”.
- No. 144—Clause 18, page 234, proposed Schedule 1, Module F, point F6, paragraph (c), omit “that is not a financial year”, substitute “that ends on a day other than 30 June”.
- No. 145—Clause 18, page 248, proposed Schedule 3, heading, omit “Subsection 58(1) MODULE G Schedule 1”, substitute “MODULE F, Schedule 1”.
- No. 146—Clause 18, page 248, proposed Schedule 3, clause 1, before definition of “**employee**” insert the following definition:
 “‘**associate**’ has the same meaning as in the *Fringe Benefits Tax Assessment Act 1986*.”
- No. 147—Clause 18, page 249, proposed Schedule 3, clause 3, definition of “**associate**”, omit the definition.
- No. 148—Clause 18, page 254, proposed Schedule 3, after paragraph 7(a) insert the following paragraph:
 “(aa) the person is the employer, or an associate of the employer, of the recipient; and”.
- No. 149—Clause 18, page 256, proposed Schedule 3, clause 10, omit “granted by a person to a recipient”, substitute “granted to a recipient by a person who is the employer, or an associate of the employer, of the recipient”.
- No. 150—Clause 18, page 260, proposed Schedule 3, subclause 14(1), omit “makes a loan to a recipient”, substitute “who is the employer, or an associate of the employer, of a recipient makes a loan to the recipient”.
- No. 151—Clause 18, page 267, proposed Schedule 3, after paragraph 20(1)(a) insert the following paragraph:
 “(aa) the person is the employer, or an associate of the employer, of a recipient; and”.
- No. 152—At end of bill, page 271, add the following clauses:
Transitional provision—acts and decisions of authorised persons and prescribed officers taken to be acts and decisions of Secretary
 “**19.(1)** Any application made under the Principal Act as in force before 1 January 1995 to an authorised person or to a prescribed officer is taken, on and after that day, for the purposes of the Principal Act as amended by this Act, to be an application made to the Secretary.
 “**(2)** Any decision made by an authorised person or by a prescribed officer under, and for the purposes of, the Principal Act as in force before 1 January 1995 is taken, on and after that day, for the purposes of the Principal Act as amended by this Act, to be a decision made by that authorised person or prescribed officer as the delegate of the Secretary.
 “**(3)** Any act or thing done by an authorised person or a prescribed officer in relation to a student or other person under, and for the purposes of, the Principal Act as in force before 1 January 1995 is taken, on and after that day, for the purposes of the Principal Act as amended by this Act, to have effect as if it were an act or thing done by the authorised person or prescribed officer as the delegate of the Secretary.”

Transitional provision—internal review of student assistance benefit decision

“20.(1) If, before 1 January 1995:

- (a) a request had been made to the Secretary under section 20 of the Principal Act for consideration of a decision by a senior authorised person or a senior prescribed officer; but
- (b) that consideration of that decision had not begun;

that request is to be treated, on and after that day, for all purposes, as if it were an application under section 293 of that Act as so amended for a review of the decision.

“(2) If, before 1 January 1995:

- (a) a request had been made to the Secretary under section 20 of the Principal Act for consideration of a decision by a senior authorised person or a senior prescribed officer; and
- (b) that consideration had begun but not been completed;

the senior authorised person or the senior prescribed officer may complete that consideration as if Part 5 of the Principal Act had not been repealed.

“(3) Any decision made by a senior authorised person or a senior prescribed officer on a consideration of another decision that is undertaken for the purpose of section 20 of the Principal Act, whether that first-mentioned decision as made before or, in accordance with subsection (2), on or after 1 January 1995, has effect, for all purposes, as if it were a decision of an authorised review officer.

Transitional provision—review of student assistance benefit decision not yet heard by SART

“21.(1) If, before 1 January 1995, a request to the Secretary to the Department of Employment, Education and Training for the review of a decision of a senior authorised person or a senior prescribed officer:

- (a) had not been referred to a Convenor of the Student Assistance Review Tribunal (‘SART’); or
- (b) had been referred to a Convenor of the SART but the Convenor:
 - (i) had not arranged for a panel of the SART to undertake the review; or
 - (ii) had so arranged but the review had not commenced;

that request is to be treated, on and after that day, for all purposes, as if it were an application to the Social Security Appeals Tribunal (‘SSAT’) and is to be forwarded by the Secretary, on, or as soon as practicable after, that day, to the National Convener of the SSAT.

“(2) If an application is forwarded by the Secretary in accordance with subsection (1) to the National Convener of the SSAT, the Secretary is taken to have complied with subsection 1261(1) of the *Social Security Act 1991*.

Transitional provision—review of student assistance benefit decision part-heard by SART

“22. If, before 1 January 1995:

- (a) a request for review of a decision of a senior authorised person or a senior prescribed officer had been referred to a Convenor of the Student Assistance Review Tribunal (‘SART’); and

- (b) the review of the decision had been commenced but not completed by the SART:

then, for all purposes on and after that date:

- (c) the request for the review is taken to have been transferred to the Social Security Appeals Tribunal ('SSAT'); and
- (d) to facilitate that transfer, the members of the SART constituting the panel of the SART for the purposes of that review are to continue that review, on and after that day, as a properly constituted panel of the SSAT; and
- (e) for the purposes of section 1329 of the *Social Security Act 1991*, the hearing of the matter is taken to have commenced when the hearing of the review by the SART commenced; and
- (f) the functions and powers exercisable by the SSAT in such cases are the functions and powers of the SART under the Principal Act if the Principal Act had not been amended.

Transitional provision—members of SART to become members of SSAT

“23.(1) A person who is a Convenor or other member of the Student Assistance Review Tribunal ('SART') immediately before 1 January 1995 is taken, on and after that day, for the purposes of subsection 1324(1) of the *Social Security Act 1991*, to have been appointed by the Governor-General as an ordinary member of the Social Security Appeals Tribunal ('SSAT').

“(2) A person taken to be appointed as an ordinary member of the SSAT under subsection (1):

- (a) enjoys, subject to subsection (3) or (4), whichever is appropriate, the same terms and conditions as he or she enjoyed while a Convenor or other member of the SART; and
- (b) is taken to have been so appointed for the balance of the term of his or her appointment to the SART, had the SART not been abolished.

“(3) A Convenor of the SART who is taken to be appointed as an ordinary member of the SSAT under subsection (1):

- (a) is to be paid such remuneration as is from time to time fixed by the Remuneration Tribunal in relation to a Chairperson of the SSAT, regardless of whether the Convenor sits as a Chairperson of the SSAT or as an ordinary member; and
- (b) is to be paid such allowances as are prescribed for a Chairperson of the SSAT.

“(4) A member of the SART, other than a Convenor, who is taken to have been appointed as an ordinary member of the SSAT under subsection (1):

- (a) is to be paid such remuneration as is from time to time fixed by the Remuneration Tribunal in relation to an ordinary member of the SSAT; and
- (b) is to be paid such allowances as are prescribed for an ordinary member of the SSAT.”.

On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

77 MESSAGE FROM THE SENATE—STUDENT ASSISTANCE (YOUTH TRAINING ALLOWANCE—TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994

The following message from the Senate was reported:

Message No. 397

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to enact saving and transitional provisions, and amend various Acts, as a result of the enactment of the 'Student Assistance (Youth Training Allowance) Amendment Act 1994'*", and acquaints the House that the Senate has considered message no. 436 of the House relating to the bill.

The Senate does not press its request for amendment no. 7, which the House has not made, has agreed to the amendment made by the House in place thereof, and has agreed to the bill as amended by the House in accordance with the Senate's requests for amendments nos 1 to 6 and 8 to 22, with the amendments indicated by the annexed schedule.

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

MICHAEL BEAHAN
President

The Senate

Canberra, 9 December 1994

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Schedule 1, page 5, after proposed item 4 insert the following item:

"4A. Subsection 5(1) (definition of 'parent'):

After 'means' insert '(except in the modules constituting the sickness allowance rate calculator at the end of section 1067E)'."

No. 2—Schedule 1, page 6, after proposed item 10 insert the following item:

"10A. Section 22:

Insert the following definition:

'**"review"**, in relation to Divisions 2 and 3 of Part 7.3, means a review:

- (a) by the SSAT under Chapter 6; or
- (b) by the SSAT under Part 9 of the *Student and Youth Assistance Act 1973*.'"

No. 3—Schedule 1, page 7, after proposed item 15 insert the following item:

"15A. Subsection 23(1) (definition of "Secretary"):

Omit the definition, substitute:

'**"Secretary"** means:

- (a) except in relation to Part 6.3—the Secretary to the Department; or
- (b) in relation to Part 6.3:
 - (i) in the review of a decision other than a decision under the *Student and Youth Assistance Act 1973*—the Secretary to the Department; or

- (ii) in the review of a decision under the *Student and Youth Assistance Act 1973*—the Secretary to the Employment Department.’.”.

No. 4—Schedule 1, page 8, proposed item 19, omit the item, substitute the following item:

“19. Subsection 23(1):

Insert the following definitions:

‘**“student assistance benefit decision”** means a decision of an officer under the *Student and Youth Assistance Act 1973*:

- (a) relating to the AUSTUDY scheme; or
- (b) relating to the Student Financial Supplement Scheme; or
- (c) relating to the recovery of amounts under a current or former special educational assistance scheme;

“youth training allowance” means a youth training allowance under Part 8 of the *Student and Youth Assistance Act 1973*;

“youth training allowance automatic deferment provision” has the same meaning as in Part 8 of the *Student and Youth Assistance Act 1973*.’.”.

No. 5—Schedule 1, page 27, after item 187 insert the following item:

“187A. Subsection 746(2):

After ‘gaol’ insert ‘or from psychiatric confinement’.

No. 6—Schedule 1, page 27, after item 188 insert the following item:

“188A. Subsection 746(2):

After ‘gaol’ in Note 1 insert ‘or from psychiatric confinement’.

No. 7—Schedule 1, page 39, item 257, proposed subsection 1206A(4), omit “(item 49H)”, substitute “(item 49J)”.

No. 8—Schedule 1, page 39, after proposed item 260 insert the following items:

“260A. Subsection 1260(1):

Insert ‘(other than a decision under the *Student and Youth Assistance Act 1973*)’ after ‘decision’ (first occurring).

260B. Section 1260:

After subsection (1) insert the following subsection:

‘(1A) For the purposes of subsection (1), if a decision is made on the basis of issues determined solely by officers of the Employment Department, the Secretary referred to in paragraph (1)(b) is the Employment Secretary.’.”.

No. 9—Schedule 1, page 39, proposed item 261, omit “Subdivision B of Division 16 of Part 8”, substitute “Division 2 of Part 9”.

No. 10—Schedule 1, page 39, after proposed item 261 insert the following items:

“261A. Section 1261:

- (a) After subsection (1), insert the following subsection:

‘(1A) If an application under Division 2 of Part 9 of the *Student and Youth Assistance Act 1973* is sent or delivered to an office of the Employment Department, the Secretary must send the application to the National Convener as soon as practicable and in any case not

later than 7 days after the application is received at the office of the Employment Department.’

- (b) Add at the end the following note:

‘Note: In this section “Secretary” has the meaning given in section 23.’

261B. Section 1262:

After subsection (1) insert the following note:

‘Note: In this subsection “Secretary” has the meaning given in section 23.’

No. 11—Schedule 1, page 39, proposed item 262, omit “Subdivision B of Division 16 of Part 8”, substitute “Division 2 of Part 9”.

No. 12—Schedule 1, pages 39 and 40, proposed items 265 to 267, omit the items, substitute the following items:

“265. Section 1265:

Add at the end the following note:

‘Note: In this section “Secretary” has the meaning given in section 23.’

266. Section 1268:

Add at the end the following note:

‘Note: In this section “Secretary” has the meaning given in section 23.’

267. Subsection 1269(1):

- (a) After ‘section 1304’ insert ‘of this Act or section 332 of the *Student and Youth Assistance Act 1973*, as the case requires,’
- (b) Omit the note to the subsection, substitute:

‘Note: Under section 1304 of this Act or section 332 of the *Student and Youth Assistance Act 1973*, the Secretary may require a person to provide information or produce documents.’

267A. Section 1269:

Add at the end the following note:

‘Note: In this section “Secretary” has the meaning given in section 23.’

No. 13—Schedule 1, page 40, after proposed item 269 insert the following item:

“269A. Paragraph 1274(2)(a):

Omit the paragraph, substitute:

- ‘(a) sending or delivering written notice of withdrawal:
- (i) in the withdrawal of an application for the review of a decision other than a student assistance benefit decision—to an office of the SSAT or an office of the Department; or
- (ii) in the withdrawal of an application for the review of a student assistance benefit decision—to an office of the SSAT or an office of the Employment Department; or’.

No. 14—Schedule 1, page 40, proposed item 270, omit the item, substitute the following items:

“270. Section 1274:

Omit paragraph (2A)(a), substitute:

- ‘(a) is a student assistance benefit decision, or is about youth training allowance, job search allowance or newstart allowance; and’

270A. Section 1274:

Add at the end the following note:

‘Note: In this section “Secretary” has the meaning given in section 23.’”.

No. 15—Schedule 1, page 40, after proposed item 272 insert the following items:

“272A. Section 1281:

Add at the end the following note:

‘Note: In this section “Secretary” has the meaning given in section 23.’.

272B. Subsection 1324(1):

Omit ‘and the senior members’, substitute ‘, the senior members and the other members’.

272C. Subsection 1324(2):

Omit the subsection.

272D. Subsection 1325A(1):

Omit ‘and the senior members’, substitute ‘, the senior members and the other members’.

272E. Subsection 1325A(2):

Omit the subsection.

272F. Subsection 1326(1):

Omit the subsection, substitute:

‘(1) The Governor-General may appoint a person to act as National Convener:

- (a) during a vacancy in the office of National Convener, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the National Convener is absent from duty or from Australia or is, for any reason, unable to perform the duties of the National Convener’s office;

but a person appointed to act under paragraph (a) must not continue to act for more than 12 months.’.

272G. Subsection 1326(2):

Omit the subsection, substitute:

‘(2) The Minister may appoint a person to act as National Convener during a vacancy in the office of National Convener, whether or not an appointment has been previously made to the office, but a person so appointed must not continue to act for more than 3 months.’.

272H. Subsection 1326(3):

Omit ‘Minister’, substitute ‘Governor-General’.

272I. Section 1326:

After subsection (3) insert:

‘(3A) The Minister may appoint a person to act as a full-time senior member in the place of a person who has ceased to be such a member, but a person so appointed must not continue to act for more than 3 months.’.

272J. Subsection 1326(4):

Omit ‘Minister’, substitute ‘Governor-General’.

272K. Section 1326:

After subsection (4) insert:

‘(4A) The Minister may appoint a person to act as a part-time senior member in the place of a person who has ceased to be such a member, but a person so appointed must not continue to act for more than 3 months.’

272L. Subsection 1326(5):

Omit ‘Minister’, substitute ‘Governor-General’.

272M. Section 1326:

After subsection (5) insert:

‘(5A) Where a person has been appointed under subsection (2), the Minister may direct that the person is to continue to act in the appointment after the normal terminating event occurs.’

272N. Subsection 1326(6):

Insert ‘or (5A)’ after ‘(5)’.

272O. Subsection 1326(8):

Insert ‘or (5A)’ after ‘(5)’.

272P. Subsection 1326(9):

Insert ‘or (5A)’ after ‘(5)’.

272Q. Subsection 1326(12):

Omit the subsection, substitute:

‘(12) For the purposes of this section, the normal terminating event for an appointment under subsection (1), (2), (3) or (4) is:

- (a) if the appointment is made under paragraph (1)(a) or subsection (2)—the filling of the vacancy in the office of National Convener; or
- (b) if the appointment is made under paragraph (1)(b)—the National Convener ceasing to be absent or ceasing to be unable to perform the duties of the National Convener’s office; or
- (c) if the appointment is made under subsection (3)—the senior member ceasing to be absent or ceasing to be unable to perform the duties of the member’s office; or
- (d) if the appointment is made under subsection (4)—the senior member ceasing to be absent or ceasing to be unable to perform the duties of the member’s office.’

272R. Subsection 1334(1):

Omit ‘the National Convener or a senior member’, substitute ‘a member’.

272S. Subsection 1334(2):

Omit the subsection.

272T. Subsection 1334(4):

Omit ‘the National Convener or a senior member’, substitute ‘a member’.

272U. Paragraph 1334(4)(a):

Omit ‘National Convener or the senior’.

272V. Subsection 1334(6):

Omit the subsection, substitute:

‘(6) The Governor-General may remove a member from office if disqualifying circumstances exist in relation to the member.’.

272W. Subsection 1334(7):

Omit the subsection.

272X. Subsection 1334(9):

Omit the subsection, substitute:

‘(9) If a member is:

- (a) an eligible employee for the purposes of the *Superannuation Act 1976*; or
- (b) a member of the superannuation scheme established by deed under the *Superannuation Act 1990*;

the Governor-General may, with the consent of the member, by signed instrument, retire the member from office on the ground of physical or mental incapacity on a date specified in the instrument.’.

272Y. Subsection 1334(10):

Omit the subsection.

272Z. Subsection 1334(11):

Omit ‘or (10)’.

272ZA. Paragraph 1336(1)(d):

Omit ‘under Chapter 6’.

272ZB. Subsection 1336(2):

Insert ‘or the *Student and Youth Assistance Act 1973*’ after ‘Act’.

272ZC. Paragraph 1336(3)(c):

Insert ‘or the *Student and Youth Assistance Act 1973*’ after ‘Act’.

272ZD. Paragraph 1336(3)(d):

Insert ‘or the *Student and Youth Assistance Act 1973*’ after ‘Act’.

272ZE. Subsection 1336(5):

Insert ‘or the *Student and Youth Assistance Act 1973*’ after ‘Act’.

272ZF. Subsection 1336(7):

(a) Omit ‘under Chapter 6’.

(b) Insert ‘or the *Student and Youth Assistance Act 1973*’ after ‘Act’.

272ZG. Section 1337:

Insert ‘or the *Student and Youth Assistance Act 1973*’ after ‘Act’.”.

No. 16—Schedule 1, page 41, note about section heading at end of Schedule, after paragraph (e) insert the following paragraph:

“(ea) the heading to section 1161 of the *Social Security Act 1991* is altered by adding at the end ‘**or from psychiatric confinement following criminal charge**’.”.

No. 17—Schedule 2, page 42, proposed section 1067A, before definition of “**independent**” insert the following definitions:

“ ‘**accounting period**’, in MODULE F, means a period of 12 months;
 ‘**employer**’, in MODULE F, has the meaning given by MODULE K;”.

- No. 18—Schedule 2, page 42, proposed section 1067A, definition of “**parent**”, after “means” insert “, in the modules constituting the sickness allowance rate calculator at the end of section 1067E”.
- No. 19—Schedule 2, page 43, proposed subsection 1067B(5), omit “natural or adoptive” (wherever occurring).
- No. 20—Schedule 2, page 43, proposed subsection 1067B(6), omit “natural or adoptive” and “such”.
- No. 21—Schedule 2, page 43, proposed paragraph 1067B(8)(a), omit “natural or adoptive”.
- No. 22—Schedule 2, page 43, proposed paragraph 1067B(9)(b), omit “natural or adoptive”.
- No. 23—Schedule 2, page 44, proposed paragraph 1067B(9)(d), omit “natural or adoptive”.
- No. 24—Schedule 2, page 44, proposed paragraph 1067B(11)(c), omit the paragraph, substitute the following paragraph:
“(c) the person is not receiving financial or other support from either of his or her parents, or from someone else who is acting as his or her guardian, and did not receive such support during the period referred to in paragraph (a); and”.
- No. 25—Schedule 2, page 44, after proposed subsection 1067B(12) insert the following note:
“Note: For ‘parent’ see section 5.”.
- No. 26—Schedule 2, page 45, after proposed subsection 1067C(3) insert the following note:
“Note: For ‘parent’ see section 5.”.
- No. 27—Schedule 2, page 55, Module E, proposed point 1067E-E6, omit “If a person (the ‘**relevant person**’) is a member of a couple, the value of the relevant person’s assets”, substitute “The value of the assets of a person (the ‘**relevant person**’)”.
- No. 28—Schedule 2, page 55, Module E, point 1067E-E6, proposed paragraph (b), omit “the person”, substitute “a person”.
- No. 29—Schedule 2, page 60, Module F, proposed point 1067E-F5, omit “that is not a financial year”, substitute “that ends on a day other than 30 June”.
- No. 30—Schedule 2, page 60, Module F, point 1067E-F6, proposed paragraph (c), omit “that is not a financial year”, substitute “that ends on a day other than 30 June”.
- No. 31—Schedule 2, page 74, Module K, proposed point 1067E-K1, before definition of “**employee**” insert the following definition:
“‘**associate**’ has the same meaning as in the *Fringe Benefits Tax Assessment Act 1986*.”.
- No. 32—Schedule 2, page 75, Module K, proposed point 1067E-K3, definition of “**associate**”, omit the definition.
- No. 33—Schedule 2, page 80, Module K, point 1067E-K7, after proposed paragraph (a) insert the following paragraph:
“(aa) the person is the employer, or an associate of the employer, of the recipient; and”.

No. 34—Schedule 2, page 82, Module K, proposed point 1067E-K10, omit “granted by a person to a recipient”, substitute “granted to a recipient by a person who is the employer, or an associate of the employer, of the recipient”.

No. 35—Schedule 2, page 86, Module K, proposed subpoint 1067E-K14(1), omit “makes a loan to a recipient”, substitute “who is the employer, or an associate of the employer, of a recipient makes a loan to the recipient”.

No. 36—Schedule 2, page 93, Module K, subpoint 1067E-K20(1), after paragraph (a) insert the following paragraph:

“(aa) the person is the employer, or an associate of the employer, of a recipient; and”.

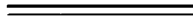
On the motion of Mrs Crosio (Parliamentary Secretary to the Minister for Social Security), the amendments were agreed to.

78 ADJOURNMENT

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 5 p.m., adjourned until Tuesday, 31 January 1995, at 12.30 p.m., in accordance with the resolution agreed to at this sitting.

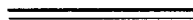


PAPERS

The following papers were deemed to have been presented on 8 December 1994:

Lands Acquisition Act—Statement under section 125.

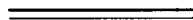
Native Title Act—Determination 1994 No. 4.



ATTENDANCE

All Members attended (at some time during the sitting) except Mr Beale, Mr Braithwaite*, Mr Nehl, Mr Staples* and Mrs Sullivan.

*On leave



L. M. BARLIN

Clerk of the House of Representatives

1993-94

HOUSE OF REPRESENTATIVES

SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 114

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 8 DECEMBER 1994

1 The Main Committee met at 10 a.m.

2 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT ON AUSTRALIA'S INTERNATIONAL EFFORTS TO PROMOTE AND PROTECT HUMAN RIGHTS—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Halverson—That the House take note of the paper (*presented on 5 December 1994*), viz.:

Foreign Affairs, Defence and Trade—Joint Standing Committee—A review of Australia's efforts to promote and protect human rights, November 1994—

Debate resumed.

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

3 LONG TERM STRATEGIES—STANDING COMMITTEE—REPORT ON AUSTRALIA'S POPULATION CARRYING CAPACITY—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Jones—That the House take note of the paper (*presented on 5 December 1994*), viz.:

Long Term Strategies—Standing Committee—Report—Australia's population 'carrying capacity': One Nation-Two ecologies, December 1994—

Papers: Mr Jones, by leave, presented the following papers:

Long Term Strategies—Standing Committee—Report—Australia's population 'carrying capacity': One Nation-Two ecologies, December 1994—

Corrections to report.

Copy of report incorporating corrections.

Debate resumed.

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

4 TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORT ON COMMUNICATIONS AND TRANSPORT INFRASTRUCTURE REQUIREMENTS OF SYDNEY 2000 OLYMPIC GAMES—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr P. F. Morris—That the House take note of the paper (*presented on 5 December 1994*), viz.:

Transport, Communications and Infrastructure—Standing Committee—Report—Inquiry into the Sydney 2000 Olympics: The adequacy of existing and planned aviation services and infrastructure, 16 November 1994—

Debate resumed.

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

5 POSTPONEMENT OF ORDERS OF THE DAY

Ordered—That orders of the day, committee and delegation reports, Nos. 4 and 5, be postponed until a later hour this day.

6 ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS—STANDING COMMITTEE—REPORT ON IMPLEMENTATION BY GOVERNMENTS OF THE RECOMMENDATIONS OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Ms Henzell—That the House take note of the paper (*presented on 5 December 1994*), viz.:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Report—Justice under scrutiny: Inquiry into the implementation by governments of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, 17 November 1994—

Debate resumed.

Suspension of sitting: At 1.50 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 2.01 p.m., the proceedings were resumed.

Debate continued.

Suspension of sitting: At 2.10 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 2.20 p.m., the proceedings were resumed.

Debate continued

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

7 ADJOURNMENT

On the motion of Mr Gibson, the Main Committee adjourned at 2.51 p.m.

The Deputy Speaker fixed Wednesday, 1 February 1995, at 10 a.m., for the next meeting of the Main Committee, unless an alternative day or hour is fixed.

I. C. HARRIS

Clerk of the Main Committee