

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**VOTES AND PROCEEDINGS**

No. 168

THURSDAY, 28 SEPTEMBER 1995

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 AUSTRALIAN PARLIAMENTARY DELEGATION—REPORT—STATEMENT BY MEMBER**

Mr K. J. Andrews, by leave, presented the following paper:

Australian Parliamentary Delegation to Canada and the United States of America, April 1995—Report.

Mr K. J. Andrews, by leave, made a statement in connection with the report.

**3 PUBLIC WORKS—PARLIAMENTARY STANDING COMMITTEE—REFERENCE OF WORK—REDEVELOPMENT OF WOOLSHED SITE, BARTON, ACT**

Mr Walker (Minister for Administrative Services), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Redevelopment of Woolshed site, Barton, ACT.

Question—put and passed.

**4 ANL SALE BILL 1995**

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

Debate resumed.

Question—put.

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

AYES, 68

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

NOES, 50

Mr Abbott	Mr R.D.C. Evans	Mr Mack	Mr Ruddock
Mr J. N. Andrew	Mr Filing	Mr McLachlan	Mr B. C. Scott
Mr K. J. Andrews	Mr Fischer	Mr Miles	Mr Sinclair
Mr Atkinson	Mrs Gallus	Mr Moore	Mr Slipper
Mrs Bishop	Mr Georgiou	Mrs Moylan	Mr B. M. Smyth
Mr Bradford*	Mr Hall	Mr Nehl	Mr Somlyay
Mr Braithwaite	Mr Halverson	Mr Neville	Mr Truss
Mr Cadman	Mr Hicks*	Mr Nugent	Mr Tuckey
Mr Cameron	Mr Katter	Mr Pyne	Mr Vaile
Mr Charles	Dr Kemp	Mr Reid	Mr Wakelin
Mr Cobb	Mr Lieberman	Mr Reith	Ms Worth
Mr Costello	Mr McArthur	Mr Rocher	
Mr Downer	Mr McGauran	Mr Ronaldson	

\* Tellers

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

*Message from the Governor-General:* Message No. 310, dated 23 September 1995, from His Excellency the Governor-General was announced recommending an appropriation for the purposes of the Bill.

*Consideration in detail*

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

Consideration in detail concluded.

On the motion of Mr Elliott (Parliamentary Secretary to the Treasurer), by leave, the Bill was read a third time.

## 5 DECLARATION OF BILLS AS COGNATE BILLS

Dr Theophanous (Parliamentary Secretary to the Minister for Human Services and Health), by leave, declared that the Human Services and Health Legislation Amendment Bill (No. 3) 1995 and the Therapeutic Goods Amendment Bill 1995 were cognate Bills.

## 6 HUMAN SERVICES AND HEALTH LEGISLATION AMENDMENT BILL (NO. 3) 1995

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

Debate ensued.

Mr Cameron 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—

- (a) notes the incompetent way in which this legislation was originally managed in its passage through the Parliament, so that the original Bill was divided by the Senate and thus rendered inoperable; and
- (b) condemns the Labor Government for its cavalier and arrogant treatment of the institution of Parliament as revealed by the history of these measures”.

Debate continued.

Amendment negatived.

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

*Message from the Governor-General:* Message No. 311, dated 23 September 1995, 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 Dr Theophanous, the Bill was read a third time.

#### **7 THERAPEUTIC GOODS AMENDMENT BILL 1995**

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

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

*Message from the Governor-General:* Message No. 312, dated 23 September 1995, 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 Dr Theophanous, the Bill was read a third time.

#### **8 MESSAGE FROM THE SENATE—WILDLIFE PROTECTION (REGULATION OF EXPORTS AND IMPORTS) AMENDMENT BILL 1995**

Message No. 536, dated 20 September 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Wildlife Protection (Regulation of Exports and Imports) Act 1982’, and for related purposes*”.

Bill read a first time.

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

#### **9 TAXATION LAWS AMENDMENT BILL (NO. 4) 1995**

Dr Lawrence (Minister for Human Services and Health) presented a Bill for an Act to amend the law relating to taxation.

Bill read a first time.

*Paper:* Dr Lawrence presented an explanatory memorandum to the following Bills:

Taxation Laws Amendment (No. 4) 1995;  
Income Tax (Franking Deficit) Amendment 1995; and  
Income Tax (Deficit Deferral) Amendment 1995.

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

**10 INCOME TAX (FRANKING DEFICIT) AMENDMENT BILL 1995**

Dr Lawrence (Minister for Human Services and Health) presented a Bill for an Act to amend the *Income Tax (Franking Deficit) Act 1987*.

Bill read a first time.

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

**11 INCOME TAX (DEFICIT DEFERRAL) AMENDMENT BILL 1995**

Dr Lawrence (Minister for Human Services and Health) presented a Bill for an Act to amend the *Income Tax (Deficit Deferral) Act 1994*.

Bill read a first time.

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

**12 CUSTOMS TARIFF BILL 1995**

Dr Lawrence (Minister for Human Services and Health) presented a Bill for an Act to impose duties of Customs, to repeal the *Customs Tariff Act 1987*, and for related purposes.

Bill read a first time.

*Papers:* Dr Lawrence presented an explanatory memorandum to the Bill and a summary of amendments.

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

**13 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 2) 1995**

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

**14 PARLIAMENTARY DELEGATION TO EUROPE ON FRENCH NUCLEAR TESTING—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER**

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, made a ministerial statement on the Parliamentary Delegation to Europe on French nuclear testing, 2–17 September 1995, and presented the following paper:

Parliamentary Delegation to Europe on French nuclear testing, 2–17 September 1995—Ministerial statement.

Mr Bevis (Parliamentary Secretary to the Minister for Defence) moved—That the House take note of the paper.

Debate ensued.

Mr Charles 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.

## 15 QUESTIONS

Questions without notice were asked.

## 16 PAPERS

The following papers were presented:

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Report—Access and equity—Rhetoric or reality?: Inquiry into the implementation of the access and equity strategy, 26 November 1993—Government response.

Administrative Review Council—Report No. 39—Better decisions: Review of Commonwealth Merits Review Tribunals.

Advance to the Minister for Finance for 1994–95—Statement of heads of expenditure and the amounts charged thereto pursuant to section 36A of the *Audit Act 1901*.

Advances to the Minister for Finance—

Statements for June and July 1995.

Supporting applications of issues from the Advances during June and July 1995.

Australian Nuclear Science and Technology Organisation Act—Nuclear Safety Bureau—Report for period 1 April to 30 June 1995.

National Debt Sinking Fund Act—National Debt Commission—72nd report, for 1994–95.

Wildlife Protection (Regulation of Exports and Imports) Amendment Bill 1995—Explanatory memorandum.

## 17 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Aboriginal and Torres Strait Islander Affairs—Standing Committee—Report—Access and equity—Rhetoric or reality?: Inquiry into the implementation of the access and equity strategy, 26 November 1993—Government response.

Administrative Review Council—Report No. 39—Better decisions: Review of Commonwealth Merits Review Tribunals.

Debate adjourned (Mr McGauran), 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—

Proposal for Optus Communications to erect a mobile base station in Brighton, Vic. (Dr Kemp, 106 petitioners).

Commonwealth Bank's proposed closure of branches and increased bank fees (Ms Deahm, 38 petitioners).

Resumption of French nuclear testing in the Pacific (Mr Beazley, 278 petitioners).

#### 19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—GOVERNMENT POLICY

The House was informed that both Mr Fischer (Leader of the National Party of Australia) and Mr Melham had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, the Speaker had given priority to the matter proposed by Mr Fischer, namely, "The contradictions of the Government in its policy approach to key issues, including the operational procedures at Australia's major airports, particularly Mascot".

The proposed discussion having received the necessary support—

Mr Fischer addressed the House.

*Papers:* Mr Fischer, by leave, presented the following papers:

Sydney (Kingsford-Smith) Airport—New South Wales Legislative Assembly *Hansard*, 11 November 1975—Copies of extracts (3).

Discussion ensued.

Discussion concluded.

#### 20 MESSAGES FROM THE SENATE

Messages from the Senate, dated 28 September 1995, were reported returning the following Bills without amendment:

Message—

No. 547—Public Order (Protection of Persons and Property) Amendment 1995.

No. 548—Veterans' Affairs Legislation Amendment and Repeal 1995.

No. 549—Superannuation Supervisory Levy Amendment 1995.

#### 21 TRADE MARKS BILL 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Trade Marks Bill 1995 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, the Bill was read a third time.

#### 22 PUBLIC SERVICE LEGISLATION AMENDMENT BILL 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Public Service Legislation Amendment Bill 1995 had been fully considered by the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, the Bill was read a third time.

23 MESSAGE FROM THE SENATE—FIRST CORPORATE LAW SIMPLIFICATION BILL 1995

The following message from the Senate was reported:

Message No. 546

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the Corporations Law, to repeal the Close Corporations legislation, and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MARGARET REID  
Deputy President

The Senate

Canberra, 28 September 1995

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 7, page 2, lines 18 to 25, omit the clause.

No. 2—Schedule 3, page 39, paragraph 9.3, omit "Large proprietary companies must prepare accounts, have them audited and send them to shareholders. They must also lodge the accounts with the ASC unless exempted."

No. 3—Schedule 4, page 61, after item 51 insert the following item:

**"51A. After subsection 313(11)**

Insert:

(11A) In deciding for the purposes of subsection (11) whether the audit requirements for a large proprietary company, or a class of large proprietary companies, would impose an unreasonable burden on the company or companies, the Commission is to have regard to:

- (a) the expected costs of complying with the audit requirements; and
- (b) the expected benefits of having the company or companies comply with the audit requirements; and
- (c) any practical difficulties that the company or companies face in complying effectively with the audit requirements (in particular, any difficulties that arise because a financial year is the first one for which the audit requirements apply or because the company or companies are likely to move frequently between the small and large proprietary company categories from one financial year to another); and
- (d) any unusual aspects of the operation of the company or companies during the financial year concerned; and
- (e) any other matters that the Commission considers relevant.

(11B) In assessing expected benefits under subsection (11A), the Commission is to take account of:

- (a) the number of creditors and potential creditors; and
- (b) the position of creditors and potential creditors (in particular, their ability to independently obtain financial information about the company or companies); and
- (c) the nature and extent of the liabilities of the company or companies."

No. 4—Schedule 4, page 68, item 83, after proposed section 1408 insert the following sections:

**“1409 Application of audit requirements for large proprietary companies**

Despite section 1408, the first financial year for which a large proprietary company that was an exempt proprietary company immediately before the commencement of this section must have its accounts audited under section 296 (as amended by the Amending Act) is the first financial year that starts after the commencement of this section.

**1410 First annual return for proprietary companies under new provisions**

(1) To avoid any doubt, the first calendar year for which subsection 335(1A) applies is the one that ends on the first 31 December after the commencement of this section.

(2) The first calendar year for which subsection 335(1A) applies to a company that is registered after the commencement of this section is the calendar year that ends on the first 31 December after its registration.

Note: Subsection 335(1A) was inserted by item 66 of Schedule 4 to the Amending Act.”.

Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) moved—That the amendments be agreed to.

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*Adjournment negatived:* It being 5.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Bilney requiring the question to be put forthwith without debate—

Question—put and negatived.

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Debate ensued.

Question—put and passed.

**24 PUBLICATIONS COMMITTEE—26TH REPORT**

Mr Horne (Chair) presented the following paper:

**PUBLICATIONS COMMITTEE 26TH 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 29 August 1995, recommends that the following be printed:

Aboriginal Deaths in Custody—Royal Commission—Implementation of Australian Capital Territory Government response to the recommendations of the Royal Commission—Report for 1993–94.

Australian Sports Drug Agency Act—Australian Sports Drug Agency—Report for 1994–95.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report for 1994–95.

Commonwealth Legal Aid Act—National Legal Aid Advisory Committee—Report for 1994–95.



Higher Education Funding Act—Report detailing determinations made under the Act in respect for 1993.

Industry Commission Act—Industry Commission—Report No. 46—Computer hardware software and related service industries, 30 June 1995.

Law Reform Commission Act—Law Reform Commission—Report No. 74—Designs.

University of Canberra Act—Council of the University of Canberra—Report for 1994.

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Industrial Relations Act—Enterprise bargaining in Australia—Report for period 30 March to 31 December 1994—Errata.

BOB HORNE  
Chair

28 September 1995

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

Question—put and passed.

## 25 ADJOURNMENT

Mr Walker (Minister for Administrative Services) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 6 p.m.—The Speaker adjourned the House until Monday, 16 October 1995, at 12.30 p.m.

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## PAPERS

The following papers were deemed to have been presented on 28 September 1995:

Child Support (Registration and Collection) Act—Child support rulings 1995 Nos. CSR 95/1, CSR 95/2, CSR 95/3, CSR 95/4, CSR 95/5.

Health Insurance Act—Declaration QAA No. 4/1995.

Parliament Act—Parliamentary Zone—Proposal for external works as part of the refurbishment of the Administrative Building, Parkes, ACT.

Taxation Administration Act—Determinations 1995 Nos. TD 95/53, TD 95/54.

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## ATTENDANCE

All Members attended (at some time during the sitting) except Mr Anderson, Mr Beale, Mr Campbell, Mr Connolly, Mr Dobie, Mrs Easson, Mr Griffiths, Mr Hawker, Mr Jull, Mr Latham, Mr Lindsay, Mr Lloyd, Mr Punch, Mr Snowdon, Mr Tanner, Mr Thomson and Mr Williams.

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L. M. BURLIN

Clerk of the House of Representatives

1993-94-95

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

No. 168

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**MAIN COMMITTEE**

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**MINUTES OF PROCEEDINGS  
THURSDAY, 28 SEPTEMBER 1995**

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1 Due to a division having been called in the House, the Main Committee met at 10.10 a.m.

2 **BANKING, FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT ON REVIEWS OF 1993-94 ANNUAL REPORTS OF RESERVE BANK OF AUSTRALIA AND INSURANCE AND SUPERANNUATION COMMISSION—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 Simmons—That the House take note of the paper (*presented on 25 September 1995*), viz.:

Banking, Finance and Public Administration—Standing Committee—Review of the Reserve Bank of Australia's 1993-94 annual report and the Insurance and Superannuation Commission's 1993-94 annual report—Report, 18 September 1995—

Debate resumed.

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

3 **TRADE MARKS BILL 1995**

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

Debate resumed.

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

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

On the motion of Mr Johns (Special Minister of State), Bill to be reported to the House without amendment.

4 **PUBLIC SERVICE LEGISLATION AMENDMENT BILL 1995**

The order of the day having been read for the second reading—Mr Johns (Minister Assisting the Prime Minister for Public Service Matters) moved—That the Bill be now read a second time.

Debate ensued.

*Paper:* Mr B. M. Smyth, by leave, presented the following paper:

Implications of 1995–96 Budget on staffing levels in the Australian Public Service—Letter, 22 June 1995, from Mr Johns, Assistant Minister for Industrial Relations, to Mr B. M. Smyth.

Debate continued.

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

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

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

## 5 ADJOURNMENT

On the motion of Mr Johns (Special Minister of State), the Main Committee adjourned at 12.19 p.m.

The Chair reported that the Deputy Speaker had fixed Wednesday, 18 October 1995, at 10 a.m., for the next meeting of the Main Committee.



**I. C. HARRIS**

Clerk of the Main Committee