

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 171

WEDNESDAY, 18 OCTOBER 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 MESSAGES FROM THE ADMINISTRATOR—ASSENT TO BILLS

Messages from His Excellency the Administrator were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

12 October 1995—Message—No. 316—Customs Tariff Amendment (No. 2) 1995.

17 October 1995—Message—No. 317—

First Corporate Law Simplification 1995.

Public Order (Protection of Persons and Property) Amendment 1995.

Superannuation Supervisory Levy Amendment 1995.

Veterans' Affairs Legislation Amendment and Repeal 1995.

3 MESSAGES FROM THE SENATE

Messages from the Senate, dated 17 October 1995, were reported transmitting the following resolutions agreed to by the Senate:

(a) That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by Australian Estate Management to refurbish sections of the exterior of the Administrative Building, Parkes, Australian Capital Territory, following the relocation of the Department of Foreign Affairs and Trade—Message No. 554.

(b) That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by Australian Estate Management to refurbish the annex to Old Parliament House—Message No. 555.

4 PARLIAMENTARY ZONE—REFURBISHMENT OF ANNEX TO OLD PARLIAMENT HOUSE—APPROVAL OF PROPOSAL

Mr Johns (Assistant Minister for Industrial Relations), 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 16 October 1995, namely: Refurbishment of the annex to Old Parliament House.

Question—put and passed.

5 PARLIAMENTARY ZONE—EXTERNAL WORKS AS PART OF REFURBISHMENT OF ADMINISTRATIVE BUILDING—APPROVAL OF PROPOSAL

Mr Johns (Assistant Minister for Industrial Relations), 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 28 September 1995, namely: External works as part of the refurbishment of the Administrative Building.

Question—put and passed.

6 EXCISE TARIFF AMENDMENT BILL (NO. 2) 1995

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) presented a Bill for an Act to amend the *Excise Tariff Act 1921*.

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.

7 AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1995

Mr Johns (Assistant Minister for Industrial Relations), for Mr Kerr (Minister for Justice), pursuant to notice, presented a Bill for an Act to amend the *Australian Federal Police Act 1979*.

Bill read a first time.

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

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

8 STUDENT AND YOUTH ASSISTANCE AMENDMENT (YOUTH TRAINING ALLOWANCE) BILL (NO. 2) 1995

Mr Johns (Assistant Minister for Industrial Relations), for Mr Free (Minister for Schools, Vocational Education and Training), pursuant to notice, presented a Bill for an Act to amend the *Student and Youth Assistance Act 1973*, and for related purposes.

Bill read a first time.

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

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

9 CORPORATIONS LAW AMENDMENT BILL 1995

Mr Johns (Assistant Minister for Industrial Relations), for Mr Lavarch (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the Corporations Law.

Bill read a first time.

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

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

10 AIRPORTS 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.

Consideration in detail

Bill, by leave, taken as a whole.

Mrs Bishop, by leave, moved the following amendments together:

Clause 6, page 6, omit the clause, substitute the following clause:

Act not to apply to Sydney (Kingsford-Smith) and Sydney West Airports until satisfactory equitable arrangements approved

“6. For the avoidance of doubt, it is expressly declared that it is the intention of Parliament that the provisions of this Act shall not apply to Sydney (Kingsford-Smith) Airport and Sydney West Airport until a proposal that satisfactory arrangements are in place to share more equitably the aircraft noise burden over Sydney, in particular, the resumption of full operation of the East-West runway at Sydney (Kingsford-Smith) Airport, has been approved as specified in paragraph 7(o).”.

Clause 7—

Page 6, lines 24 and 25, omit paragraphs (a) and (b).

Page 6, line 37, omit “an airport”, substitute “subject to paragraph (o), an airport”.

Page 6, at the end of the clause add the following paragraph:

“(o) Sydney (Kingsford-Smith) Airport and Sydney West Airport must not be specified in the regulations unless a proposal that satisfactory arrangements are in place to share more equitably the aircraft noise burden over Sydney, in particular, the resumption of full operation of the East-West runway at Sydney (Kingsford-Smith) Airport, has been laid before the Senate and the House of Representatives and approved by resolution of each House.”.

Clause 18, page 12, line 31, omit all words from and including “each” to the end of the clause, substitute:

“:

- (a) each of the airport-lessee companies is a subsidiary of the same company; and
- (b) a proposal that satisfactory arrangements are in place has been approved as specified in paragraph 7(o)”.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 57

Mr Abbott	Mr Filing	Mr Miles	Mr Slipper
Mr Aldred	Mr Fischer	Mrs Moylan	Mr B. M. Smyth
Mr K. J. Andrews	Mr Forrest	Mr Nehl	Mr Somlyay
Mr Atkinson	Mrs Gallus	Mr Neville	Mrs Sullivan
Mrs Bishop	Mr Georgiou	Mr Nugent	Mr Taylor
Mr Bradford	Mr Hall	Mr Prosser	Mr Thomson
Mr Braithwaite	Mr Halverson	Mr Pyne	Mr Truss
Mr Cadman	Mr Hawker*	Mr Reid	Mr Tuckey
Mr Cameron	Mr Hicks*	Mr Reith	Mr Williams
Mr Charles	Dr Kemp	Mr Rocher	Dr Wooldridge
Mr Cobb	Mr Lieberman	Mr Ronaldson	Ms Worth
Mr Connolly	Mr McArthur	Mr Ruddock	
Mr Costello	Mr McGauran	Mr B. C. Scott	
Mr Downer	Mr Mack	Mr Sharp	
Mr R. D. C. Evans	Mr McLachlan	Mr Sinclair	

NOES, 72

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

* Tellers

And so it was negatived.

Bill agreed to.

Consideration in detail concluded.

Mr Brereton (Minister for Transport), by leave, moved—That the Bill be now read a third time.

Question—put.

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

AYES, 73

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

NOES, 59

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

* Tellers

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

11 AIRPORTS (TRANSITIONAL) BILL 1995

The order of the day having been read for the second reading—Mr Brereton (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. 318, dated 28 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.

Mrs Bishop, by leave, moved the following amendments together:

Clause 5, page 3, omit the clause, substitute the following clause:

Act not to apply to Sydney (Kingsford-Smith) and Sydney West Airports until satisfactory equitable arrangements approved

“5. For the avoidance of doubt, it is expressly declared to be the intention of the Parliament that the provisions of this Act shall not apply to Sydney (Kingsford-Smith) Airport and Sydney West Airport until a proposal that satisfactory arrangements are in place to share more equitably the aircraft noise burden over Sydney, in particular, the resumption of full operation of the East-West runway at Sydney (Kingsford-Smith) Airport, has been approved as specified in paragraph 19(g).”.

Clause 19—

Page 9, lines 7 and 8, omit paragraphs (a) and (b).

Page 9, after paragraph (e) insert the following paragraph:

“(ea) Adelaide Airport;”.

Page 9, line 12, omit “an airport”, substitute “subject to paragraph (g), an airport”.

Page 9, add at the end of the clause:

“(g) Sydney (Kingsford-Smith) Airport and Sydney West Airport must not be specified in the regulations unless a proposal that satisfactory arrangements are in place to share more equitably the aircraft noise burden over Sydney, in particular, the resumption of full operation of the East-West runway at Sydney (Kingsford-Smith) Airport, has been laid before the Senate and the House of Representatives and approved by resolution of each House.”.

Debate ensued.

Question—That the amendments be agreed to—put.

The House divided (the Deputy Speaker, Mr L. J. Scott, in the Chair)—

AYES, 58

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

NOES, 69

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

* Tellers

And so it was negated.

On the motion of Mr Brereton, by leave, the following amendments were made together, after debate:

Clause 45—

Page 23, lines 4 and 5, omit paragraph (1)(a), substitute the following paragraph:

“(a) a company is granted a lease of particular land under section 20, 21 or 22; and”.

Page 23, paragraph (3)(a), line 24, omit “airport lease”, substitute “lease”.

Page 23, after subclause (3) insert the following subclauses:

“(3A) If subsection (2) does not apply to the property, section 60 of the *Income Tax Assessment Act 1936* has effect as if the company had acquired the property from the FAC instead of from another person.

“(3B) If subsection (2) does not apply to the property, the Minister for Finance may make a written determination that the provisions of the *Income Tax Assessment Act 1936* relating to depreciation have effect as if the depreciated value of the property at the time of the grant were equal to the amount specified in the determination.

“(3C) The determination has effect accordingly.

“(3D) The FAC must give the Minister for Finance such information as the Minister for Finance requires about the application of section 59 of the *Income Tax Assessment Act 1936* to the property and to the FAC.”.

Clause 74, page 43, after the second dot-point insert the following dot-point:

“• The permission of the Australian Archives is required for the transfer of Commonwealth records to airport-lessee companies.”.

Clause 76, page 43, at the end of the clause add the following subclause:

“(2) If an airport lease for an airport is granted to a company under section 20 or 21 of this Act, a Commonwealth record (within the meaning of the *Archives Act 1983*) must not be transferred to the company in connection with the operation of this Act in relation to the airport unless the Australian Archives has given permission for the transfer under paragraph 24(2)(b) of that Act.”.

Schedule 4—

Page 63, after item 2 insert the following items:

“2A. Paragraph 13(1)(d):

Omit the paragraph, substitute:

‘(d) if the Minister decides to appoint one or more other members—not more than 6 other members.’.

2B. Subsection 21(6):

Omit the subsection, substitute:

‘(6) At a meeting of the Board, a quorum is constituted by the greater of:

(a) 3 members; or

(b) the number of members that constitutes a majority of the members for the time being holding office.’.”.

Page 63, after item 3 insert the following item:

“4. Transitional

The amendment made by item 2A does not affect the appointment of a person who held office as a member immediately before the commencement of this item.”.

Bill, as amended, agreed to.

Consideration in detail concluded.

Mr Brereton, by leave, moved—That the Bill be now read a third time.

Question—put.

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

AYES, 71

Mr Adams	Mrs Easson	Mr Jenkins	Mr Punch
Mr Baldwin	Mr Elliott	Mr Johns	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 Lavarch	Mrs S. J. Smith
Mr Campbell	Mr Gear	Mr Lee	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Mr Lindsay	Mr Snow
Mr Cleland	Mr Grace*	Ms McHugh	Mr Snowdon
Ms Crawford	Mr Griffin	Mr McLeay	Mr Staples
Mr Crean	Mr Griffiths	Mr Melham	Mr Swan
Mrs Crosio	Mr Haviland	Mr A. A. Morris	Mr Tanner
Mr Cunningham	Ms Henzell	Mr P. F. Morris	Dr Theophanous
Ms Deahm	Mr Holding	Mr Newell	Mr Tickner
Mr Dodd	Mr Horne	Mr O’Connor	Mr Walker
Mr Duffy	Mr Howe	Mr O’Keefe	Mr Woods
Mr Duncan	Mr Humphreys	Mr Price	

NOES, 57

Mr Abbott	Mr Downer	Mr McLachlan	Mr Slipper
Mr Aldred	Mr R. D. C. Evans	Mr Miles	Mr B. M. Smyth
Mr Anderson	Mr Filing	Mr Moore	Mr Somlyay
Mr J. N. Andrew	Mr Forrest	Mrs Moylan	Mrs Sullivan
Mr K. J. Andrews	Mrs Gallus	Mr Neville	Mr Taylor
Mr Atkinson	Mr Georgiou	Mr Nugent	Mr Thomson
Mrs Bishop	Mr Hall	Mr Prosser	Mr Truss
Mr Bradford	Mr Harrison	Mr Pyne	Mr Tuckey
Mr Braithwaite	Mr Hawker*	Mr Reid	Mr Vaile
Mr Cadman	Mr Hicks*	Mr Reith	Mr Williams
Mr Cameron	Dr Kemp	Mr Ronaldson	Dr Wooldridge
Mr Charles	Mr Lieberman	Mr Ruddock	Ms Worth
Mr Cleary	Mr McArthur	Mr B. C. Scott	
Mr Cobb	Mr McGauran	Mr Sharp	
Mr Connolly	Mr Mack	Mr Sinclair	

* Tellers

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

12 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 2) 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.

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

No. 319, dated 21 August 1995, recommending an appropriation for the purposes of the Bill; and

No. 320, dated 18 September 1995, recommending an appropriation for the purpose of amendments to the Bill.

Consideration in detail

Bill, by leave, taken as a whole.

Mr Crean (Minister for Employment, Education and Training), by leave, moved the following amendments together:

Schedule—

Page 18, item 33, omit proposed paragraph 41(3)(c), substitute the following:

“(c) a student (other than a New Zealand citizen) who:

(i) is a permanent resident; and

(ii) will be resident outside Australia for the duration of a course in that semester for a reason other than a requirement of the course;

but does not include a student who has been granted a certificate of Australian citizenship under section 13 of the *Australian Citizenship Act 1948* and who has yet to make the pledge referred to in section 15 of that Act.”

Page 19, item 36, after proposed subparagraph 101(d)(i) insert the following subparagraph:

“(ia) a person who has been granted a certificate of Australian citizenship under section 13 of the *Australian Citizenship Act 1948* and who has yet to make the pledge referred to in section 15 of that Act; or”.

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

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.

13 QUESTIONS

Questions without notice being asked—

Paper: Mr Free (Minister for Schools, Vocational Education and Training) presented the following paper:

Apprenticeships and traineeships—Commencements 1972-73 to 1994-95—Chart.

Questions without notice continued.

14 PRIVILEGE—COMPLAINT OF BREACH

Mr R. D. C. Evans, raised, as a matter of privilege, work bans allegedly imposed in connection with the work of the electorate offices of certain Members in Western Australia.

Papers: Mr R. D. C. Evans, by leave, presented the following papers:

Alleged work bans—

Minister 'ignored' work ban—Copy of article published in the *West Australian*, 7 October 1995.

"To all SCABS"—Copy of facsimile from Peter McKerrow.

The Speaker stated that he would consider the matter raised and report to the House.

15 PAPERS

The following papers were presented:

Advisory Council on Industrial Property—Report—Review of the petty patent system, 28 August 1995.

Australian Capital Territory (Planning and Land Management) Act—National Capital Planning Authority—Report for 1994-95.

Australian Federal Police Act—Australian Federal Police—Report for 1994-95.

Australian Science and Technology Council Act—Australian Science and Technology Council—Report for 1994-95.

Australian Sports Commission Act—Australian Sports Commission—Report for 1994-95.

Civil Aviation Act—Civil Aviation Authority—Report for 1994-95.

Commonwealth Law Enforcement Board—Report for 1994-95.

Complaints (Australian Federal Police) Act—Federal Police Disciplinary Tribunal—Report for 1994-95.

Data-matching Program (Assistance and Tax) Act—Department of Social Security and the Data-matching Agency—Report on progress, October 1995.

Industry Research and Development Act—Industry Research and Development Board—Report for 1994-95.

Insurance and Superannuation Commission—Report for 1994-95.

International Air Services Commission Act—International Air Services Commission—Report for 1994-95.

National Food Authority Act—National Food Authority—Report for 1994-95.

National Library Act—National Library of Australia—Report for 1994-95.

Public Service Act—Department of Communications and the Arts—Report for 1994-95.

Radiocommunications Act—Spectrum Management Agency—Report for 1994-95.

16 PAPERS—MOTION TO TAKE NOTE OF PAPERS

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

Australian Federal Police Act—Australian Federal Police—Report for 1994-95.

Australian Sports Commission Act—Australian Sports Commission—Report for 1994-95.

Civil Aviation Act—Civil Aviation Authority—Report for 1994-95.

Commonwealth Law Enforcement Board—Report for 1994-95.

Complaints (Australian Federal Police) Act—Federal Police Disciplinary Tribunal—Report for 1994-95.

Data-matching Program (Assistance and Tax) Act—Department of Social Security and the Data-matching Agency—Report on progress, October 1995.

Insurance and Superannuation Commission—Report for 1994-95.

International Air Services Commission Act—International Air Services Commission—Report for 1994-95.

National Food Authority Act—National Food Authority—Report for 1994-95.

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

17 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REGIONAL AUSTRALIANS

The House was informed that Mr Anderson (Deputy Leader of the National Party of Australia) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government to provide job security and improving living standards for regional Australians".

The proposed discussion having received the necessary support—

Mr Anderson addressed the House.

Discussion ensued.

Discussion concluded.

18 MESSAGE FROM THE ADMINISTRATOR—ASSENT TO BILL

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

17 October 1995—Message No. 321—Trade Marks 1995.

19 HIGHER EDUCATION FUNDING AMENDMENT BILL (NO. 2) 1995

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

Debate resumed on the Bill and on the amendments moved together by Mr Crean (Minister for Employment, Education and Training), viz.:

Schedule—

Page 18, item 33, omit proposed paragraph 41(3)(c), substitute the following:

“(c) a student (other than a New Zealand citizen) who:

- (i) is a permanent resident; and
- (ii) will be resident outside Australia for the duration of a course in that semester for a reason other than a requirement of the course;

but does not include a student who has been granted a certificate of Australian citizenship under section 13 of the *Australian Citizenship Act 1948* and who has yet to make the pledge referred to in section 15 of that Act.”

Page 19, item 36, after proposed subparagraph 101(d)(i), insert the following subparagraph:

“(ia) a person who has been granted a certificate of Australian citizenship under section 13 of the *Australian Citizenship Act 1948* and who has yet to make the pledge referred to in section 15 of that Act; or”

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

On the motion of Mr Punch (Minister for Defence Science and Personnel), by leave, the Bill was read a third time.

20 INTERNATIONAL SHIPPING (AUSTRALIAN-RESIDENT SEAFARERS) GRANTS BILL 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the International Shipping (Australian-resident Seafarers) Grants Bill 1995 had been considered in the Main Committee and was returned with an unresolved question (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the unresolved question.

Unresolved 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. 315, dated 21 August 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 Mr Punch (Minister for Defence Science and Personnel), the Bill was read a third time.

21 TAXATION LAWS AMENDMENT BILL (NO. 3) 1995—REPORT FROM MAIN COMMITTEE

The Second Deputy Speaker reported that the Main Committee had been unable to complete consideration of the Taxation Laws Amendment Bill (No. 3) 1995 and returned the Bill for further consideration (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill.

Debate resumed on the question—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.

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

Schedule 1—

Page 7, item 20, omit “ending after 30 June 1995”, substitute “commencing after 30 June 1995”.

Page 9, item 21, at the end of proposed section 46I add the following subsections:

“(6) For the purposes of subsection (3), “transfer” means the movement of funds, whether by accounting entry or otherwise, where the company, in making the transfer, had the intention of facilitating the distribution to shareholders of an amount or amounts which would otherwise represent a distribution from a disqualifying account.

“(7) An amount transferred from a disqualifying account to a non-disqualifying account which occurs pursuant to an order of the court under the Corporations Law shall not be taken to give rise to a credit under (3) above in the company’s notional disqualifying account.’.”

Debate continued.

Amendments negatived.

Mr Gear (Assistant Treasurer), by leave, moved the following amendments together:

Schedule 1—

Page 8, item 21, after proposed paragraph 46H(1)(a) insert the following paragraph:

“(aa) an account consisting of shareholders’ capital (as defined in section 61 of the *Life Insurance Act 1995*) in relation to a statutory fund of a life company (both within the meaning of that Act);”.

Page 8, item 21, omit proposed paragraph 46H(1)(c), substitute the following paragraph:

“(c) a reserve to the extent that it consists of profits from the revaluation of assets of the company that:

(i) have not been disposed of by the company; and

(ii) if the company is a life company within the meaning of the *Life Insurance Act 1995*—are not assets of a statutory fund (within the meaning of that Act) of the company.”.

Page 9, item 21, proposed subsection 46I(3), after “non-disqualifying account,” insert “then, except where the transfer is an excluded transfer (see section 46IA),”.

Page 9, item 21, after proposed section 46I insert the following section:

Excluded transfers

“46IA.(1) For the purposes of subsection 46I(3), but subject to subsection (5) of this section, the transfer of an amount from a disqualifying account to a non-disqualifying account is an *excluded transfer* if it is covered by subsection (2), (3) or (4).

Capital reduction for loss

‘(2) One case for the purposes of subsection (1) is where:

- (a) the disqualifying account is a share capital account or a share premium account; and
- (b) the transfer gives effect to a reduction in paid-up share capital, or in share premiums, that have been permanently lost or have permanently ceased to be represented by assets.

Reduction in value of assets

‘(3) Another case for the purposes of subsection (1) is where:

- (a) the disqualifying account is a reserve to the extent mentioned in paragraph 46H(1)(c); and
- (b) the transfer gives effect to a reduction in the value of an asset.

Distribution to policy owners

‘(4) Another case for the purposes of subsection (1) is where:

- (a) the disqualifying account is one mentioned in paragraph 46H(1)(aa); and
- (b) the transfer is for the purpose of making a distribution covered by paragraph 63(3)(c) of the *Life Insurance Act 1995*.

When certain transfers not excluded transfers

‘(5) If the transfer of the whole or part of the amount in a subsection (2), (3) or (4) case takes place in carrying out a dividend payment or replacement arrangement (see subsection (6)), the transfer of the whole or the part is not an excluded transfer.

Dividend payment or replacement arrangements

‘(6) The transfer of an amount (the *transferred amount*) takes place in carrying out a *dividend payment or replacement arrangement* if, under the arrangement:

- (a) the company will pay a dividend either directly from the transferred amount, or indirectly from the transferred amount as a result of the transfer of amounts to other accounts; or
- (b) the transferred amount replaces directly an amount from which a dividend was paid, or replaces indirectly, as a result of the transfer of amounts to other accounts, an amount from which a dividend was paid.”

Page 16, item 39, proposed subsection (4A), omit “no net capital loss incurred by the taxpayer before the year of income is”, substitute “any net capital loss incurred by the taxpayer in the preceding year of income is not”.

Page 17, item 39, after proposed subsection (4B) add the following subsections:

“(4C) If:

- (a) in a year of income (the *loss year*), a taxpayer incurs a net capital loss (the *denied loss*) that, because of subsection (4A), is not allowed to be taken into account as mentioned in that subsection; and
- (b) the Commissioner is satisfied that a debt incurred by the taxpayer was taken into account in working out the amount of the denied loss; and
- (c) in a year of income (the *payment year*) after the loss year, the taxpayer pays an amount in respect of the debt;

then the taxpayer is taken to have incurred in the payment year a capital loss of the amount worked out under subsection (4D).

‘(4D) The amount of the capital loss is the smallest of the following:

- (a) the amount paid in respect of the debt;
- (b) so much of the debt as the Commissioner is satisfied was taken into account in working out the amount of the denied loss;
- (c) the amount of the denied loss, reduced by the sum of any capital losses taken by subsection (4C) to have been incurred as a result of previous payments in respect of debts that the Commissioner was satisfied were taken into account in working out the amount of the denied loss.’.

Schedule 3, page 41, proposed subsection (1C), second dot-point of text below diagram 13.2, omit “28 August 1994”, substitute “28 June 1994”.

Mr Gear addressing the House—

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

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

Question—put and negated.

Mr Gear continued his speech.

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

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

22 ADJOURNMENT

Mrs Crosio (Parliamentary Secretary to the Minister for Social Security) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.57 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 18 October 1995:

National Health Act—Determination No. 1995-96/ACC6.

Native Title Act—Determination under section 251.

Treaties—

List of multilateral treaties under negotiation or active consideration for Australian Government signature or adherence.

Texts of—

Bilateral—

- (1) Agreement with Bahrain relating to Air Services, done at Bahrain on 29 April 1995. The Agreement will enter into force when Notes are exchanged pursuant to Article 23.
- (2) Agreement with the United States of America concerning Reciprocal Defence Procurement, done at Washington on 19 April 1995. The Agreement entered into force on 19 April 1995, the date of the later signature, pursuant to Article 9.1.
- (3) Exchange of Notes constituting an Agreement with Canada, done at Ottawa on 10 April 1995, to amend, and to provide for International Obligation Exchanges under, the Agreement concerning the Peaceful Uses of Nuclear Energy of 9 March 1981. The Agreement entered into force on 10 April 1995, the date of the Note in reply.
- (4) Exchanges of Notes constituting two Agreements with Canada, done at Ottawa on 10 April 1995, to provide for certain Nuclear Re-transfers under the Agreement concerning the Peaceful Uses of Nuclear Energy of 9 March 1981. The Agreements entered into force on 10 April 1995, the date of the Notes in reply.
- (5) Agreement with Vietnam relating to Air Services, done at Canberra on 31 July 1995. The Agreement will enter into force when Notes are exchanged pursuant to Article 22.
- (6) Agreement with South Africa relating to Air Services, done at Pretoria on 18 July 1995. The Agreement entered into force on 18 July 1995, the date of signature, pursuant to Article 23.
- (7) Agreement with Argentina on the Promotion and Protection of Investments, and Protocol, done at Canberra on 23 August 1995. The Agreement will enter into force 30 days after an exchange of Notes, pursuant to Article 15.1.
- (8) First and Second Protocols, done at Sydney on 7 September 1995, to the Agreement with New Zealand on Social Security of 19 July 1994. The First Protocol will enter into force when Notes are exchanged pursuant to Article VIII with retrospective effect from 1 January 1995, except for Article III which have effect from 1 July 1995. The Second Protocol will enter into force on the first day of the month following the month in which Notes are exchanged pursuant to Article VI.

Multilateral—

- (9) Amendments, done at London on 4 November 1993, to the International Convention for Safe Containers of 2 December 1972. Instrument of acceptance deposited for Australia on 14 August 1995. The Amendments are not yet in force generally.
- (10) Regional Convention on Hazardous Wastes (Waigani Convention), done at Port Moresby on 16 September 1995. Signed for Australia, subject to ratification, on 16 September 1995. The Convention is not yet in force generally.
- (11) Asian-Pacific Postal Union (APPU): Amendments to the Constitution of 4 December 1985; Additional Protocols to the Constitution of 4 December 1985; and General Regulations, done at Singapore on 12 September 1995. Signed for Australia, subject to ratification, on 12 September 1995. The instruments will enter into force 1 July 1997.

- (12) Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, done at London on 27 November 1992. The Australian instrument of accession is expected to be deposited in London in October 1995.
 - (13) Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, done at London on 27 November 1992. The Australian instrument of accession is expected to be deposited in London in October 1995.
 - (14) Agreement on the Establishment of the Korean Peninsula Energy Development Organization, done at New York on 9 March 1995. The Australian instrument of acceptance is expected to be deposited in New York in October 1995.
 - (15) Amendment, done at Margarita Island, Venezuela, on 26 October 1994, to the Agreement relating to the International Telecommunications Satellite Organization "INTELSAT" of 20 August 1971. The Government is considering accepting the Amendment.
 - (16) Amendment, done at Singapore, on 4 April 1995, to the Operating Agreement relating to the International Telecommunications Satellite Organization "INTELSAT" of 20 August 1971. The Government is considering accepting the Amendment.
 - (17) Amendments, done at London on 9 December 1994, to the Convention on the International Maritime Satellite Organization (INMARSAT) of 3 September 1976. The Government is considering accepting the Amendments.
 - (18) Amendments, done at London on 9 December 1994, to the Operating Agreement on the International Maritime Satellite Organization (INMARSAT) of 3 September 1976. The Government is considering accepting the Amendments.
 - (19) Agreement to Constitute the International Center for Living Aquatic Resources Management (ICLARM) as an International Organization, done at Manila on 22 April 1993. The Government is considering acceding to the Agreement.
 - (20) Amendments, done at Colombo on 29 November 1991, to the Constitution of the Asia-Pacific Telecommunity of 27 March 1976. The Government is considering accepting the Amendments.
 - (21) Trademark Law Treaty, done at Geneva on 27 October 1994. The Government is considering acceding to the Treaty.
 - (22) International Convention on Salvage, 1989, done at London on 28 April 1989. The Government is considering acceding to the Convention.
 - (23) Protocol of 1988 relating to the International Convention for the Safety of Life at Sea of 1 November 1974, done at London on 11 November 1988. The Government is considering acceding to the Protocol.
 - (24) Protocol of 1988 relating to the International Convention on Load Lines of 5 April 1966, done at London on 11 November 1988. The Government is considering acceding to the Protocol.
-

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Beale, Mr Gorman, Mr Hollis, Mr Jones, Mr Jull*, Mr Katter, Mr Keating, Mr Wakelin and Mr Willis.

*On leave

L. M. BARLIN

Clerk of the House of Representatives

1993-94-95

HOUSE OF REPRESENTATIVES

SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 171

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 18 OCTOBER 1995

1 The Main Committee met at 10 a.m.

2 TAXATION LAWS AMENDMENT BILL (NO. 3) 1995

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

Mr Rocher moved—That further proceedings on the Bill be conducted in the House.

Question—put and not being resolved—Bill to be returned to the House.

3 INTERNATIONAL SHIPPING (AUSTRALIAN-RESIDENT SEAFARERS) GRANTS BILL 1995

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

Debate ensued.

Suspension of sitting: At 11.32 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 11.58 a.m., the proceedings were resumed.

Debate continued.

Suspension of sitting: At 12.45 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 12.57 p.m., the proceedings were resumed.

Debate continued.

Question—That the Bill be now read a second time—put and not being resolved—Bill to be returned to the House.

4 ADJOURNMENT

On the motion of Mr Snowdon (Parliamentary Secretary to the Minister for Employment, Education and Training), the Main Committee adjourned at 12.58 p.m.

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

I. C. HARRIS

Clerk of the Main Committee