

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 80

MONDAY, 24 MARCH 1997

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Bob Halverson) took the Chair, and read Prayers.

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

Mr Reith (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the routine of business for this sitting being as follows, unless otherwise ordered:

1. Ministerial statement by the Prime Minister and a response by the Leader of the Opposition to a motion to take note of the paper.
2. Private Members' business with debate on notice No. 1 to continue for a period not exceeding 30 minutes (debate to be interrupted at 1.45 p.m.): Provided that any division called for in the House during the consideration of private Members' business on a question, other than a motion moved by a Minister, shall stand deferred until after the conclusion of grievance debate.
3. Members' statements for a period not exceeding 15 minutes.
4. Questions without notice (at 2 p.m.).
5. Presentation of petitions.
6. Private Members' business (in continuation until a total of 1 hour and 30 minutes for private Members' business at this sitting has expired).
7. Grievance debate (debate to continue for a period not exceeding 1 hour and 20 minutes).
8. Presentation of, and statements on, reports from parliamentary committees and delegations (for a period not exceeding 45 minutes).
9. Notices and orders of the day, government business.

Question—put and passed.

3 SMALL BUSINESS DEREGULATION TASK FORCE—GOVERNMENT RESPONSE—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF MINISTERIAL STATEMENT

Mr Howard (Prime Minister) presented the following paper:

Small Business Deregulation Task Force—Government response—More time for business—Statement by the Prime Minister, 24 March 1997.

Mr Howard made a ministerial statement on small business and presented the following paper:

Small Business Deregulation Task Force—Government response—More time for business—Ministerial statement, 24 March 1997.

Mr Reith (Leader of the House) moved—That the House take note of the ministerial statement.

Suspension of standing and sessional orders—Extended time for speech: Mr Reith, by leave, moved—That so much of the standing and sessional orders be suspended as would prevent Mr Beazley (Leader of the Opposition) speaking for a period not exceeding 18 minutes.

Question—put and passed.

Mr Beazley addressed the House.

Debate adjourned (Mr Prosser—Minister for Small Business and Consumer Affairs), and the resumption of the debate made an order of the day for the next sitting.

4 CORD BLOOD BANKS

Mr E. H. Cameron, pursuant to notice, moved—That this House:

- (1) acknowledges developments in umbilical cord blood transplantation which can save the lives of children with leukemia and other life threatening illnesses;
- (2) recognises that cord blood is expensive to test, store and freeze;
- (3) recognises that providing Cord Blood Banks across Australia will reduce the search time for compatible bone marrow donors for children and young adults with serious blood diseases; and
- (4) calls on the Government, via the relevant House of Representatives committee, to investigate the costs and feasibility of establishing Cord Blood Banks in each State and Territory, in conjunction with the relevant State or Territory government, hospitals and interested professional and community organisations.

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting.

5 TEACHERS

Mr Hicks, pursuant to notice, moved—That this House:

- (1) expresses its strong support for Australia's teachers;

- (2) notes its concern at the greater responsibilities and increasing stress being placed on teachers because of many social factors, including the disintegration of many of Australia's families and resulting lack of discipline within the school environment; and
- (3) recommends that more authority be given to teachers so that teachers and their students are not placed in danger and teachers can get on with the job of educating those students who wish to be taught.

It being 1.45 p.m., the debate was interrupted in accordance with the resolution agreed to this day, the resumption of the debate made an order of the day for a later hour this day, and Mr Hicks was granted leave to continue his speech when the debate is resumed.

6 MEMBERS' STATEMENTS

Members' statements were made.

7 QUESTIONS

Questions without notice being asked—

Paper: Mr Bevis, in accordance with standing order 321, having called for documents quoted from by Mr Prosser (Minister for Small Business and Consumer Affairs)—

Mr Prosser presented the following paper:

Tax victory: Small firms hail red tape reforms—Copy of article published in the *Daily Telegraph*, 24 March 1997.

Questions without notice continued.

8 PARLIAMENTARY ADMINISTRATION—STATEMENT BY SPEAKER—PAPER

The Speaker made a statement concerning the administrative arrangements for the Parliament and presented the following paper:

Managing the Parliament: The way ahead—Report by a working group to the heads of the Parliamentary Departments, 17 March 1997.

9 PETITIONS

The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mrs Bailey, Mr Charles, Mr Jenkins, Mr P. F. Morris, Mr Taylor and Mr K. J. Thomson, from 71, 10, 15, 206, 50 and 5 petitioners, respectively, praying that action be taken to remove the exclusion of members of the Royal Australian Navy, who served in the Malaya campaign, from repatriation benefits under the Veterans' Entitlements Act.

Mr Albanese, from 4754 petitioners, praying that funding to legal aid continue.

Mr Anderson, from 33 owners of meat producing livestock, praying that certain action be taken in relation to the proposed restructuring of the Australian Meat and Livestock Corporation, the Meat Research Corporation and the Meat Industry Council.

Mr Brough, from 155 electors of the Division of Longman, praying that greater controls and censorship be placed on sexually explicit and violent material.

Mr E. H. Cameron, from 59 petitioners, praying that certain action be taken to reduce the tax on fuel.

Mr Crean, from 53 petitioners, praying that certain action be taken to support human rights in Cambodia.

Mrs Crosio, from 82 petitioners, praying that increased health care charges which affect elderly Australians be reconsidered.

Mrs Crosio, from 80 petitioners, praying that funding to labour market programs be restored to 1995-96 levels.

Mr Entsch, from 3351 petitioners, praying that action be taken to establish uniform comprehensive laws to protect animals from cruel or neglectful treatment.

Mr L. D. T. Ferguson, from 379 residents of New South Wales, praying that nursing home care be available to all and that the family home be exempted from asset tests relating to payment for such care.

Mr Hockey, from 61 petitioners, praying that certain action be taken to ensure tight, uniform gun control laws.

Ms Jeanes, from 264 residents of South Australia, praying that the property known as Glenthorne at O'Halloran Hill, SA, be protected from urban or industrial development and ownership be granted to the people of SA.

Miss J. M. Kelly, from 934 residents of New South Wales, praying that legislation that would lead to the construction of an airport at Badgerys Creek, NSW, not be passed.

Mr Kerr, from 186 residents of Tasmania, praying that the Tarkine wilderness be nominated for world heritage listing.

Mr Latham, from 1622 residents of Campbelltown and Liverpool, NSW, praying that any plan to construct an airport at Holsworthy, NSW, be abandoned.

Mr Latham, from 136 residents of Liverpool, NSW, praying that proposed changes to child care services be reconsidered.

Mr Lloyd, from 3020 electors of the Divisions of Robertson and Dobell, praying that the ban on the importation of cooked chicken meat be maintained.

Mr Marek, from 20 petitioners, praying that certain reforms to the Child Support Scheme be implemented.

Mr Martin, from 806 petitioners, praying that the practice of issuing provider numbers only to certain medical practitioners be opposed.

Mr McLachlan, from 60 residents of South Australia, praying that freedom of speech protections be enforced.

Mr Mutch, from 486 electors of the Division of Cook, praying that permanent residency be granted to Mr Charles Gibson and Mrs Doris Gibson.

Mr Nairn, from 168 petitioners, praying that the current level of funding to the ABC be maintained.

Petitions received.

10 TEACHERS

Mr Hicks completed his speech on the motion—That this House:

- (1) expresses its strong support for Australia's teachers;
- (2) notes its concern at the greater responsibilities and increasing stress being placed on teachers because of many social factors, including the disintegration of many of Australia's families and resulting lack of discipline within the school environment; and
- (3) recommends that more authority be given to teachers so that teachers and their students are not placed in danger and teachers can get on with the job of educating those students who wish to be taught—

Debate ensued.

The time allotted for the debate having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting.

11 AUTOMOBILE INDUSTRY

The order of the day having been read for the resumption of the debate on the motion of Dr Theophanous—That this House:

- (1) acknowledges the progress made by local car and component manufacturers and their labour force in achieving increased productivity, improved export performance and quality production to the benefit of Australian consumers;
- (2) expresses its concerns at the majority recommendations of the Industry Commission interim report on the automobile industry and especially the recommendation to reduce tariffs below 15%;
- (3) expresses its concerns that the Chairman of the Commission has chosen to publicly advocate this recommendation, while at the same time pretending that he will produce an objective final report;
- (4) expresses its firm belief that when all factors are taken into account (including Australia's obligations under the World Trade Organisation) the overwhelming national interest is for motor car tariffs to remain at 15% after the year 2000; and
- (5) is of the view that the reductions which have taken place in the tariffs to this point have not significantly cut the prices of motor cars for consumers and that to reduce tariffs below 15% will be tantamount to devastating the Australian automobile industry and destroying thousands of skilled jobs in regional Australia—

Debate resumed.

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

12 GRIEVANCE DEBATE

Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

13 ENVIRONMENT, RECREATION AND THE ARTS—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr Truss (Chair) presented the following papers:

Environment, Recreation and the Arts—Standing Committee—Review of audit report No. 31 of 1995-96—Environmental management of Commonwealth land: Site contamination and pollution prevention—
Report, March 1997.

Evidence received by the committee.

Minutes of proceedings.

Ordered—That the report be printed.

Mr Truss, Mrs Crosio and Mr Billson made statements in connection with the report.

The time allotted for making statements on the report having expired—

Mr Truss moved—That the House take note of the report.

Mr Truss was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

14 TREATIES—JOINT STANDING COMMITTEE—REPORTS—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPERS

Mr Taylor (Chair) presented the following papers:

Treaties—Joint Standing Committee—Reports, evidence received by the committee and minutes of proceedings—

6th Report—Oakey Agreement: Australia and Singapore, March 1997.

7th Report, incorporating a dissenting report—Australia's withdrawal from UNIDO and treaties tabled on 11 February 1997, March 1997.

Ordered—That each of the reports be printed.

Mr Taylor, Mr Adams and Mr Truss made statements in connection with the reports.

The time allotted for making statements on the reports having expired—

Mr Taylor moved—That the House take note of each report.

Mr Taylor was granted leave to continue his speech when each debate is resumed.

In accordance with standing order 102B, the debate on each motion was adjourned and the resumption of each debate made an order of the day for the next sitting.

15 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—PAPER—STATEMENTS BY MEMBERS—MOTION TO TAKE NOTE OF PAPER

Mr K. J. Andrews (Chair) presented the following paper:

Legal and Constitutional Affairs—Standing Committee—Constitutional change: Select sources on constitutional change in Australia 1901-1997, February 1997.

Mr K. J. Andrews, Mr K. J. Thomson, Mr Sinclair and Mr Mutch made statements in connection with the paper.

The time for consideration of committee and delegation reports having expired—

Mr K. J. Andrews moved—That the House take note of the paper.

Mr K. J. Andrews was granted leave to continue his speech when the debate is resumed.

In accordance with standing order 102B, the debate was adjourned and the resumption of the debate made an order of the day for the next sitting.

16 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:

20 March 1997—

Message No. 115—Civil Aviation Amendment 1997.

Message No. 116—

Road Transport Reform (Dangerous Goods) Amendment 1997.

Road Transport Reform (Heavy Vehicles Registration) 1997.

17 BILL REFERRED TO MAIN COMMITTEE

Mr Cadman (Chief Government Whip), by leave, moved—That the Education Legislation Amendment Bill 1997 be referred to the Main Committee for further consideration.

Question—put and passed.

18 PUBLIC ACCOUNTS—JOINT COMMITTEE—PAPER

Mr Somlyay (Chair), by leave, presented the following paper:

Public Accounts—Joint Committee—Report 351—Advisory report on the Charter of Budget Honesty Bill 1996, March 1997—Erratum.

19 SUPERANNUATION CONTRIBUTIONS SURCHARGE (ASSESSMENT AND COLLECTION) BILL 1997

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 G. J. Evans (Deputy Leader of the Opposition), 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:

- (1) condemns the Government for:
 - (a) breaking solemn commitments made before the election not to raise the rate of existing taxes nor introduce new taxes;
 - (b) attempting to deceive the Australian public by not admitting that this measure is a tax;
 - (c) deliberately inflicting on the superannuation industry an impossibly cumbersome, inefficient and expensive collection method;
 - (d) ensuring by that collection method that superannuation providers incur enormous administrative expenses which will in turn be borne by their members, the great majority of whom are low and middle income earners;
 - (e) ensuring by that method, and in particular the requirements for notification of Tax File Numbers, that over one million Australians, the overwhelming majority being low and middle income earners, will become liable for the full 15 per cent tax; and
 - (f) creating major new compliance burdens for small business, at the same time that the Government has been promising to dramatically reduce red tape; and
- (2) urges the Government to withdraw and re-draft this legislative package, and re-introduce a new package that will meet the objective of imposing an additional 15 per cent tax on the superannuation contributions of higher income earners, without the adverse consequences identified here”—

Debate resumed.

Adjournment negatived: It being approximately 10.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Debate adjourned (Mr W. L. Smith—Minister for Sport, Territories and Local Government), and the resumption of the debate made an order of the day for a later hour this day.

20 SUSPENSION OF STANDING ORDER 103

Mr W. L. Smith (Minister for Sport, Territories and Local Government), by leave, moved—That standing order 103 (new business) be suspended for this sitting.

Question—put and passed.

21 SUPERANNUATION CONTRIBUTIONS SURCHARGE (ASSESSMENT AND COLLECTION) BILL 1997

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 G. J. Evans (Deputy Leader of the Opposition), 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:

- (1) condemns the Government for:
 - (a) breaking solemn commitments made before the election not to raise the rate of existing taxes nor introduce new taxes;
 - (b) attempting to deceive the Australian public by not admitting that this measure is a tax;
 - (c) deliberately inflicting on the superannuation industry an impossibly cumbersome, inefficient and expensive collection method;
 - (d) ensuring by that collection method that superannuation providers incur enormous administrative expenses which will in turn be borne by their members, the great majority of whom are low and middle income earners;
 - (e) ensuring by that method, and in particular the requirements for notification of Tax File Numbers, that over one million Australians, the overwhelming majority being low and middle income earners, will become liable for the full 15 per cent tax; and
 - (f) creating major new compliance burdens for small business, at the same time that the Government has been promising to dramatically reduce red tape; and
- (2) urges the Government to withdraw and re-draft this legislative package, and re-introduce a new package that will meet the objective of imposing an additional 15 per cent tax on the superannuation contributions of higher income earners, without the adverse consequences identified here”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 82

Mr Abbott	Mrs Elson	Mr Lindsay	Mr Scott
Mr Anderson	Mr R. D. C. Evans	Mr Lloyd	Mr Sharp
Mr J. N. Andrew	Mr Fahey	Mr McArthur*	Mr Sinclair
Mr K. J. Andrews	Mr Fischer	Mr McDougall	Mr Slipper
Mr Anthony	Mr Forrest	Mr McGauran	Mr A. C. Smith
Mrs Bailey	Mrs Gallus	Mr McLachlan	Mr W. L. Smith
Mr R. C. Baldwin	Ms Gambaro	Mr Marek	Mr Somlyay
Mr Barresi	Mrs Gash	Mr Miles	Dr Southcott
Mr Bartlett	Mr Georgiou	Mrs Moylan	Mr Stone
Mr Billson	Mrs E. J. Grace	Mr Mutch	Mr Taylor
Mrs Bishop	Mr Hardgrave	Mr Nairn	Mr A. P. Thomson
Mr Bradford	Mr Hawker	Mr Nehl	Mr Tuckey
Mr Broadbent	Mr Hicks*	Dr Nelson	Mr M. A. J. Vaile
Mr Brough	Mr Hockey	Mr Neville	Ms D. S. Vale
Mr Cadman	Ms Jeanes	Mr Nugent	Mr Wakelin
Mr Causley	Mrs Johnston	Mr Prosser	Mrs West
Mr Charles	Mr Jull	Mr Pyne	Mr Williams
Mr Cobb	Mrs D. M. Kelly	Mr Randall	Dr Wooldridge
Mr Costello	Miss J. M. Kelly	Mr Reid	Ms Worth*
Mr Dondas	Dr Kemp	Mr Reith	
Mr Downer	Mr Lieberman	Mr Ruddock	

NOES, 45

Mr Adams	Mr L. D. T. Ferguson	Mr McClelland	Mr Quick
Mr Albanese	Mr M. J. Ferguson	Ms Macklin	Mr Sawford*
Mr P. J. Baldwin	Mr Fitzgibbon	Mr McLeay	Mr Sercombe*
Mr Beddall	Mr E. L. Grace*	Mr McMullan	Mr S. F. Smith
Mr Bevis	Mr Griffin	Mr Martin	Mr Tanner
Mr Brown	Mr Hatton	Mr Melham	Dr Theophanous
Mr Crean	Mr Holding	Mr A. A. Morris	Mr K. J. Thomson
Mrs Crosio	Mr Hollis	Mr P. F. Morris	Mr Willis
Mr Dargavel	Mr Jenkins	Mr Mossfield	Mr Wilton
Ms Ellis	Mr Jones	Mr O'Connor	
Mr G. J. Evans	Mr Kerr	Mr O'Keefe	
Mr M. J. Evans	Mr Latham	Mr Price	

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 127

Mr Abbott	Mr G. J. Evans	Mr Latham	Mr Randall
Mr Adams	Mr M. J. Evans	Mr Lieberman	Mr Reid
Mr Albanese	Mr R. D. C. Evans	Mr Lindsay	Mr Reith
Mr Anderson	Mr Fahey	Mr Lloyd	Mr Ruddock
Mr J. N. Andrew	Mr L. D. T. Ferguson	Mr McArthur*	Mr Sawford
Mr K. J. Andrews	Mr M. J. Ferguson	Mr McClelland	Mr Scott
Mr Anthony	Mr Fischer	Mr McDougall	Mr Sercombe
Mrs Bailey	Mr Fitzgibbon	Mr McGauran	Mr Sharp
Mr P. J. Baldwin	Mr Forrest	Ms Macklin	Mr Sinclair
Mr R. C. Baldwin	Mr Gallus	Mr McLachlan	Mr Slipper
Mr Barresi	Ms Gambaro	Mr McLeay	Mr A. C. Smith
Mr Bartlett	Mrs Gash	Mr McMullan	Mr S. F. Smith
Mr Beddall	Mr Georgiou	Mr Marek	Mr W. L. Smith
Mr Bevis	Mrs E. J. Grace	Mr Martin	Mr Somlyay
Mr Billson	Mr E. L. Grace*	Mr Melham	Dr Southcott
Mrs Bishop	Mr Griffin	Mr Miles	Mrs Stone
Mr Bradford	Mr Hardgrave	Mr A. A. Morris	Mr Tanner
Mr Broadbent	Mr Hatton	Mr P. F. Morris	Mr Taylor
Mr Brough	Mr Hawker	Mr Mossfield	Dr Theophanous
Mr Brown	Mr Hicks	Mrs Moylan	Mr A. P. Thomson
Mr Cadman	Mr Hockey	Mr Mutch	Mr K. J. Thomson
Mr Causley	Mr Holding	Mr Nairn	Mr Tuckey
Mr Charles	Mr Hollis	Mr Nehl	Mr M. A. J. Vaile
Mr Cobb	Ms Jeanes	Dr Nelson	Ms D. S. Vale
Mr Costello	Mr Jenkins	Mr Neville	Mr Wakelin
Mr Crean	Mrs Johnston	Mr Nugent	Mrs West
Mrs Crosio	Mr Jones	Mr O'Connor	Mr Williams
Mr Dargavel	Mr Jull	Mr O'Keefe	Mr Willis
Mr Dondas	Mrs D. M. Kelly	Mr Price	Mr Wilton
Mr Downer	Miss J. M. Kelly	Mr Prosser	Dr Wooldridge
Ms Ellis	Dr Kemp	Mr Pyne	Ms Worth*
Mrs Elson	Mr Kerr	Mr Quick	

NOES, 5

Mr Andren*	Mr Filing*	Mr Rocher
Mr Campbell*	Ms Hanson	

* Tellers

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

Consideration in detail

Clauses 1 to 33, by leave, taken together—

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), by leave, moved the following amendments together:

Clause 5, page 2 (lines 19 and 20), omit “paid to superannuation providers”.

Clause 6—

Page 3 (line 9), after “paid”, insert “, or relating to a time,”.

Page 3 (line 27), omit “still holds”, substitute “is still the holder of”.

Page 4 (line 4), omit “person holding”, substitute “holder of”.

Clause 8—

Page 7 (lines 24 to 33), omit subclause (3), substitute:

Defined benefits superannuation scheme

- (3) The **surchargeable contributions** for a financial year of a member of a defined benefits superannuation scheme are taken to be the amount worked out using the formula:

Annual salary × Notional surchargeable contributions factor

where:

annual salary means:

- (a) if paragraph (b) does not apply—the amount that is the member’s annual salary for the financial year; or
- (b) if another amount is taken to be the member’s annual salary for the purposes of the scheme as it applies to the member for the financial year—that other amount.

notional surchargeable contributions factor means the notional surchargeable contributions factor applying to the member for the financial year.

Page 8 (lines 10 and 11), omit “the contributed amounts were paid to a superannuation (defined benefits) provider”, substitute “the member is a member of a defined benefits superannuation scheme”.

Clause 10—

Page 10 (line 23), omit “holds”, substitute “is the holder of”.

Page 11 (line 4), omit “hold”, substitute “be the holder of”.

Clause 12—

Page 12 (lines 15 and 16), omit “the contributions are held by a superannuation (unfunded defined benefits) provider”, substitute “a superannuation (unfunded defined benefits) provider is the holder of the contributions”.

Page 12 (lines 20 to 22), omit “the contributions are held by a superannuation provider other than a superannuation (unfunded defined benefits) provider”, substitute “a superannuation provider other than a superannuation (unfunded defined benefits) provider is the holder of the contributions”.

Clause 13—

Page 13 (line 9), omit “that holds”, substitute “is the holder of”.

Page 13 (line 11), omit “holds”, substitute “is the holder of”.

Page 13 (lines 24 and 25), omit “after the commencement of this Act, any of the contributed amounts are paid”, substitute “after 7.30 pm by legal time in the Australian Capital Territory on 20 August 1996, any of the contributed amounts were or are paid”.

Page 13 (line 27), after “payment”, insert “was or”.

Page 14 (lines 11 and 12), omit “after the commencement of this Act, any of the contributed amounts are transferred”, substitute “after 7.30 pm by legal time in the Australian Capital Territory on 20 August 1996, any of the contributed amounts were or are transferred”.

Page 14 (line 15), after “amounts”, insert “were or”.

Page 14 (line 18), after “amounts”, insert “were or”.

Page 14 (line 25), after “amounts”, insert “were or”.

Page 14 (line 27), after “amounts”, insert “were or”.

Clause 15—

Page 18 (line 1), omit “hold”, substitute “be the holder of”.

Page 18 (line 5), omit “hold”, substitute “be the holder of”.

Clause 19, page 22 (line 27), omit “still holds”, substitute “is still the holder of”.

Clause 20, page 24 (lines 3 and 4), omit “no longer holds”, substitute “is no longer the holder of”.

Clause 23, page 28 (line 21), omit “holds”, substitute “is the holder of”.

Page 38 (before line 4), before clause 33, insert:

33A No amount payable by Commonwealth under this Act

Nothing in this Act makes the Commonwealth liable to pay any amount.

33B Act not to operate so as to contravene Constitution

This Act does not apply in any circumstance where its application would or might result in a contravention of the Constitution.

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

Amendments agreed to.

Clauses, as amended, agreed to.

Clause 34 omitted, after debate.

Remainder of Bill, by leave, taken as whole—

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

Clause 42—

Page 45 (line 6), omit “or subsection 8(3), as the case requires”.

Page 45 (line 9), after “fund”, insert “or an exempt public sector superannuation scheme”.

Page 46 (after line 5), after the definition of *eligible termination payment*, insert:

exempt public sector superannuation scheme has the same meaning as in section 10 of the *Superannuation Industry (Supervision) Act 1993*.

Page 46 (lines 9 to 13), omit the definition of *holder*, substitute:

holder of surchargeable contributions of a member means:

- (a) if the member is a member of an unfunded defined benefits superannuation scheme and there are no contributed amounts paid for or by the member—the relevant superannuation provider; or
- (b) if there are any contributed amounts paid for or by the member that are held by a superannuation provider—that superannuation provider; or
- (c) if there are any contributed amounts paid for or by the member:
 - (i) that have been paid to a person other than a superannuation provider; or
 - (ii) in respect of which a pension or annuity has begun to be paid;

the person to whom the amounts were paid or the pension or annuity has begun to be paid, as the case may be.

Page 49 (after line 10), after the definition of *the 1998-99 financial year*, insert:

trustee, in relation to a superannuation fund, means:

- (a) if there is a trustee (within the ordinary meaning of that expression) of the fund—the trustee; or
- (b) otherwise—the person who manages the fund.

Remainder of Bill, as amended, agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

22 SUPERANNUATION CONTRIBUTIONS SURCHARGE IMPOSITION BILL 1997

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

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) moved the following amendment: Page 5 (after line 16), at the end of the Bill, add:

7 Severability

If, apart from this section, section 4 would impose in relation to a State, or an authority or officer of a State, a superannuation contributions surcharge the imposition of which in relation to the State, authority or officer would exceed the legislative power of the Commonwealth, section 4 has effect as if it did not impose that

surcharge in relation to the State, authority or officer, as the case may be.

8 Act does not impose tax on property of State

(1) Without limiting section 7, this Act does not impose a tax on property of any kind belonging to a State.

(2) In this section:

property of any kind belonging to a State has the same meaning as in section 114 of the Constitution.

Debate continued.

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

Amendment agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

23 TERMINATION PAYMENTS SURCHARGE (ASSESSMENT AND COLLECTION) BILL 1997

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

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the Bill was read a third time.

24 TERMINATION PAYMENTS SURCHARGE IMPOSITION BILL 1997

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

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the Bill was read a third time.

25 SUPERANNUATION CONTRIBUTIONS SURCHARGE (CONSEQUENTIAL AMENDMENTS) BILL 1997

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

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the Bill was read a third time.

26 SUPERANNUATION CONTRIBUTIONS SURCHARGE (APPLICATION TO THE COMMONWEALTH) BILL 1997

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

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

Consideration in detail

Bill, by leave, taken as a whole.

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) moved the following amendment: Clause 7, page 3 (lines 16 to 18), omit subclause (2).

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

Amendment agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

27 SUPERANNUATION CONTRIBUTIONS SURCHARGE (APPLICATION TO THE COMMONWEALTH—REDUCTION OF BENEFITS) BILL 1997

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

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the Bill was read a third time.

28 MESSAGE FROM THE SENATE—MEMBERS' TRAVELLING ALLOWANCE

The following message from the Senate was reported:

Message No. 178

Mr Speaker

The Senate acquaints the House of Representatives of the following resolution agreed to by the Senate this day:

That the Senate:

(a) notes that:

- (i) details of payments of travelling allowance to chairs of committees have been tabled in the Senate since 1990, payments to all committee members since 1992 and payments to all senators since 1995, by decisions of successive Presidents,
- (ii) such details for all senators since 1992 were tabled on 18 March 1997, and
- (iii) such details for senators who were, or are, ministers and office-holders are to be tabled on 24 March 1997;

- (b) affirms the principle that payments of remuneration and allowances out of public funds should be made public; and
- (c) requests that such details in respect of all members of the House of Representatives be tabled in that House at the earliest opportunity.

MARGARET REID

President

The Senate

24 March 1997

Ordered—That the message be considered at the next sitting.

29 ADJOURNMENT

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) moved—
That the House do now adjourn.

Debate ensued.

The House continuing to sit until after midnight—

TUESDAY, 25 MARCH 1997

Debate continued.

Question—put and passed.

And then the House, at 12.14 a.m., adjourned until 2 p.m. this day

PAPERS

The following papers were deemed to have been presented on 24 March 1997:

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—
Exemptions 1997 Nos. 18/FRS/1997, 19/FRS/1997, 20/FRS/1997,
21/FRS/1997.

Higher Education Funding Act—

Determination 1997 No. T13.

Guidelines 1997 No. T12.

Life Insurance Act—Commissioner's rules No. 29.

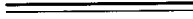
Public Service Act—Determinations 1997 Nos. SESROB 10, SESROB 11,
SESROB 12, SESROB 13, SESROB 14, SESROB 15, SESROB 16.

States Grants (Primary and Secondary Education Assistance) Act—
Determination No. 1997-271-s107.

Superannuation Act 1976—Determination under section 241 No. 4.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Katter and Mrs Sullivan.



L. M. BARLIN
Clerk of the House of Representatives