

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 101

THURSDAY, 26 JUNE 1997

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

2 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Martin moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Cunningham moving forthwith—That this House calls on the Minister for Small Business and Consumer Affairs to come into this House and:

- (1) explain fully his actions in regard to contact with Mr John McCourt and other councillors regarding development proposals for a large development adjacent to the Minister's Bunbury Homemaker's lot and the Eaton site;
- (2) calls on the Minister to provide this House with the letter which his brother sent to Mr Greiner, following the Minister's phone call to Mr Greiner which showed clearly that he had breached the Prime Minister's code of conduct;
- (3) fully explain the nature of any formal or informal contact with any State or local authorities regarding any of those developments; and
- (4) explain why, in regard to contact with any councillor regarding those developments, he has not misled this House.

Closure of Member

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

Question—put.

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

AYES, 80

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

NOES, 40

Mr Adams	Mr L. D. T. Ferguson	Mr Kerr	Mr P. F. Morris
Mr Albanese	Mr M. J. Ferguson	Mr Latham	Mr Mossfield
Mr Beddall	Mr Fitzgibbon	Dr Lawrence	Mr Price
Mr Bevis	Mr E. L. Grace*	Mr McClelland	Mr Quick
Mr Brown	Mr Griffin*	Ms Macklin	Mr Sercombe*
Mr Crean	Mr Hatton	Mr McLeay	Mr S. F. Smith
Mrs Crosio	Mr Holding	Mr McMullan	Mr Tanner
Mr Dargavel	Mr Hollis	Mr Martin	Dr Theophanous
Mr G. J. Evans	Mr Jenkins	Mr Melham	Mr K. J. Thomson
Mr M. J. Evans	Mr Jones	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

Mr Crean (seconder) addressing the House—

Closure of Member

Mr Reith moved—That the Member be not further heard.

Question—put.

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

AYES, 80

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

NOES, 40

Mr Adams	Mr L. D. T. Ferguson	Mr Kerr	Mr P. F. Morris
Mr Albanese	Mr M. J. Ferguson	Mr Latham	Mr Mossfield
Mr Beddall	Mr Fitzgibbon	Dr Lawrence	Mr Price
Mr Bevis	Mr E. L. Grace*	Mr McClelland	Mr Quick
Mr Brown	Mr Griffin*	Ms Macklin	Mr Sercombe*
Mr Crean	Mr Hatton	Mr McLeay	Mr S. F. Smith
Mrs Crosio	Mr Holding	Mr McMullan	Mr Tanner
Mr Dargavel	Mr Hollis	Mr Martin	Dr Theophanous
Mr G. J. Evans	Mr Jenkins	Mr Melham	Mr K. J. Thomson
Mr M. J. Evans	Mr Jones	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 41

Mr Adams	Mr L. D. T. Ferguson	Mr Latham	Mr Price
Mr Albanese	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mr McClelland	Mr Sercombe*
Mr Bevis	Mr E. L. Grace*	Ms Macklin	Mr S. F. Smith
Mr Brereton	Mr Griffin*	Mr McLeay	Mr Tanner
Mr Brown	Mr Hatton	Mr McMullan	Dr Theophanous
Mr Crean	Mr Holding	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Hollis	Mr Melham	Mr Wilton
Mr Dargavel	Mr Jenkins	Mr A. A. Morris	
Mr G. J. Evans	Mr Jones	Mr P. F. Morris	
Mr M. J. Evans	Mr Kerr	Mr Mossfield	

NOES, 80

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

* Tellers

And so it was negatived.

3 INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 1996

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 by Mr McMullan who 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 deplores the Government’s proposal to reduce the circumstances in which compensation is payable under the Commonwealth Workers’ Compensation Scheme and calls on the Government to abandon that proposal”.

Debate continued.

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

4 CODE OF MINISTERIAL CONDUCT—STATEMENT BY MINISTER—PAPER

Mr Prosser (Minister for Small Business and Consumer Affairs), by leave, made a statement concerning his compliance with the code of ministerial conduct and presented the following paper:

Code of ministerial conduct—Compliance—Statement by Mr Prosser.

Mr Beazley (Leader of the Opposition), by indulgence, referred to the matter.

5 QUESTIONS

Questions without notice being asked—

Paper

Mr Fischer (Acting Prime Minister) presented the following paper:

Minister for Small Business and Consumer Affairs—Copy of transcript of interview by Mr John McCourt with Channel 9.

Questions without notice continuing—

Suspension of standing and sessional orders—Motion of censure of the Minister for Small Business and Consumer Affairs

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith a motion of censure of the Minister for Small Business and Consumer Affairs.

Debate ensued.

Question—put and passed, with the concurrence of an absolute majority.

Minister for Small Business and Consumer Affairs—Motion of censure

Mr Beazley moved—That this House censures the Minister for Small Business and Consumer Affairs for:

- (1) his abuse of ministerial office;
- (2) having used his public office to secure private benefit in blatant breach of the requirements of the Prime Minister's code of conduct;
- (3) having phoned Mr Nick Greiner, Vice Chairman of Coles Myer to influence a decision to get Target as a lead tenant on the vacant Eaton lot owned by a company of which the Minister is an active Director;
- (4) having failed to disclose the full details of the telephone conversation between himself and Mr Nick Greiner in particular as it related to the Minister's attempts to thwart development on an opposing site;
- (5) his repeated failure to table the letter between his brother and Mr Nick Greiner, written following the telephone conversation between the Minister and Mr Greiner, which provides further evidence of collusion to advantage his private business interests in serious contravention of the Prime Minister's code of conduct;
- (6) having misled the House about his involvement in regard to the Eaton site;

- (7) having, as Minister responsible for retail tenancy policy, directly canvassed a Bunbury City Councillor, Mr John McCourt, about another development or another site owned by him in Bunbury which would give his company a financial advantage in direct breach of the Prime Minister's code of conduct;
- (8) having failed to answer truthfully questions regarding that particular development despite being invited repeatedly to do so in this House this week;
- (9) having, in the words of Councillor Wayne Major, tried to wreck the Bunbury city site leaving the way for Target to go to the Minister's private company Eaton site north east of the city, thus constituting a further breach of the Prime Minister's code of conduct; and
- (10) having misled the Parliament and the public on a number of aspects of his inappropriate approaches to councillors in direct contravention of the Prime Minister's code of conduct which amounts to a contempt of the House; and

calls on the Minister for Small Business and Consumer Affairs to resign immediately or for the Acting Prime Minister to sack the Minister forthwith.

Debate ensued.

Question—put.

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

AYES, 43

Mr Adams	Mr Dargavel	Mr Jones	Mr P. F. Morris
Mr Albanese	Ms Ellis	Mr Kerr	Mr Mossfield
Mr Andren	Mr M. J. Evans	Mr Latham	Mr Price
Mr P. J. Baldwin	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Beazley	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Beddall	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Bevis	Mr Griffin*	Ms Macklin	Mr Tanner
Mr Brereton	Mr Hatton	Mr McLeay	Dr Theophanous
Mr Brown	Mr Holding	Mr McMullan	Mr K. J. Thomson
Mr Crean	Mr Hollis	Mr Martin	Mr Wilton
Mrs Crosio	Mr Jenkins	Mr A. A. Morris	

NOES, 77

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

* Tellers

And so it was negatived.

Questions without notice concluded.

Paper

Mr Fischer, by indulgence, added to an answer given during the question period and presented the following paper:

Yasser Arafat—Middle East brief—Copy of page 311.

6 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Deputy Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 40 of 1996-97—Performance audit—Human resource management: Department of Foreign Affairs and Trade.

Mr Reith (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 40 of 1996-97; and
- (2) the report be printed.

Question—put and passed.

7 PAPER

The following paper was presented:

Sex Discrimination Act exemptions—Report by the Attorney-General, 26 June 1997.

8 PAPERS

The Deputy Speaker presented the following papers:

Advance to the Speaker of the House of Representatives—Statement of use, June 1997 (2).

9 PAPER

Mr Reith (Leader of the House) presented the following paper:

Petition not in accord with standing and sessional orders of the House—Support for a process of negotiation to resolve the use and management of lands subject to joint title, and opposition to extinguishment of native title (Mr Tanner, 731 petitioners).

**10 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—
MINISTERIAL CODE OF CONDUCT**

The House was informed that Mr Martin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The requirement for Ministers to meet the standards of ministerial responsibility as required by the Prime Minister’s code of conduct”.

The proposed discussion having received the necessary support—

Mr Martin rising to address the House—

Mr Reith (Leader of the House) moved—That the business of the day be called on.

Question—put and passed.

11 SESSIONAL ORDERS—DIVISIONS

Mr Reith (Leader of the House), by leave, moved—That the amendments to the standing orders relating to divisions, which were adopted by the House on 6 March 1997, continue to operate until the end of the year.

Question—put and passed.

12 SUSPENSION OF STANDING ORDERS 48A AND 103

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

Question—put and passed.

13 PUBLIC SERVICE BILL 1997

Mr Reith (Minister Assisting the Prime Minister for the Public Service), pursuant to notice, presented a Bill for an Act to provide for the establishment and management of the Australian Public Service, and for other purposes.

Bill read a first time.

Mr Reith moved—That the Bill be now read a second time.

Paper

Mr Reith presented an explanatory memorandum to the Bill.

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

14 PUBLIC EMPLOYMENT (CONSEQUENTIAL AND TRANSITIONAL) AMENDMENT BILL 1997

Mr Reith (Minister Assisting the Prime Minister for the Public Service), pursuant to notice, presented a Bill for an Act to deal with consequential and transitional matters arising from the repeal of the *Public Service Act 1922* and the enactment of the *Public Service Act 1997*, and for other purposes.

Bill read a first time.

Mr Reith moved—That the Bill be now read a second time.

Paper

Mr Reith presented an explanatory memorandum to the Bill.

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

15 BILLS—REFERENCE TO COMMITTEE

Mr Reith (Minister Assisting the Prime Minister for the Public Service), pursuant to notice, moved—

(1) That:

- (a) the Public Service Bill 1997 and the Public Employment (Consequential and Transitional) Amendment Bill 1997 be referred to the Joint Committee of Public Accounts for consideration and an advisory report by 4 September 1997; and
- (b) the terms of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

(2) That a message be sent to the Senate acquainting it of this reference to the committee.

Question—put and passed.

16 WORKPLACE RELATIONS AMENDMENT BILL 1997

Mr Reith (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

Mr Reith moved—That the Bill be now read a second time.

Paper

Mr Reith presented an explanatory memorandum to the Bill.

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

17 WORKPLACE RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1997

Mr Reith (Minister for Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Workplace Relations Act 1996*, and for related purposes.

Bill read a first time.

Mr Reith moved—That the Bill be now read a second time.

Paper

Mr Reith presented an explanatory memorandum to the Bill.

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

18 WHEAT MARKETING AMENDMENT BILL 1997

Mr Scott (Minister for Veterans' Affairs), for Mr Anderson (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to amend the *Wheat Marketing Act 1989*, and for other purposes.

Bill read a first time.

Mr Scott moved—That the Bill be now read a second time.

Paper

Mr Scott presented an explanatory memorandum to the Bill.

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

19 SNOWY HYDRO CORPORATISATION BILL 1997

Mr Scott (Minister for Veterans' Affairs), for Mr Anderson (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to reform the Snowy Mountains Hydro-electric Scheme by corporatising the Snowy Mountains Hydro-electric Authority and making related changes to the Scheme, and for related purposes.

Bill read a first time.

Mr Scott moved—That the Bill be now read a second time.

Paper

Mr Scott presented an explanatory memorandum to the Bill.

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

20 SNOWY HYDRO CORPORATISATION (CONSEQUENTIAL AMENDMENTS) BILL 1997

Mr Scott (Minister for Veterans' Affairs), for Mr Anderson (Minister for Primary Industries and Energy), pursuant to notice, presented a Bill for an Act to repeal and amend various Acts as a result of the enactment of the *Snowy Hydro Corporatisation Act 1997*, and for related purposes.

Bill read a first time.

Mr Scott moved—That the Bill be now read a second time.

Paper

Mr Scott presented an explanatory memorandum to the Bill.

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

21 CHILD CARE PAYMENTS BILL 1997

Mrs Moylan (Minister for Family Services), pursuant to notice, presented a Bill for an Act to provide for payments in respect of child care, and for related purposes.

Bill read a first time.

Mrs Moylan moved—That the Bill be now read a second time.

Paper

Mrs Moylan presented an explanatory memorandum to the Bill.

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

22 STATES GRANTS (GENERAL PURPOSES) AMENDMENT BILL 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), pursuant to notice, presented a Bill for an Act to amend the *States Grants (General Purposes) Act 1994*, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the Bill.

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

23 TAXATION LAWS AMENDMENT BILL (NO. 4) 1997

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a Bill for an Act to amend the law relating to taxation, and for related purposes.

Bill read a first time.

Mr Miles moved—That the Bill be now read a second time.

Paper

Mr Miles presented an explanatory memorandum to the Bill.

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

24 FISHERIES LEGISLATION AMENDMENT BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been considered by the Main Committee and was returned with an unresolved question (*see item No. 2, 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 debate be now adjourned—put and passed.

Ordered—That the resumption of the debate be made and order of the day for a later hour this day.

25 ADJOURNMENT NEGATIVED

Mr Reith (Leader of the House) moved—That the House do now adjourn.

Debate ensued.

Closure

Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs) moved—That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the House do now adjourn—was put accordingly, and negatived.

26 MEMBERS' INTERESTS COMMITTEE—PAPER

Mr Reid (Chair) presented the following paper:

Committee of Members' Interests—Register of Members' Interests for the 38th Parliament—Notifications of alterations of interests received during the period 26 March to 25 June 1997.

27 PUBLICATIONS COMMITTEE—11TH REPORT—STATEMENT BY MEMBER

Mr Lieberman (Chair) presented the following paper:

PUBLICATIONS COMMITTEE 11TH 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 14 May 1997, recommends that the following be printed:

Aboriginal and Torres Strait Islander Commission—Commonwealth programmes for Aboriginal and Torres Strait Islander people 1994-95.

Aboriginal Deaths in Custody—Royal Commission—Implementation report of the Australian Capital Territory for 1995-96.

Fisheries Management Act—Queensland Fisheries Joint Authority—Report for the period 8 February 1995 to 30 June 1995.
Report for 1995-96.

Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Bringing them home: National inquiry into the separation of Aboriginal and Torres Strait Islander Children from their families—Report by Ronald Wilson, April 1997.

Industry Commission Act—Industry Commission—Report No. 58—The automotive industry, 26 May 1997—

Volume 1—Report.

Volume 2—Appendices.

Science and Technology budget statement 1997-98.

Services Trust Funds Act—Reports for 1996—

Australian Military Forces Relief Trust Fund.

Royal Australian Air Force Welfare Trust Fund.

Royal Australian Navy Relief Trust Fund.

University of Canberra Act—Council of the University of Canberra—Report for 1996.

LOU LIEBERMAN

Chair

26 June 1997

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

Question—put and passed.

Mr Lieberman, by leave, made a statement concerning the progress on the committee's inquiry into the future of the parliamentary papers series.

28 SUSPENSION OF SITTING

At 7.02 p.m. the Speaker left the Chair.

FRIDAY, 27 JUNE 1997

29 RESUMPTION OF SITTING

The Speaker resumed the Chair at 10.30 a.m.

30 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Martin moved—That so much of the standing and sessional orders be suspended as would prevent the Member for Cunningham moving forthwith—That this House calls on the Minister for Small Business and Consumer Affairs to come into the House immediately and explain the latest startling revelations that he lobbied at least two additional Bunbury councillors, Cr Major and Cr Comito, to stop the development of a retail shopping centre development going ahead for “parking reasons” in the knowledge that, if parking was a problem, Target would have not likely gone to the Eaton site.

Closure of Member

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

Question—put.

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

AYES, 74

Mr Abbott	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr Anderson	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr J. N. Andrew	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mr Anthony	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mrs Bailey	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr R. C. Baldwin	Mr Georgiou	Mr Marek	Mrs Stone
Mr Barresi	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Bartlett	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mr Billson	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mrs Bishop	Mr Hicks*	Mr Nehl	Mr Truss
Mr Bradford	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Brough	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr Cadman	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	
Mrs Elson	Mr Lieberman	Mr Scott	

NOES, 40

Mr Adams	Ms Ellis	Mr Jenkins	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Jones	Mr Mossfield
Mr Andren	Mr L. D. T. Ferguson	Mr Kerr	Mr Price
Mr P. J. Baldwin	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Bevis	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Brown	Mr Griffin*	Ms Macklin	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Melham	Mr Willis
Mr Dargavel	Mr Hollis	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

Mr Crean (seconder) addressing the House—

Closure of Member

Mr Reith moved—That the Member be not further heard.

Question—put.

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

AYES, 74

Mr Abbott	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr Anderson	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr J. N. Andrew	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mr Anthony	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mrs Bailey	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr R. C. Baldwin	Mr Georgiou	Mr Marek	Mrs Stone
Mr Barresi	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Bartlett	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mr Billson	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mrs Bishop	Mr Hicks*	Mr Nehl	Mr Truss
Mr Bradford	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Brough	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr Cadman	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	
Mrs Elson	Mr Lieberman	Mr Scott	

NOES, 40

Mr Adams	Ms Ellis	Mr Jenkins	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Jones	Mr Mossfield
Mr Andren	Mr L. D. T. Ferguson	Mr Kerr	Mr Price
Mr P. J. Baldwin	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Bevis	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Brown	Mr Griffin*	Ms Macklin	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Melham	Mr Willis
Mr Dargavel	Mr Hollis	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 40

Mr Adams	Ms Ellis	Mr Jenkins	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Jones	Mr Mossfield
Mr Andren	Mr L. D. T. Ferguson	Mr Kerr	Mr Price
Mr P. J. Baldwin	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Bevis	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Brown	Mr Griffin*	Ms Macklin	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Melham	Mr Willis
Mr Dargavel	Mr Hollis	Mr A. A. Morris	Mr Wilton

NOES, 74

Mr Abbott	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr Anderson	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr J. N. Andrew	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mr Anthony	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mrs Bailey	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr R. C. Baldwin	Mr Georgiou	Mr Marek	Mrs Stone
Mr Barresi	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Bartlett	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mr Billson	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mrs Bishop	Mr Hicks*	Mr Nehl	Mr Truss
Mr Bradford	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Brough	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr Cadman	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr R. A. Cameron	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	
Mrs Elson	Mr Lieberman	Mr Scott	

* Tellers

And so it was negatived.

31 SUSPENSION OF STANDING AND SESSIONAL ORDERS MOVED

Mr Beazley (Leader of the Opposition) moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving forthwith—That this House censures the Minister for Small Business and Consumer Affairs for:

- (1) knowingly misleading the House again and for his contempt for it;
- (2) his actions which constitute a corruption of his office;
- (3) new revelations today which show that he actively lobbied at least two additional Bunbury councillors to prevent the Crossland development “going ahead for parking reasons”;
- (4) the revelation that councillors associated with the Minister had questioned car parking for the rival city development so that Target would be forced to go to the Eaton lot;
- (5) the Minister having done this knowing that “if parking was a problem then Target would have most likely gone to the Eaton site”;
- (6) the revelation that these councillors said that the Minister had lobbied them with an end result in mind and they knew the significance of the end result;
- (7) his successful lobbying as shown by the minutes of the Bunbury City Council meeting on 25 March which show that Council voted to grant an approval for Crosslands given one month before by requiring substantial additional car parking;
- (8) failing in his statement yesterday to disclose the full story;

- (9) his misleading statement yesterday saying that he had not used his ministerial position for personal gain is directly contradicted by a statutory declaration and statements to the media by councillors involved;
- (10) his false and misleading statement yesterday in which he claimed non-involvement in the day-to-day affairs of the company except by the ridiculous school boy definition of the Acting Prime Minister;
- (11) his at least 119 admissions of influence-peddling which show him having:
 - (a) used his public office to secure private benefit in blatant breach of the requirements of the Prime Minister's code of conduct;
 - (b) phoned Mr Nick Greiner, Vice Chairman of Coles Myer to influence a decision to get Target as a lead tenant on the vacant Eaton lot owned by a company of which the Minister is an active Director;
 - (c) failed to disclose the full details of the telephone conversation between himself and Mr Nick Greiner in particular as it related to the Minister's attempts to thwart development on an opposing site;
 - (d) repeatedly failing to table the letter between his brother and Mr Nick Greiner, written following the telephone conversation between the Minister and Mr Greiner, which provides further evidence of collusion to advantage his private business interests in serious contravention of the Prime Minister's code of conduct;
 - (e) misled the House about his involvement in regard to the Eaton site;
 - (f) directly canvassed a Bunbury City Councillor, Mr John McCourt, about another development or another site owned by him in Bunbury which would give his company a financial advantage in direct breach of the Prime Minister's code of conduct;
 - (g) failed to answer truthfully questions regarding that particular development despite being invited repeatedly to do so in this House this week;
 - (h) in the words of Councillor Wayne Major, tried to wreck the Bunbury city site leaving the way for Target to go ahead to the Minister's private company Eaton site north east of the city, thus constituting a further breach of the Prime Minister's code of conduct; and
 - (i) having misled the Parliament and the public on a number of aspects of his inappropriate approaches to councillors in direct contravention of the Prime Minister's code of conduct; and

this House calls on the Minister for Small Business and Consumer Affairs to resign immediately or for the Acting Prime Minister to sack the Minister forthwith.

Closure of Member

Mr Ruddock (Minister for Immigration and Multicultural Affairs) moved—That the Member be not further heard.

Question—put.

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

AYES, 75

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Scott
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr Anthony	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mrs Bailey	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mr R. C. Baldwin	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Marek	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Billson	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mrs Bishop	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mr Bradford	Mr Hicks*	Mr Nehl	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr R. A. Cameron	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	

NOES, 40

Mr Adams	Ms Ellis	Mr Jenkins	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Jones	Mr Mossfield
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Mr Kerr	Mr Price
Mr Beazley	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Bevis	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Brown	Mr Griffin*	Ms Macklin	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Melham	Mr Willis
Mr Dargavel	Mr Hollis	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

Mr Martin (seconder) addressing the House—

Closure of Member

Mr Ruddock moved—That the Member be not further heard.

Question—put.

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

AYES, 75

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Scott
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr Anthony	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mrs Bailey	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mr R. C. Baldwin	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Marek	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Billson	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mr Bishop	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mr Bradford	Mr Hicks*	Mr Nehl	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr R. A. Cameron	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	

NOES, 40

Mr Adams	Ms Ellis	Mr Jenkins	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Jones	Mr Mossfield
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Mr Kerr	Mr Price
Mr Beazley	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Beddall	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Bevis	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Brown	Mr Griffin*	Ms Macklin	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Melham	Mr Willis
Mr Dargavel	Mr Hollis	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 41

Mr Adams	Ms Ellis	Mr Jones	Mr Price
Mr Albanese	Mr M. J. Evans	Mr Kerr	Mr Quick
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Dr Lawrence	Mr Sercombe*
Mr Beazley	Mr M. J. Ferguson	Mr Lee	Mr S. F. Smith
Mr Beddall	Mr Fitzgibbon	Mr McClelland	Dr Theophanous
Mr Bevis	Mr E. L. Grace*	Ms Macklin	Mr K. J. Thomson
Mr Brereton	Mr Griffin*	Mr Martin	Mr Willis
Mr Brown	Mr Hatton	Mr Melham	Mr Wilton
Mr Crean	Mr Holding	Mr A. A. Morris	
Mrs Crosio	Mr Hollis	Mr P. F. Morris	
Mr Dargavel	Mr Jenkins	Mr Mossfield	

NOES, 75

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Scott
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr Anthony	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mrs Bailey	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mr R. C. Baldwin	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Marek	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Billson	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mrs Bishop	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mr Bradford	Mr Hicks*	Mr Nehl	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr R. A. Cameron	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	

* Tellers

And so it was negatived.

32 SUSPENSION OF STANDING ORDER 399

Mr Reith (Leader of the House) moved—That standing order 399 be suspended for the remainder of this sitting, except when a motion is moved pursuant to the standing order by a Minister.

Mr Crean addressing the House—

Closure

Mr Reith moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 75

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Scott
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr Anthony	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mrs Bailey	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mr R. C. Baldwin	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Marek	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Billson	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mrs Bishop	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mr Bradford	Mr Hicks*	Mr Nehl	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr R. A. Cameron	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	

NOES, 40

Mr Adams	Ms Ellis	Mr Jenkins	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Jones	Mr Mossfield
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Mr Kerr	Mr Price
Mr Beddall	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Bevis	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Brereton	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Brown	Mr Griffin*	Ms Macklin	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Melham	Mr Willis
Mr Dargavel	Mr Hollis	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—

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

AYES, 75

Mr Abbott	Mrs Elson	Mr Lieberman	Mr Scott
Mr Anderson	Mr Entsch	Mr Lindsay	Mr Sinclair
Mr J. N. Andrew	Mr R. D. C. Evans	Mr Lloyd	Mr Slipper
Mr Anthony	Mr Fahey	Mr McArthur*	Mr A. C. Smith
Mrs Bailey	Mr Forrest	Mr McDougall	Mr W. L. Smith
Mr R. C. Baldwin	Ms Gambaro	Mr McLachlan	Dr Southcott
Mr Barresi	Mr Georgiou	Mr Marek	Mrs Stone
Mr Bartlett	Mrs E. J. Grace	Mr Miles	Mrs Sullivan
Mr Billson	Mr Hardgrave	Mrs Moylan	Mr Taylor
Mrs Bishop	Mr Hawker	Mr Mutch	Mr A. P. Thomson
Mr Bradford	Mr Hicks*	Mr Nehl	Mr Truss
Mr Brough	Mr Hockey	Dr Nelson	Mr Tuckey
Mr Cadman	Ms Jeanes	Mr Nugent	Mr M. A. J. Vaile
Mr R. A. Cameron	Mrs Johnston	Mr Pyne	Mrs D. S. Vale
Mr Causley	Mr Jull	Mr Randall	Mr Wakelin
Mr Charles	Mr Katter	Mr Reid	Mrs West
Mr Cobb	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Costello	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mrs Draper	Dr Kemp	Mr Ruddock	

NOES, 40

Mr Adams	Ms Ellis	Mr Jenkins	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Jones	Mr Mossfield
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Mr Kerr	Mr Price
Mr Beddall	Mr M. J. Ferguson	Dr Lawrence	Mr Quick
Mr Bevis	Mr Fitzgibbon	Mr Lee	Mr Sercombe*
Mr Brereton	Mr E. L. Grace*	Mr McClelland	Mr S. F. Smith
Mr Brown	Mr Griffin*	Ms Macklin	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Holding	Mr Melham	Mr Willis
Mr Dargavel	Mr Hollis	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

33 MESSAGES FROM THE SENATE

Messages from the Senate, dated 26 June 1997, were reported:

(a) returning the following Bills without amendment:

Message—

No. 265—Financial Laws Amendment 1996.

No. 266—Wool International Amendment 1997.

No. 269—Industrial Chemicals (Notification and Assessment) Amendment 1997.

No. 270—Industrial Chemicals (Registration Charge—Excise) 1997 (*without requests*).

No. 271—Industrial Chemicals (Registration Charge—Customs) 1997 (*without requests*).

No. 272—Industrial Chemicals (Registration Charge—General) 1997 (*without requests*); and

- (b) acquainting the House that Senator Crowley had been discharged from attendance on the Joint Committee of Public Accounts, and Senator Faulkner had been appointed a member of the committee—Message No. 279.

34 MESSAGE FROM THE SENATE—SOCIAL SECURITY LEGISLATION AMENDMENT (ACTIVITY TEST PENALTY PERIODS) BILL 1997

The following message from the Senate was reported:

Message No. 273

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the law relating to social security, 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.

SUE WEST

Deputy President

The Senate

26 June 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 2, page 1 (line 16), omit “subsections (2), (3), (4), (5), (6), (7), (8) and (9)”, substitute “this section”.
- (2) Clause 2, page 2 (after line 4), after subclause (3), insert:
 - (3A) Schedule 1A commences, or is taken to have commenced, on 20 October 1997.
- (3) Page 38 (after line 28), after Schedule 1, insert:

Schedule 1A—Amendments relating to relief from activity tests

Social Security Act 1991

1 At the end of subsection 603A(3)

Add “, unless the Secretary determines otherwise, having regard to the continued existence, or likely continued existence, of the special circumstances on which the last preceding determination was based”.

2 After section 603A

Insert:

603AAA Pre-natal and post-natal relief from activity test

- (1) A pregnant woman is not required to satisfy the activity test for the period that starts 6 weeks before the woman's expected date of confinement and ends on the day on which the woman gives birth to the child (whether or not the child is born alive).
- (2) If a woman gives birth to a child (whether or not the child is born alive), the woman is not required to satisfy the activity test for the period that starts on the day on which she gives birth to the child and ends 6 weeks after that day.

Student and Youth Assistance Act 1973**3 At the end of subsection 78(3)**

Add “, unless the Secretary determines otherwise, having regard to the continued existence, or likely continued existence, of the special circumstances on which the last preceding determination was based”.

4 After section 78

Insert:

78AA Pre-natal and post-natal relief from activity test

- (1) A pregnant woman is not required to satisfy the activity test for the period that starts 6 weeks before the woman's expected date of confinement and ends on the day on which the woman gives birth to the child (whether or not the child is born alive).
- (2) If a woman gives birth to a child (whether or not the child is born alive), the woman is not required to satisfy the activity test for the period that starts on the day on which she gives birth to the child and ends 6 weeks after that day.

On the motion of Mr Ruddock (Minister representing the Minister for Social Security), the amendments were agreed to, after debate.

35 MESSAGE FROM THE SENATE—TAX LAW IMPROVEMENT BILL 1997

The following message from the Senate was reported:

Message No. 274

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the law about income tax, and for related purposes**, and requests the House to amend the bill as indicated by schedule A annexed.

The Senate informs the House that the amendments indicated by schedule B annexed have been made by the Senate.

SUE WEST

Deputy President

The Senate

26 June 1997

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

SCHEDULE OF REQUESTS BY THE SENATE FOR AMENDMENTS

(1) Schedule 1, item 9, page 154 (after table item 7), insert:

7A	you stop holding as trading stock and acquire under section 70-110	the amount worked out under section 70-110	<ul style="list-style-type: none"> • car limit (42-80) • double deduction (42-85)
----	--	--	---

(2) Schedule 1, item 9, page 175 (after table item 10), insert:

10A	you start holding as trading stock and you sell under section 70-30	the amount worked out under section 70-30	<ul style="list-style-type: none"> • car limit (42-215)
-----	---	---	--

(3) Schedule 1, item 13, page 269 (line 16), omit “for purposes of manufacture, sale or exchange”, substitute “that is held for purposes of manufacture, sale or exchange in the ordinary course of a *business”.

(4) Schedule 1, item 13, page 271 (line 24), omit the link note, substitute:

70-30 Starting to hold as trading stock an item you already own

(1) If you start holding as *trading stock an item you already own, but do not hold as trading stock, you are treated as if:

(a) just before it became trading stock, you had sold the item to someone else (at arm’s length) for whichever of these amounts you elect:

- its cost (as worked out under subsection (3) or (4));
- its market value just before it became trading stock; and

(b) you had immediately bought it back for the same amount.

Example: You start holding a unit of depreciable plant as part of your trading stock. You are treated as having sold it just before that time, and immediately bought it back, for its cost or market value, whichever you elect. (Subdivision 42-F provides for the consequences of selling depreciated property.)

The same amount is normally a general deduction under section 8-1 as an outgoing in connection with acquiring trading stock. The amount is also taken into account in working out the item’s cost for the purposes of section 70-45 (about valuing trading stock at the end of the income year).

Note: Depending on how you elect under paragraph (1)(a), the sale may or may not give rise to a capital gain or a capital loss for the purposes of Part IIIA (Capital gains and capital losses) of the *Income Tax Assessment Act 1936*. It does not if you elect to be treated as having sold the item for what would have been its cost: see

subsection 160ZB(7) of that Act. However, it can if you elect market value.

When you must make the election

- (2) You must make the election by the time you lodge your *income tax return for the income year in which you start holding the item as *trading stock. (If you do not make the election by then because you do not realise until later that you started to hold the item as trading stock, you must make the election as soon as is reasonable after realising that.)

However, the Commissioner can allow you to make it later (in either case).

How to work out the item's cost

- (3) The item's cost is what would have been its cost for the purposes of section 70-45 (about valuing trading stock at the end of the income year) if it had been your trading stock ever since you last acquired it. In working that out, disregard section 70-55 (about acquiring live stock by natural increase).

- (4) However, if you last acquired the item for no consideration and the acquisition involved:

- (a) a disposal of the item to you for the purposes of Part IIIA (Capital gains and capital losses) of the *Income Tax Assessment Act 1936*; or
- (b) the item passing to you as someone's *legal personal representative, or as a beneficiary in a dead person's estate;

its cost is taken to be its market value when you last acquired it.

Exceptions

- (5) Subsection (1) does not apply if you start holding any of the following as *trading stock because they are severed from land:

- (a) standing or growing crops;
- (b) crop-stools;
- (c) trees planted and tended for sale.

(This does not prevent subsection (1) from applying to a severed item that you later start holding as *trading stock.)

Note: A transaction that this section treats as having occurred is disregarded for the purposes of these provisions of the *Income Tax Assessment Act 1936*:

- subsection 47A(10) (which treats certain benefits as dividends paid by a CFC)
- paragraph 103A(3A)(c) (which affects whether a company is a public company for an income year).

- (5) Schedule 1, item 13, page 280 (line 5), omit "or were".

- (6) Schedule 1, item 13, page 280 (line 6), omit "or was".

- (7) Schedule 1, item 13, page 281 (after line 15), at the end of subsection 70-100(1), add:

Note: If the transferor *is* the item's sole owner after it stops being trading stock on hand of the transferor, section 70-110 applies instead of this section.

- (8) Schedule 1, item 13, page 284 (line 21), omit the link note, substitute:

70-110 You stop holding an item as trading stock but still own it

If you stop holding an item as *trading stock, but still own it, you are treated as if:

- (a) just before it stopped being trading stock, you had sold it to someone else (at arm's length and in the ordinary course of business) for its *cost; and
- (b) you had immediately bought it back for the same amount.

Example 1: You are a sheep grazer and take a sheep from your stock to slaughter for personal consumption. You are treated as having sold it for its cost. This amount is assessable income, just like the proceeds of sale of any of your trading stock.

Although you are also treated as having bought the sheep for the same amount, it would not be deductible because the sheep is for personal consumption.

Example 2: You stop holding an item as trading stock and begin to use it as plant for the purpose of producing your assessable income. You are treated as having sold it for its cost. This amount is assessable income, just like the proceeds of sale of any of your trading stock.

You are also treated as having bought the item for the same amount, which is relevant to working out the item's cost for depreciation purposes: see Subdivision 42-B.

Note: A transaction that this section treats as having occurred is disregarded for the purposes of these provisions of the *Income Tax Assessment Act 1936*:

- subsection 47A(10) (which treats certain benefits as dividends paid by a CFC)
- paragraph 103A(3A)(c) (which affects whether a company is a public company for an income year).

- (9) Schedule 5, item 1, page 402 (line 11), omit the link note, substitute:

70-5 Treatment of items that become trading stock because of the change of definition

If:

- (a) immediately *before* the 1997-98 income year you owned an item that was *not* trading stock as defined in subsection 6(1) of the *Income Tax Assessment Act 1936* as in force at that time; and
- (b) at the *start* of that income year you hold the item as trading stock as defined in section 70-10 of the *Income Tax Assessment Act 1997* (the **1997 Act**);

section 70-30 of the 1997 Act applies as if you had *started* to hold the item as trading stock as defined in section 70-10 of the 1997 Act *immediately after* the start of that income year.

70-10 Accounting for your disposal of items that stop being trading stock because of the change of definition

- (1) This section explains how to account for your disposal of an item if:
- (a) immediately before 1 July 1997, the item was an item of your trading stock, as defined in subsection 6(1) of the *Income Tax Assessment Act 1936* as in force at that time; and
 - (b) the item has *not* been an item of your trading stock, as defined in section 70-10 of the *Income Tax Assessment Act 1997*, after that time; and
 - (c) the disposal occurs on or after 1 July 1997; and
 - (d) subsection 36(1) of the *Income Tax Assessment Act 1936* would have applied to the disposal if it had occurred before 1 July 1997.

Example: This section applies to your disposal on or after 1 July 1997 of an item you produced, manufactured, acquired or purchased before that day for manufacture, sale or exchange, but did not hold for that purpose immediately before that day or since the start of that day.

- (2) Sections 70-90 and 70-95 of the *Income Tax Assessment Act 1997* (dealing with disposals of trading stock outside the ordinary course of business) apply to your disposal of the item as if it were an item of your trading stock (as defined in section 70-10 of the *Income Tax Assessment Act 1997*).

Note: Applying those sections ensures that your assessable income includes the market value of the item on the day of disposal. This counters your deduction under the *Income Tax Assessment Act 1936* for your expenditure to acquire the item as trading stock.

[The next section is section 70-20.]

- (10) Schedule 5, page 421 (after line 15), after item 63, insert:

63A After subsection 47A(10)

Insert:

- (10A) Subsection (10) does not apply to a transfer that is taken by section 70-30 or 70-110 of the *Income Tax Assessment Act 1997* to have occurred.

- (11) Schedule 5, page 423 (after line 13), after item 79, insert:

79A After subsection 103A(3B)

Insert:

- (3C) Paragraph (3A)(c) does not apply to an acquisition that is taken by section 70-30 or 70-110 of the *Income Tax Assessment Act 1997* to have occurred.

- (12) Schedule 5, page 423 (after line 25), after item 81, insert:

81A Paragraphs 160L(3)(a) and (4)(a)

Omit “throughout the period when the asset was owned by the taxpayer”, substitute “at the time of the disposal”.

81B Paragraph 160L(5)(a)

Omit “throughout the period when the asset was a partnership asset of the partnership”, substitute “at the time of the disposal”.

81C At the end of section 160ZB

Add:

- (7) When an item already owned by a taxpayer becomes trading stock of the taxpayer:
- (a) a capital gain does not accrue to the taxpayer; and
 - (b) the taxpayer does not make a capital loss;
- if the taxpayer elects under paragraph 70-30(1)(a) of the *Income Tax Assessment Act 1997* to be treated as having sold the item for its cost (as worked out under that section).

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) moved—
That the requested amendments be made.

Debate ensued.

Paper

Mr Miles presented a supplementary explanatory memorandum to the Bill.

Question—put and passed.

36 MESSAGE FROM THE SENATE—AGED CARE BILL 1997

The following message from the Senate was reported:

Message No. 275

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act relating to aged care, and for other purposes**, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

SUE WEST

Deputy President

The Senate

26 June 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 4-1, page 9 (lines 4 and 5), omit “, except as provided in an agreement under section 4-2”.
- (2) Clause 4-2, page 9 (lines 7 to 15), omit the clause.

- (3) Clause 4-3, page 9 (lines 16 to 24), omit the clause.
- (4) Clause 8-3, page 18 (after line 25), after paragraph (b), insert:
 - (ba) any person who is responsible for the nursing services provided, or to be provided, by the *aged care service conducted, or to be conducted, by the applicant;
- (5) Clause 8-3, page 18 (after line 32), after subclause (3), insert:
 - (3A) A person referred to in paragraph (3)(ba) must hold a recognised qualification in nursing.
- (6) Clause 9-1, page 22 (after line 19), after paragraph (2)(b), insert:
 - (ba) any person who is responsible for the overall nursing care provided, or to be provided, by the *aged care service conducted, or to be conducted, by the applicant;
- (7) Clause 9-1, page 22 (after line 25), after subclause (2), insert:
 - (2A) A person referred to in paragraph (2)(ba) must hold a recognised qualification in nursing.
- (8) Clause 41-3, page 140 (after line 23), before subparagraph (i), insert:
 - (ia) appropriate staffing to meet the nursing and personal care needs of the person; and
- (9) Clause 41-3, page 141 (line 2), omit “appropriate staffing,”.
- (10) Clause 56-4, page 218 (line 6), at the end of paragraph (d), add “; and”.
- (11) Clause 56-4, page 218 (after line 6), at the end of subclause (1), add:
 - (e) comply with any determination made, in respect of the approved provider, by a committee of the kind referred to in subsection 96-3(1A).
- (12) Clause 57-2, page 221 (lines 9 to 11), omit paragraph (n), substitute:
 - (n) the approved provider must use the income derived from the accommodation bond and the retention amount in the following ways:
 - (i) to meet capital works costs relating to residential care; and
 - (ii) to retire debt relating to residential care; and
 - (iii) where no capital expenditure is required, or likely to be required, under subparagraphs (i) and (ii), to improve the quality and range of aged care services;
- (13) Page 252 (after line 25), at the end of Division 63, add:

63-2 Annual report on the operation of the Act

- (1) The Minister must, as soon as practicable after 30 June but before 30 September in each year, cause to be laid before each House of the Parliament a report on the operation of this Act during the year ending on 30 June of that year.

(2) A report under subsection (1) must include information about the following matters:

- (a) the extent of unmet demand for places; and
- (b) the adequacy of the Commonwealth subsidies provided to meet the care needs of residents; and
- (c) the extent to which providers are complying with their responsibilities under the Act; and
- (d) the amounts of accommodation bonds charged; and
- (e) the duration of waiting periods for entry to residential care; and
- (f) the extent of building, upgrading and refurbishment of aged care facilities; and
- (g) the imposition of any sanctions for non-compliance under Part 4.4, including details of the nature of the non-compliance and the sanctions imposed;

but is not limited to information about those matters.

(14) Clause 96-3, page 358 (after line 3), after subclause (1), insert:

(1A) Without limiting subsection (1), the Minister may establish a committee for the following purposes:

- (a) co-ordinating and reviewing:
 - (i) the resolution of complaints relating to approved providers, *aged care services or the provision of *aged care, being complaints in respect of matters dealt with under this Act or Principles made under section 96-1; or
 - (ii) the resolution of complaints relating to the administration of this Act or Principles made under section 96-1;
- (b) in the circumstances set out in the Committee Principles, making determinations resolving those complaints.

Mrs Moylan (Minister for Family Services) moved—That Senate amendments (1) to (11) and (13) and (14) be agreed to.

Debate ensued.

Paper

Mr Fitzgibbon, by leave, presented the following paper:

Aged Care Bill 1997—Copy of letter and attachments from Mr R. D. Russell, Chief Executive, Upper Hunter Village Association Ltd, to Senator Sandy Macdonald, 19 June 1997.

Debate continued.

Question—put and passed.

Mrs Moylan moved—That Senate amendment (12) be disagreed to, but that in place thereof, the following amendment be made:

Clause 57-2, page 221 (lines 9 to 11), omit paragraph (n), substitute:

- (n) the approved provider must use the income derived from the accommodation bond and the retention amount in the following ways:
 - (i) to meet capital works costs relating to residential care;
 - (ii) to retire debt relating to residential care; or
 - (iii) where no capital expenditure is reasonably necessary to comply with matters specified in the certification principles for the purposes of 38-3(3) and meeting accreditation requirements — to improve the quality and range of *aged care services;

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mrs Sullivan, in the Chair)—

AYES, 78

Mr Abbott	Mrs Elson	Dr Kemp	Mr Scott
Mr Anderson	Mr Entsch	Mr Lieberman	Mr Sinclair
Mr Andren	Mr R. D. C. Evans	Mr Lindsay	Mr Slipper
Mr J. N. Andrew	Mr Fahey	Mr Lloyd	Mr A. C. Smith
Mr Anthony	Mr Filing	Mr McArthur*	Mr W. L. Smith
Mrs Bailey	Mr Forrest	Mr McDougall	Dr Southcott
Mr R. C. Baldwin	Ms Gambaro	Mr McLachlan	Mrs Stone
Mr Barresi	Mr Georgiou	Mr Marek	Mr Taylor
Mr Bartlett	Mrs E. J. Grace	Mrs Moylan	Mr A. P. Thomson
Mr Billson	Ms Hanson	Mr Mutch	Mr Truss
Mrs Bishop	Mr Hardgrave	Mr Nairn	Mr Tuckey
Mr Bradford	Mr Hawker	Mr Nehl	Mr M. A. J. Vaile
Mr Brough	Mr Hicks*	Dr Nelson	Mrs D. S. Vale
Mr Cadman	Mr Hockey	Mr Nugent	Mr Wakelin
Mr R. A. Cameron	Ms Jeanes	Mr Pyne	Mrs West
Mr Causley	Mrs Johnston	Mr Randall	Dr Wooldridge
Mr Charles	Mr Jull	Mr Reid	Ms Worth*
Mr Cobb	Mr Katter	Mr Reith	Mr Zammit
Mr Costello	Mrs D. M. Kelly	Mr Ronaldson	
Mrs Draper	Miss J. M. Kelly	Mr Ruddock	

NOES, 40

Mr Adams	Ms Ellis	Mr Jones	Mr P. F. Morris
Mr Albanese	Mr M. J. Evans	Mr Kerr	Mr Mossfield
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Dr Lawrence	Mr Price
Mr Beddall	Mr M. J. Ferguson	Mr Lee	Mr Quick
Mr Bevis	Mr Fitzgibbon	Mr McClelland	Mr Sercombe*
Mr Brereton	Mr E. L. Grace*	Ms Macklin	Mr S. F. Smith
Mr Brown	Mr Griffin*	Mr McLeay	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Hollis	Mr Melham	Mr Willis
Mr Dargavel	Mr Jenkins	Mr A. A. Morris	Mr Wilton

* Tellers

And so it was resolved in the affirmative.

37 MESSAGE FROM THE SENATE—AGED CARE INCOME TESTING BILL 1997

The following message from the Senate was reported:

Message No. 276

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to provide for determining the ordinary income of certain persons, 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.

SUE WEST

Deputy President

The Senate

26 June 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Clause 3, page 2 (after line 5), before the definition of *hostel resident*, insert:

CEO means the Chief Executive Officer of the Services Delivery Agency.

employee, in relation to the Services Delivery Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

- (2) Clause 3, page 3 (after line 7), after the definition of *service pension*, insert:

Services Delivery Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

- (3) Clause 9, page 5 (line 30), after “resident”, insert “, or a person acting for or on behalf of the resident,”.

- (4) Clause 10, page 8 (line 4), after “person”, insert “, or a person acting for or on behalf of that person,”.
- (5) Clause 11, page 8 (line 7), after “section 5”, insert “, or a person acting for or on behalf of that person,”.
- (6) Clause 11, page 8 (line 17), omit “person’s”.
- (7) Clause 11, page 8 (after line 20), after subclause (4), insert:
 - (4A) If the Secretary needs further information to reconsider a determination, the Secretary may give the applicant a notice requesting the applicant to give further information within 28 days after receiving the notice.
 - (4B) The application is taken to be withdrawn if the applicant does not give the further information within the 28 days.
 - (4C) The notice must contain a statement setting out the effect of subsection (4B).
- (8) Clause 11, page 8 (after line 26), after subclause (5), insert:
 - (5A) The Secretary’s decision to confirm, vary or set aside the determination must be made:
 - (a) within 90 days after receiving the request; or
 - (b) if the Secretary has requested further information under subsection (4A)—within 90 days after receiving the information.
- (9) Clause 11, page 9 (lines 3 to 6), omit subclause (7), substitute:
 - (7) The Secretary must give written notice of the Secretary’s decision to the person, or a person acting for or on behalf of that person, within 5 business days after making the decision. The notice must include reasons for the decision.
- (10) Clause 11, page 9 (after line 8), at the end of the clause, add:
 - (8) In subsection (7):

business day means a day that is not a Saturday, Sunday or public holiday in the place concerned.
- (11) Clause 17, page 13 (line 7), after “Social Security”, insert “, the CEO”.
- (12) Clause 17, page 13 (line 9), after “Secretary”, insert “or the CEO”.
- (13) Clause 20, page 14 (lines 23 to 26), omit subclause (4), substitute:
 - (4) If the Secretary delegates a power mentioned in paragraph (3)(a) to the Secretary to the Department of Social Security, the Secretary to the Department of Social Security may, by writing, sub-delegate the power to any or all of the following:
 - (a) an officer of that Department;
 - (b) subject to subsection (4A), the CEO;
 - (c) subject to subsection (4A), an employee of the Services Delivery Agency.

(4A) A sub-delegation under paragraph (4)(b) or (c) must not be made before 1 July 1997.

(14) Page 15 (after line 15), after clause 22, insert:

22A Act ceases operation on 1 January 1998

This Act ceases to be in force on 1 January 1998, unless it is sooner repealed.

On the motion of Mrs Moylan (Minister for Family Services), the amendments were agreed to.

38 MESSAGE FROM THE SENATE—VETERANS' AFFAIRS LEGISLATION AMENDMENT (1996-97 BUDGET AND OTHER MEASURES) BILL 1997

The following message from the Senate was reported:

Message No. 281

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the law relating to veterans and the families of veterans, 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.

SUE WEST

Deputy President

The Senate

27 June 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, Part 3, page 12 (line 2) to page 14 (line 22), omit the Part.
- (2) Schedule 5, page 21 (line 2) to page 24 (line 11), omit the Schedule.
- (3) Page 49 (after line 5), at the end of the bill, add:

Schedule 10—Amendments of the Social Security Legislation Amendment (Further Budget and Other Measures) Act 1996 relating to the means test exemption for superannuation assets in certain cases

1 Schedule 1

Repeal the Schedule.

2 Schedule 4

Repeal the Schedule.

Mr Scott (Minister for Veterans' Affairs) moved—That the amendments be disagreed to.

Debate ensued.

Question—put.

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

AYES, 77

Mr Abbott	Mr Entsch	Mr Lloyd	Mr Slipper
Mr Anderson	Mr R. D. C. Evans	Mr McArthur*	Mr A. C. Smith
Mr J. N. Andrew	Mr Fahey	Mr McDougall	Mr W. L. Smith
Mr Anthony	Mr Forrest	Mr McLachlan	Dr Southcott
Mrs Bailey	Ms Gambaro	Mr Marek	Mrs Stone
Mr R. C. Baldwin	Mr Georgiou	Mr Miles	Mrs Sullivan
Mr Barresi	Mrs E. J. Grace	Mrs Moylan	Mr Taylor
Mr Bartlett	Mr Hardgrave	Mr Mutch	Mr A. P. Thomson
Mr Billson	Mr Hawker	Mr Nairn	Mr Truss
Mrs Bishop	Mr Hicks*	Mr Nehl	Mr Tuckey
Mr Bradford	Mr Hockey	Dr Nelson	Mr M. A. J. Vaile
Mr Brough	Ms Jeanes	Mr Nugent	Mrs D. S. Vale
Mr Cadman	Mrs Johnston	Mr Pyne	Mr Wakelin
Mr R. A. Cameron	Mr Jull	Mr Randall	Mrs West
Mr Causley	Mr Katter	Mr Reid	Dr Wooldridge
Mr Charles	Mrs D. M. Kelly	Mr Reith	Ms Worth*
Mr Cobb	Miss J. M. Kelly	Mr Ronaldson	Mr Zammit
Mr Costello	Dr Kemp	Mr Ruddock	
Mrs Draper	Mr Lieberman	Mr Scott	
Mrs Elson	Mr Lindsay	Mr Sinclair	

NOES, 39

Mr Albanese	Mr M. J. Evans	Mr Kerr	Mr Mossfield
Mr P. J. Baldwin	Mr L. D. T. Ferguson	Dr Lawrence	Mr Price
Mr Beddall	Mr M. J. Ferguson	Mr Lee	Mr Quick
Mr Bevis	Mr Fitzgibbon	Mr McClelland	Mr Sercombe*
Mr Brereton	Mr E. L. Grace*	Ms Macklin	Mr S. F. Smith
Mr Brown	Mr Griffin*	Mr McLeay	Dr Theophanous
Mr Crean	Mr Hatton	Mr Martin	Mr K. J. Thomson
Mrs Crosio	Mr Hollis	Mr Melham	Mr Willis
Mr Dargavel	Mr Jenkins	Mr A. A. Morris	Mr Wilton
Ms Ellis	Mr Jones	Mr P. F. Morris	

* Tellers

And so it was resolved in the affirmative.

Mr Scott moved—That Mr Tuckey, Mrs West and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to the amendments of the Senate.

Question—put and passed.

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

Reasons of the House of Representatives for disagreeing to the amendments of the Senate

Senate amendment (1)

The amendment proposes Schedule 1, Part 3 be omitted.

Schedule 1, Part 3 will provide for a reduced rate of rent assistance to be paid to certain single pensioners who, through shared living arrangements, are able to reduce the living expenses from those which they would incur if they were living alone.

The proposed provisions direct income support according to the needs of people. It is inequitable if there is no differentiation in the rent assistance for the accommodation costs borne by single people living alone, and those of single people who, for a range of reasons, share accommodation and so reduce their individual costs of living.

The amendment will allow the payment of a higher rate of rent assistance to single people who have achieved lower living costs and this will continue to put these people at an advantage over others who cannot defray these costs.

Accordingly, the House of Representatives opposes this amendment.

Senate amendment (2)

The amendment proposes Schedule 5 be omitted.

Schedule 5 allows the means testing of superannuation investments held by certain pensioners who are under pension age, but over 55 years of age.

The amendment would continue an exemption that allows people to draw on the public purse for income support after they have permanently left the work force and to keep their superannuation investments aside for use at some later date.

The amendment would continue to exempt these payments and so continue to allow income support payments to be determined not according to actual need, but according to investment choices.

Accordingly, the House of Representatives does not accept this amendment.

Senate amendment (3)

The House does not accept the Senate amendment relating to removing Schedule 1 of the *Social Security Legislation Amendment (Further Budget and Other Measures) Act 1996*.

The reasons are:

This measure was considered last year and was passed by Parliament in December 1996. Using a Veterans' Affairs Bill, with a range of beneficial measures for veterans, as a vehicle to try and undo legislation which was agreed to only seven months ago is unacceptable.

People have already started to rearrange their financial affairs based on the fact that legislation has already been passed. To repeal the measure now would create further uncertainty and would disadvantage people who have already withdrawn their savings from superannuation funds.

This amendment is estimated to cost around \$300 million in outlays over the next four years. It would seriously affect the Government's fiscal objectives.

People with modest superannuation savings will not be affected by this measure. It is targeted at those with substantial superannuation assets, who have the capacity to contribute to their own support. The House believes strongly that all financial investments held by retired people should be treated equally and assessed under Social Security means tests.

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

39 MESSAGES FROM THE SENATE

Messages from the Senate, dated 26 June 1997, were reported returning the following Bills without amendment:

Message—

No. 277—Aged Care (Compensation Amendments) 1997.

No. 278—Aged Care (Consequential Provisions) 1997.

40 MESSAGE FROM THE SENATE—ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1996 [1997]

Message No. 268, dated 26 June 1997, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Bill read a first time.

Mr W. L. Smith (Minister for Sport, Territories and Local Government) moved—That the Bill be now read a second time.

Paper

Mr W. L. Smith presented an explanatory memorandum to the Bill.

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr W. L. Smith, the Bill was read a third time.

41 PAPER

The Deputy Speaker presented the following paper:

Committee reports—Schedule of Government responses to the reports of House of Representatives and joint committees, for period 14 December 1996 to 27 June 1997, and reports presented to which responses are outstanding, 27 June 1997.

42 SPECIAL ADJOURNMENT

Mr Reith (Leader of the House) moved—That the House, at its rising, adjourn until Monday, 25 August 1997, at 12.30 p.m., unless otherwise called together by the Speaker, or, in the event of the Speaker being unavailable, by the Deputy Speaker.

Question—put and passed.

43 LEAVE OF ABSENCE TO ALL MEMBERS

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

Question—put and passed.

44 RETIREMENT OF MR L. M. BARLIN, CLERK OF THE HOUSE—MOTION OF APPRECIATION

The Speaker informed the House of the forthcoming retirement of Mr L. M. Barlin, AM, Clerk of the House, and, after referring to Mr Barlin's distinguished contribution to the House over many years, expressed the hope that he would enjoy a happy retirement.

Mr Reith (Leader of the House) moved—That this House places on record its appreciation of the long and meritorious service to the Parliament by the Clerk of the House, Mr L. M. Barlin, AM, and extends to him and his wife and family every wish for a healthy and happy retirement.

Mr Beazley (Leader of the Opposition) and Mr Costello (Treasurer) spoke in support of the motion and associated themselves with the remarks of the Speaker.

Debate continued.

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

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

45 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 1) 1997

The following message from the Senate was reported:

Message No. 282

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the law relating to taxation**, and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

SUE WEST

Deputy President

The Senate

27 June 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, item 2, page 5 (lines 6 to 13), omit the definition of *Commonwealth education or training payment*, substitute:

Commonwealth education or training payment means a payment by the Commonwealth, or in connection with a payment by the Commonwealth, of an allowance or reimbursement:

- (a) to or on behalf of a participant in a Commonwealth labour market program; or
- (b) to or on behalf of a student under:
 - (i) the scheme known as AUSTUDY; or
 - (ii) the scheme known as ABSTUDY; or
 - (iii) the scheme known as the Assistance for Isolated Children Scheme; or
 - (iv) the scheme known as the Veterans' Children Education Scheme;

in respect of a period commencing at a time when the student was at least 16 years old.

- (2) Schedule 1, item 4, page 5 (lines 25 and 26), omit the item, substitute:

4 Subparagraph 23(z)(i)

Repeal the subparagraph, substitute:

- (i) an amount received by a student from a person or authority upon condition that the student will (or will if required) become, or continue to be, an employee of the person or authority;
 - (ia) an amount received by a student from a person or authority upon condition that the student will (or will if required) enter into, or continue to be a party to, a contract with the person or authority that is wholly or principally for the labour of the student;
 - (ib) an amount received by a student under a scholarship where the scholarship is not provided principally for educational purposes;
- (3) Schedule 1, item 9, page 7 (after line 28), at the end of section 24ABZE, add:
- (4) Expressions used in this Subdivision that are also used in Part 8 of the *Student and Youth Assistance Act 1973* have the same meanings as in that Part.
 - (5) Expressions used in a section of this Subdivision that relates to payments under a particular provision of Part 8 of the *Student and Youth Assistance Act 1973* that are also used in that provision have the same meanings as in that provision.
- (4) Schedule 1, item 9, page 7 (line 30), omit "Subject to subsection (2), the", substitute "The".
- (5) Schedule 1, item 9, page 7 (line 34) to page 8 (line 4), omit subsection 24ABZF(2), substitute:

- (2) Payments under section 169 of the *Student and Youth Assistance Act 1973* (which deal with bereavement payments) are exempt.
- (3) If a taxpayer derives a payment under section 170 of the *Student and Youth Assistance Act 1973*:
- (a) so much of the sum of that payment and other payments under Part 8 of the *Student and Youth Assistance Act 1973* derived by the taxpayer during the bereavement lump sum period as is not more than the tax-free amount calculated in accordance with subsection (5) is exempt; and
 - (b) the balance of the sum is not exempt.
- (4) If:
- (a) a taxpayer's partner died; and
 - (b) the taxpayer would have been qualified for payments under Division 10 of Part 8 of the *Student and Youth Assistance Act 1973* apart from paragraph 168(1)(f) of that Act (taxpayer's allowance increased on partner's death to such an extent that no bereavement payments); and
 - (c) the taxpayer derives payments of youth training allowance during the bereavement period;
- then those payments are not treated under subsection (1) but are treated as follows:
- (d) the supplementary amounts are exempt;
 - (e) so much of the balance as is more than what would have been the balance (payments less supplementary amounts) if the partner had not died is exempt;
 - (f) the rest of the balance is not exempt.
- (5) The tax-free amount referred to in paragraph (3)(a) is worked out as follows:

Method statement

- Step 1.* Work out the amount of payments under Part 8 of the *Student and Youth Assistance Act 1973* that would have been derived by the taxpayer during the bereavement lump sum period and would have been exempt if:
- (a) the partner had not died; and
 - (b) if immediately before the partner's death the couple were an illness separated couple or a respite care couple—they were not such a couple;

the result is called the **notional exempt amount for the taxpayer**.

Step 2. Work out the amount of payments (if any) under Part 8 of the *Student and Youth Assistance Act 1973* or the *Social Security Act 1991* that would have been derived by the partner during the bereavement lump sum period if the partner had not died: the result is called the **notional amount for the partner**.

Step 3. Add up the notional exempt amount for the taxpayer and the notional amount for the partner: the result is the **tax-free amount**.

- (6) Schedule 1, item 11, page 8 (lines 13 to 23), omit paragraph (b), substitute:
- (b) consisting of a Commonwealth education or training payment (see subsection 6(1)), except where the recipient, or the individual on whose behalf the recipient receives the payment, is an employee of any person who is entitled to a Commonwealth subsidy in respect of the employment; or
- (7) Schedule 3, item 8, page 15 (lines 23 and 24), omit the item.
- (8) Schedule 3, item 9, page 15 (lines 25 and 26), omit the item.
- (9) Schedule 3, item 20, page 17 (lines 5 and 6), omit the item.
- (10) Schedule 3, item 21, page 17 (lines 7 and 8), omit the item.
- (11) Schedule 3, page 18 (after line 2), at the end of the Schedule, add:

26 Preservation of rights of taxpayers

For the purposes of the 1996-97 financial year:

- (a) a share in a company is deemed to be a **qualifying share** if:
- (i) the first, second, third, fifth and sixth of the 6 conditions set out in section 139CD are satisfied; and
- (ii) at the time the share was acquired, at least $\frac{2}{3}$ of the permanent employees of the employer were, or at some earlier time had been, entitled to acquire:
- (A) shares or rights under an employee share scheme; or
- (B) shares or rights in the employer, or a holding company of the employer, under another employee share scheme; and
- (b) an employee share scheme is deemed to be operated on a **non-discriminatory basis** if, and only if, the following conditions are satisfied in relation to all offers during the

1996-97 financial year to acquire shares or rights under the scheme:

- (i) participation in the scheme is open to at least $\frac{2}{3}$ of permanent employees of the employer; and
 - (ii) the time for acceptance of each offer is reasonable; and
 - (iii) the essential features of each offer are the same for at least $\frac{2}{3}$ of permanent employees of the employer; and
- (c) a scheme for the provision of financial assistance in respect of acquisitions of shares or rights under an employee share scheme is deemed to be operated on a ***non-discriminatory basis*** if, and only if, the following conditions are satisfied in relation to all financial assistance provided during the 1996-97 financial year under the scheme:
- (i) the time for taking up each offer of assistance is reasonable; and
 - (ii) the essential features of each offer of assistance are the same for at least $\frac{2}{3}$ of permanent employees of the employer.

(12) Schedule 3, page 18 (after line 2), at the end of the Schedule, add:

27 Transitional—market value of shares and rights

For the purposes of Division 13A of Part III of the *Income Tax Assessment Act 1936*, the market value of a share or right on a particular day on or after 28 March 1995 and before 12 December 1996 where the share or right is quoted on a share market of an approved stock exchange on that day may be determined under whichever of the following is chosen by the relevant taxpayer:

- (a) section 139FA of the *Income Tax Assessment Act 1936* as amended by this Schedule;
- (b) section 139FA of the *Income Tax Assessment Act 1936* before being amended by this Schedule.

(13) Schedule 5, item 1, page 47 (lines 3 to 5), omit paragraph (1)(a), substitute:

- (a) an asset that is being used solely for the personal use and enjoyment of the individual, but not including an asset which may:
 - (i) appreciate in value; or
 - (ii) have a resale value of more than \$5,000; or

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), Senate amendments (1) to (9) and (12) were agreed to, after debate. Mr Miles moved—That Senate amendments (10), (11) and (13) be disagreed to. Question—put and passed.

Mr Miles moved—That Mr Billson, Mr Barresi and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments (10), (11) and (13) of the Senate.

Question—put and passed.

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

Reasons of the House of Representatives for disagreeing to amendments (10), (11) and (13) of the Senate

Senate amendment (10)

Amendment 10 frustrates the Government's attempt to rectify a blunder by the Labor Government when enacting the principal legislation. It omitted the word "permanent" from subsection 139CD(5) so that the section refers to employees rather than permanent employees.

In newspaper reports in December 1995 the office of the then Treasurer, Mr Ralph Willis admitted the error and promised to resolve it as soon as practicable.

The House does not accept amendment 10 as it prevents that error from being corrected. Therefore employers will be required to base the employee participation requirement for each scheme on all of the employer's employees, including casual employees rather than just employer's permanent employees.

Senate amendment (11)

This amendment which applies for the 1996-97 financial year, which is almost complete, seeks to impose a further requirement on schemes to qualify for concessional tax treatment. Whilst it does adopt the Government's proposal to reduce required participation to two thirds, it also requires that the scheme is non-discriminatory in that each offer of shares must be the same in all respects to each permanent employee. This additional requirement that schemes must meet is being imposed at the end of the financial year and may deny employees and employers who expected a tax concession under the current law that concession. Accordingly the House opposes the amendment.

Senate amendment (13)

The first amendment seeks to include in the \$5 million threshold all personal use assets of the taxpayer excluding those that may appreciate in value or have a resale value of more than \$5000.

This imposes an extra condition for eligibility for rollover relief which is inconsistent with the Government's election commitment and imposes heavy compliance costs on small business taxpayers. The House accordingly opposes the amendment.

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

46 RETIREMENT OF MR L. M. BARLIN, CLERK OF THE HOUSE—VOTE OF APPRECIATION

The order of the day having been read for the resumption of the debate on the motion of Mr Reith (Leader of the House) (*see* entry No. 44)—That this House places on record its appreciation of the long and meritorious service to the Parliament by the Clerk of the House, Mr L. M. Barlin, AM, and extends to him and his wife and family every wish for a healthy and happy retirement—

Debate resumed.

Question—put and passed.

47 FISHERIES LEGISLATION AMENDMENT 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—

Debate resumed.

Member named and suspended

The Deputy Speaker named the Member for Paterson (Mr R. C. Baldwin) for refusing to withdraw an offensive remark when requested to do so by the Chair.

Mr Abbott (Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs) moved—That the Member for Paterson be suspended from the service of the House.

Question—put and passed.

The Member was, therefore, suspended at 5.38 p.m. for 24 hours under standing order 305, and he accordingly withdrew from the Chamber.

Debate continued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Abbott, the Bill was read a third time.

48 HEALTH INSURANCE COMMISSION (REFORM AND SEPARATION OF FUNCTIONS) BILL 1997

Mr Abbott (Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs), for Dr Wooldridge (Minister for Health and Family Services), pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Commission Act 1973*, to enact transitional provisions relating to the transfer of Medibank Private from the Health Insurance Commission to a separate organisation, and for other purposes.

Bill read a first time.

Mr Abbott moved—That the Bill be now read a second time.

Paper

Mr Abbott presented an explanatory memorandum to the Bill.

Debate adjourned (Mr P. J. Baldwin), and the resumption of the debate made an order of the day for the next sitting.

49 HEALTH INSURANCE (PATHOLOGY SERVICES) AMENDMENT BILL 1997

Mr Abbott (Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs), for Dr Wooldridge (Minister for Health and Family Services), pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Act 1973*, and for related purposes.

Bill read a first time.

Mr Abbott moved—That the Bill be now read a second time.

Paper

Mr Abbott presented an explanatory memorandum to the Bill.

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

50 MESSAGE FROM THE SENATE—COMMUNICATIONS LEGISLATION AMENDMENT BILL (NO. 1) 1997

Message No. 267, dated 26 June 1997, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend the *Broadcasting Services Act 1992* and the *Radiocommunications Act 1992*.

Bill read a first time.

Mr W. L. Smith (Minister representing the Minister for Communications and the Arts) moved—That the Bill be now read a second time.

Paper

Mr W. L. Smith presented an explanatory memorandum to the Bill.

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr W. L. Smith, the Bill was read a third time.

51 MESSAGES FROM THE SENATE

Messages from the Senate, dated 27 June 1997, were reported:

- (a) returning the Aged Care Bill 1997 and acquainting the House that the Senate does not insist upon its amendment disagreed to by the House of Representatives and has agreed to the amendment made by the House in place thereof—Message No. 288; and
- (b) returning the Taxation Laws Amendment Bill (No. 1) 1997 and acquainting the House that the Senate does not insist upon its amendments Nos. 10, 11 and 13 disagreed to by the House of Representatives—Message No. 289.

52 MESSAGE FROM THE SENATE—ENVIRONMENT, SPORT AND TERRITORIES LEGISLATION AMENDMENT BILL 1997

Message No. 280, dated 26 June 1997, from the Senate was reported transmitting for the concurrence of the House a Bill for an Act to amend

legislation relating to the environment, sport and Territories, and for related purposes.

Bill read a first time.

Mr W. L. Smith (Minister for Sport, Territories and Local Government) moved—That the Bill be now read a second time.

Papers

Mr W. L. Smith presented the following papers:

Environment, Sport and Territories Legislation Amendment Bill 1997—
Explanatory memorandum.

Second reading speech by Mr W. L. Smith.

Debate, by leave, ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr W. L. Smith, the Bill was read a third time.

53 MESSAGE FROM THE SENATE—TAX LAW IMPROVEMENT BILL 1997

The following message from the Senate was reported:

Message No. 283

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the law about income tax, and for related purposes**, and acquaints the House that the Senate has agreed to the bill as amended by the House at the request of the Senate, with the amendments indicated by the annexed schedule.

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

SUE WEST

Deputy President

The Senate

27 June 1997

Ordered—That the amendments be considered forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Schedule 1, item 4, page 39 (lines 8 to 12), omit subsection (4), substitute:

- (4) You cannot deduct capital expenditure under subsection (1).
However, for this purpose, expenditure is not capital expenditure merely because the *tax affairs concerned relate to matters of a capital nature.

Example: Under this section, you can deduct expenditure you incur in applying for a private ruling on whether you can depreciate an item of property.

- (2) Schedule 1, item 11, page 212 (table item 2.1), omit the table item.

- (3) Schedule 1, item 11, page 212 (table item 2.2), omit the table item.
- (4) Schedule 1, item 11, page 214 (line 3) to page 215 (line 15), omit section 51-35.
- (5) Schedule 1, item 11, page 215 (line 16) to page 216 (line 4), omit section 51-40.
- (6) Schedule 1, item 11, page 216 (before line 5), before section 51-45, insert:
- [The next section is section 51-45.]*
- (7) Schedule 1, item 11, page 254 (line 6) to page 261, omit Subdivision 52-D.
- (8) Schedule 3, item 6, page 359 (lines 1 and 2), omit the item, substitute:

6 Section 11-15 (table item headed "education")

Repeal the item, substitute:

education

bursary, educational allowance etc.	23(z)
CRAFT scheme, employer's income from	51-10
foreign student, scholarship and bursary to.....	23(ya)
full-time student, income from a scholarship, bursary, other educational allowance or educational assistance	23(z)
isolated child, income for the provision of education of.....	23(zaa)
secondary student, income for the provision of education of.....	23(zaa)

- (9) Schedule 3, item 9, page 360:
- Omit:
- | | |
|---|---------------------|
| youth training allowance, payment to..... | Subdivision
52-D |
|---|---------------------|
- substitute:
- | | |
|--|------------------------------|
| youth training allowance, payment of | 24ABZE and
24ABZF |
|--|------------------------------|
- (10) Schedule 3, item 26, page 363 (lines 7 and 8), omit "sections 52-10, 52-65 and 52-150", substitute "sections 52-10 and 52-65".
- (11) Schedule 3, item 29, page 363 (table item 2), omit the table item.
- (12) Schedule 3, item 30, page 364 (table item 1), omit the table item.
- (13) Schedule 3, item 31, page 366 (table item 20), omit the table item.
- (14) Schedule 3, item 31, page 366 (table item 21), omit the table item.
- (15) Schedule 3, item 36, page 367 (line 7), after "Division", insert "(except Subdivision BA)".
- (16) Schedule 3, item 55, page 370 (lines 12 to 15), omit the item, substitute:

55 Subsection 159ZR(1) (paragraph (e) of the definition of *eligible income*)

Repeal the paragraph, substitute:

- (e) a payment that is covered by Subdivision BA of Division 1AA of this Part or Division 52, 53 or 55 of the *Income Tax Assessment Act 1997*, but that is not exempt from income tax under that Subdivision or Division.

(17) Schedule 3, item 58, page 370 (lines 26 to 28), omit the item, substitute:

58 Subsection 221A(1) (definition of *salary or wages*)

Omit “Division 1AA of Part III”, substitute “Subdivision BA of Division 1AA of Part III of this Act or Division 52, 53 or 55 of the *Income Tax Assessment Act 1997*”.

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the amendments were agreed to.

54 MESSAGE FROM THE SENATE—BOUNTY LEGISLATION AMENDMENT BILL 1997

The following message from the Senate was reported:

Message No. 287

Mr Speaker

The Senate returns to the House of Representatives the bill for **An Act to amend the *Bounty (Books) Act 1986*, the *Bounty (Computers) Act 1984*, the *Bounty (Machine Tools and Robots) Act 1985* and the *Bounty (Ships) Act 1989***, and acquaints the House that the Senate has considered message no. 324 of the House relating to the bill.

The Senate does not insist upon its amendments nos. 2, 6 and 7 disagreed to by the House and insists upon its amendments nos. 3, 4 and 5 disagreed to by the House.

The Senate desires the reconsideration of the bill in respect of amendments nos. 3, 4 and 5.

SUE WEST

Deputy President

The Senate

27 June 1997

On the motion of Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister), the amendments insisted on by the Senate were agreed to, after debate.

55 MESSAGES FROM THE SENATE

Messages from the Senate, dated 27 June 1997, were reported returning the following Bills without amendment:

Message—

No. 284—Taxation Laws Amendment (Infrastructure Borrowings) 1997.

No. 285—Commonwealth Vehicles (Registration and Exemption from Taxation) 1997.

No. 286—Commonwealth Motor Vehicles (Liability) Amendment 1997.

56 TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORT ON INQUIRY INTO AVIATION SAFETY—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had returned, with an unresolved question, the order of the day relating to the motion to take note of the report of the Standing Committee on Transport, Communications and Infrastructure into aviation safety (*see item No. 3, Minutes of Proceedings of the Main Committee*).

In accordance with standing order 280A the matter was made an order of the day for a later hour this day.

57 TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORT ON INQUIRY INTO SHIP SAFETY—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had returned, with an unresolved question, the order of the day relating to the motion to take note of the report of the Standing Committee on Transport, Communications and Infrastructure into ship safety (*see item No. 4, Minutes of Proceedings of the Main Committee*).

In accordance with standing order 280A the matter was made an order of the day for a later hour this day.

58 ANL LIMITED—REPORT FOR 1995-96—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had returned, with an unresolved question, the order of the day relating to the motion to take note of the ANL Limited report for 1995-96 (*see item No. 5, Minutes of Proceedings of the Main Committee*).

In accordance with standing order 280A the matter was made an order of the day for a later hour this day.

59 TREATIES—JOINT STANDING COMMITTEE—REPORT ON PROTOCOLS II AND IV TO THE INHUMANE WEAPONS CONVENTION—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Main Committee had returned, with an unresolved question, the order of the day relating to the motion to take note of the report of the Joint Standing Committee on Treaties on Protocols II and IV to the Inhumane Weapons Convention (*see item No. 9, Minutes of Proceedings of the Main Committee*).

In accordance with standing order 280A the matter was made an order of the day for a later hour this day.

**60 NATIONAL CRIME AUTHORITY—PARLIAMENTARY JOINT COMMITTEE—
REPORT ON ORGANISED CRIMINAL PAEDOPHILE ACTIVITY—
GOVERNMENT RESPONSE—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Main Committee had returned, with an unresolved question, the order of the day relating to the motion to take note of the Government response to the report of the Parliamentary Joint Committee on the National Crime Authority on organised criminal paedophile activity (*see item No. 10, Minutes of Proceedings of the Main Committee*).

In accordance with standing order 280A the matter was made an order of the day for a later hour this day.

**61 FAMILY AND COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT
ON THE SEMINAR INTO ASPECTS OF YOUTH SUICIDE—REPORT FROM
MAIN COMMITTEE**

The Deputy Speaker reported that the Main Committee had returned, with an unresolved question, the order of the day relating to the motion to take note of the report of the Standing Committee on Family and Community Affairs on the seminar into aspects of youth suicide (*see item No. 11, Minutes of Proceedings of the Main Committee*).

In accordance with standing order 280A the matter was made an order of the day for a later hour this day.

**62 INDUSTRY, SCIENCE AND TECHNOLOGY—STANDING COMMITTEE—
REPORT ON BUSINESS CONDUCT ISSUES ARISING OUT OF COMMERCIAL
DEALINGS BETWEEN FIRMS—DISSENT FROM DEPUTY SPEAKER'S
RULING—REPORT FROM MAIN COMMITTEE**

The Deputy Speaker reported that the Main Committee had an unresolved question on a closure motion to the motion—That the Deputy Speaker's ruling be dissented from (*see item No. 12, Minutes of Proceedings of the Main Committee*).

Motion—That the ruling be dissented from—withdrawn, by leave, and the closure not further proceeded with.

Debate adjourned (Mr Miles—Parliamentary Secretary (Cabinet) to the Prime Minister) on the question—That the House take note of the paper, and the resumption of the debate made an order of the day for a later hour this day.

**63 UNRESOLVED QUESTIONS—MAIN COMMITTEE—STATEMENT BY DEPUTY
SPEAKER**

The Deputy Speaker reported two unresolved questions relating to the motion that the Main Committee adjourn (*see item No. 13, Minutes of Proceedings of the Main Committee*).

The Deputy Speaker stated that the unresolved questions were appropriate to proceedings in the Main Committee earlier today, however, as the Main Committee had been subsequently adjourned, there was no point putting the unresolved questions to the House.

64 PARLIAMENTARY ADMINISTRATION—STATEMENT BY DEPUTY SPEAKER

The Deputy Speaker made a statement on behalf of the Speaker concerning the proposed amalgamation of the Parliamentary Departments.

65 ADJOURNMENT

Mr Reith (Leader of the House) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7 p.m., adjourned until Monday, 25 August 1997, at 12.30 p.m., in accordance with the resolution agreed to at this sitting.

PAPERS

The following papers were deemed to have been presented on 26 June 1997:

Public Service Act—Parliamentary Presiding Officers' Determination 1997 No. 1.

Telecommunications Act 1991—Telecommunications (Customer Service Guarantee) Direction 1997 No. 1.

Telstra Corporation Act—Telstra carrier charges—Price control arrangements, notification and disallowance—Determination 1995 (Amendment No. 1 of 1997).

ATTENDANCE

All Members attended (at some time during the sitting) except Mr K. J. Andrews, Mr E. H. Cameron, Mr Downer, Mrs Gallus, Mr Howard, Mr Moore, Mr Neville, Mr O'Connor, Mr Sawford, Mr Sharp and Mr Somlyay.

L. M. BARLIN
Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 101

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

THURSDAY, 26 JUNE 1997

1 The Main Committee met at 10 a.m.

2 FISHERIES LEGISLATION AMENDMENT 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—

Debate resumed.

Mr McLeay moved—That the debate be now adjourned.

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

3 TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORT ON INQUIRY INTO AVIATION SAFETY—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 Reith (Leader of the House)—That the House take note of the paper (*presented on 7 May 1996*), viz.:

Transport, Communications and Infrastructure—Standing Committee—Plane safe—Report on the inquiry into aviation safety: The commuter and general aviation section, December 1995—

Mr McLeay moved—That the debate be now adjourned.

Question—put and not being resolved—order of the day to be returned to the House.

4 TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE—STANDING COMMITTEE—REPORT ON INQUIRY INTO SHIP SAFETY—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 Reith (Leader of the House)—That the House take note of the paper (*presented on 7 May 1996*), viz.:

Transport, Communications and Infrastructure—Standing Committee—Ships of Shame—A sequel: Report on the inquiry into ship safety, November 1996—

Mr McLeay moved—That the debate be now adjourned.

Question—put and not being resolved—order of the day to be returned to the House.

5 ANL LIMITED—REPORT FOR 1995-96—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 Reith (Leader of the House)—That the House take note of the paper (*presented on 31 October 1996*), viz.:

ANL Act—ANL Limited—Report for 1995-96—

Mr McLeay moved—That the debate be now adjourned.

Question—put and not being resolved—order of the day to be returned to the House.

6 AVIATION SAFETY REGULATION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER

The order of the day having been read for the resumption of the debate on the motion of Mr Prosser (Minister for Small Business and Consumer Affairs)—That the House take note of the paper (*presented on 25 June 1996*), viz.:

Aviation safety regulation—Ministerial statement, 25 June 1996—

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

7 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT ON AUSTRALIA'S RELATIONS WITH SOUTHERN AFRICA—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 Taylor—That the House take note of the paper (*presented on 2 December 1996*), viz.:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Australia's relations with Southern Africa—Report, November 1996—

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

8 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—PAPUA NEW GUINEA—SEMINAR, 11-12 NOVEMBER 1996—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 Sinclair—That the House take note of the paper (*presented on 24 February 1997*), viz.:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Papua New Guinea update: Report on proceedings of a seminar, 11 and 12 November 1996, Canberra, February 1997—

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

9 TREATIES—JOINT STANDING COMMITTEE—REPORT ON PROTOCOLS II AND IV TO THE INHUMANE WEAPONS CONVENTION—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 Taylor—That the House take note of the paper (*presented on 24 February 1997*), viz.:

Treaties—Joint Standing Committee—5th report—Restrictions on the use of blinding laser weapons and landmines—Report, incorporating a dissenting report, February 1997—

Mr McLeay moved—That the debate be now adjourned.

Question—put and not being resolved—order of the day to be returned to the House.

10 NATIONAL CRIME AUTHORITY—PARLIAMENTARY JOINT COMMITTEE—REPORT ON ORGANISED CRIMINAL PAEDOPHILE ACTIVITY—GOVERNMENT RESPONSE—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 Reith (Leader of the House)—That the House take note of the paper (*presented on 20 March 1997*), viz.:

National Crime Authority—Parliamentary Joint Committee—Report—Organised criminal paedophile activity, November 1995—Government response—

Mr McLeay moved—That the debate be now adjourned.

Question—put and not being resolved—order of the day to be returned to the House.

11 FAMILY AND COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT ON THE SEMINAR INTO ASPECTS OF YOUTH SUICIDE—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 Slipper—That the House take note of the paper (*presented on 2 June 1997*), viz.:

Family and Community Affairs—Standing Committee—Report—Aspects of youth suicide—Summary report of a seminar, May 1997—

Mr McLeay moved—That the debate be now adjourned.

Question—put and not being resolved—order of the day to be returned to the House.

**12 INDUSTRY, SCIENCE AND TECHNOLOGY—STANDING COMMITTEE—
REPORT ON BUSINESS CONDUCT ISSUES ARISING OUT OF COMMERCIAL
DEALINGS BETWEEN FIRMS—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 Reid—That the House take note of the paper (*presented on 26 May 1997*), viz.:

Industry, Science and Technology—Standing Committee—Finding a balance: Towards fair trading in Australia—Report, incorporating a dissenting report, May 1997—

Debate resumed.

Suspension of sitting

At 11.21 a.m., the Deputy Speaker left the Chair due to the lack of a quorum.

Resumption of sitting

At 11.35 a.m., the Deputy Speaker resumed the Chair, and a quorum being present—

Debate continued.

Point of order

Mr Jenkins and Mr J. N. Andrew rising and the Deputy Speaker having called on Mr Jenkins, and Mrs Sullivan having raised a point of order on the allocation of the call—

Deputy Speaker's ruling

The Deputy Speaker ruled that Mr Jenkins had first risen in his place.

Dissent from ruling moved

Mrs Sullivan moved—That the ruling be dissented from.

Closure moved

Mr Cadman moved—That the question be now put.

Question—That the question be now put—put and not being resolved—matter to be reported to the House.

13 ADJOURNMENT

Mr J. N. Andrew moved—That the Main Committee do now adjourn.

Mr McLeay addressing the Main Committee—

Closure of Member moved

Mr A. C. Smith moved—That the Member be not further heard.

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

Closure moved

Mr A. C. Smith moved—That the question be now put.

Question—That the question be now put—put and not being resolved—
question to be returned to the House.

Suspension of sitting

At 12.18 p.m., the Deputy Speaker left the Chair due to the lack of a quorum.

Resumption of sitting

At 12.30 p.m., the Deputy Speaker resumed the Chair, and a quorum not being
present—

The Deputy Speaker adjourned the Main Committee at 12.30 p.m.

I. C. HARRIS
Clerk of the Main Committee