

1996-97

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 112

WEDNESDAY, 24 SEPTEMBER 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 **BALLAST WATER RESEARCH AND DEVELOPMENT FUNDING LEVY BILL 1997**

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to impose a levy on certain ships to provide funding for the Strategic Ballast Water Research and Development Program developed by the Australian Ballast Water Management Advisory Council, and for related purposes.

Bill read a first time.

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

Paper

Mr Anderson presented an explanatory memorandum to the Bill.

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

3 **BALLAST WATER RESEARCH AND DEVELOPMENT FUNDING LEVY COLLECTION BILL 1997**

Mr Anderson (Minister for Primary Industries and Energy) presented a Bill for an Act to provide for the collection of the levy imposed by the *Ballast Water Research and Development Funding Levy Act 1997*, and for related purposes.

Bill read a first time.

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

Paper

Mr Anderson presented an explanatory memorandum to the Bill.

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

4 NATIONAL FIREARMS PROGRAM IMPLEMENTATION BILL 1997

Mr Williams (Attorney-General and Minister for Justice), pursuant to notice, presented a Bill for an Act to provide for financial assistance in connection with the implementation of the national firearms program, and for related purposes.

Bill read a first time.

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

Paper

Mr Williams presented an explanatory memorandum to the Bill.

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

5 MIGRATION LEGISLATION AMENDMENT BILL (NO. 5) 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.

Question—put.

The House divided (the Deputy Speaker, Mr K. J. Andrews, in the Chair)—

AYES, 82

Mr Abbott	Mr Entsch	Mr Lieberman	Mr Ruddock
Mr Anderson	Mr R. D. C. Evans	Mr Lindsay	Mr Scott
Mr Andren	Mr Fahey	Mr Lloyd	Mr Sinclair
Mr J. N. Andrew	Mr Filing	Mr McArthur*	Mr Slipper*
Mr R. C. Baldwin	Mr Forrest	Mr McDougall	Mr A. C. Smith
Mr Barresi	Mrs Gallus	Mr McLachlan	Mr Somlyay
Mr Bartlett	Ms Gambaro	Mr Marek	Dr Southcott
Mr Billson	Mrs Gash	Mr Miles	Mrs Stone
Mrs Bishop	Mr Georgiou	Mr Moore	Mrs Sullivan
Mr Bradford	Mrs E. J. Grace	Mr Mutch	Mr A. P. Thomson
Mr Broadbent	Ms Hanson	Mr Nairn	Mr Truss
Mr Brough	Mr Hardgrave	Mr Nehl	Mr Tuckey
Mr Cadman	Mr Hawker	Dr Nelson	Mr M. A. J. Vaile
Mr E. H. Cameron	Mr Hicks*	Mr Neville	Mrs D. S. Vale
Mr R. A. Cameron	Mr Hockey	Mr Nugent	Mr Wakelin
Mr Causley	Ms Jeanes	Mr Prosser	Mrs West
Mr Charles	Mrs Johnston	Mr Randall	Mr Williams
Mr Cobb	Mr Jull	Mr Reid	Ms Worth
Mr Downer	Mr Katter	Mr Reith	Mr Zammit
Mrs Draper	Mrs D. M. Kelly	Mr Rocher	
Mrs Elson	Miss J. M. Kelly	Mr Ronaldson	

NOES, 42

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

* Tellers

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Ruddock (Minister for Immigration and Multicultural Affairs), the Bill was read a third time.

6 TAXATION LAWS AMENDMENT (FOREIGN INCOME MEASURES) 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.

Question—put and passed—Mr Rocher dissenting—Bill read a second time.

Leave granted for third reading to be moved forthwith.

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

7 TAXATION LAWS AMENDMENT BILL (NO. 4) 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.

Debate adjourned (Miss J. M. Kelly), and the resumption of the debate made an order of the day for a later hour this day.

8 MEMBER FOR HUME (MR SHARP) AND MEMBER FOR FADDEN (MR JULL)—RESIGNATIONS FROM MINISTRY—MINISTERIAL STATEMENT AND PAPERS

Mr Howard (Prime Minister), by leave, made a ministerial statement concerning the resignations of Mr Sharp and Mr Jull from the Ministry and presented the following papers:

Resignations from Ministry—Copies of letters from—

Mr Jull to Mr Howard, 24 September 1997.

Mr Sharp to Mr Howard, 24 September 1997.

Travelling allowance payments to Ministers and Opposition office holders in the House of Representatives—Statement by Mr McGauran, 24 September 1997.

Mr Sharp, Mr Jull and Mr Beazley (Leader of the Opposition), by leave, also made statements with reference to the matter.

9 TAXATION LAWS AMENDMENT BILL (NO. 4) 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 having been resumed by Miss J. M. Kelly—

It being 2 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

10 QUESTIONS

Questions without notice were asked.

11 PAPERS

The following papers were presented:

Australian Nuclear Science and Technology Organisation Act—Nuclear Safety Bureau—Report—

NSB.QRM 38, 1 January to 31 March 1997.

NSB.QRM 39, 1 April to 30 June 1997.

Civil Aviation Act—Airservices Australia—Corporate plan July 1997 to June 2002.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Health Insurance Commission—Report for 1995-96.

Health Insurance Act—Medical Training Review Panel—Report for period 14 March to 30 June 1997.

Ombudsman Act—Commonwealth and Defence Force Ombudsman—Report, including a report pursuant to the Complaints (Australian Federal Police) Act, for 1996-97.

12 AIRSERVICES AUSTRALIA CORPORATE PLAN—MOTION TO TAKE NOTE OF PAPER

Mr Reith (Leader of the House) moved—That the House take note of the following paper:

Civil Aviation Act—Airservices Australia—Corporate plan July 1997 to June 2002.

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

13 PAPERS

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

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

Support for the textile, clothing and footwear industries and opposition to the Industry Commission's proposals to reduce tariffs (Mr Halverson, 17 petitioners).

Request for continued government funding for the Australian Pensioners' and Superannuants' Federation (Mr Halverson and Mr Reith, 196 and 66 petitioners, respectively).

Request for government funding for the Bone Marrow Donor Institute Cord Blood Bank (Mr Reith, 13 petitioners).

Opposition to closure of Medicare office (Mr Nehl, 1914 petitioners).

Support for East Timorese refugee applicants (Mr L. D. T. Ferguson, 74 petitioners).

14 SUSPENSION OF STANDING AND SESSIONAL ORDERS—DISCUSSION OF MATTER OF PUBLIC IMPORTANCE

Mr Reith (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent a definite matter of public importance being submitted to the House by the Member for Jagajaga and discussed forthwith.

Question—put and passed.

15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SOCIAL SECURITY AND CARE FOR THE AGED

The House was informed that Ms Macklin had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's changes to social security and care for the aged which will disadvantage older Australians".

The proposed discussion having received the necessary support—

Ms Macklin addressed the House.

Discussion ensued.

Discussion concluded.

16 PUBLIC ACCOUNTS—JOINT COMMITTEE—REPORT—MOTION TO TAKE NOTE OF PAPER

Mr Somlyay, by leave, moved—That the House take note of the following paper:

Public Accounts—Joint Committee—Report 352—Review of Auditor-General's reports 1996-97: Second quarter, August 1997.

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

17 EXCISE TARIFF (FUEL RATES AMENDMENTS) BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with amendments (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

18 CUSTOMS TARIFF (FUEL RATES AMENDMENTS) BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with amendments (*see item No. 3, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

19 FUEL MISUSE (PENALTY SURCHARGE) BILL 1997—REPORT FROM MAIN COMMITTEE

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

Bill agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

20 FUEL SALE (PENALTY SURCHARGE) BILL 1997—REPORT FROM MAIN COMMITTEE

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

Bill agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

21 FUEL BLENDING (PENALTY SURCHARGE) BILL 1997—REPORT FROM MAIN COMMITTEE

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

Bill agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

22 FUEL (PENALTY SURCHARGES) ADMINISTRATION BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with an amendment (*see item No. 7, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the amendment.

Amendment made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

23 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 2) 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with an amendment (*see item No. 8, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of the amendment.

Amendment made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

24 CUSTOMS TARIFF AMENDMENT BILL (NO. 4) 1997—REPORT FROM MAIN COMMITTEE

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

Bill agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

25 EXCISE TARIFF AMENDMENT BILL (NO. 4) 1997—REPORT FROM MAIN COMMITTEE

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

Bill agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

26 FAMILY COURT OF WESTERN AUSTRALIA (ORDERS OF REGISTRARS) BILL 1997—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Bill had been fully considered by the Main Committee and agreed to with amendments (*see item No. 11, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr A. P. Thomson (Parliamentary Secretary to the Minister for Foreign Affairs), by leave, the Bill was read a third time.

27 TAXATION LAWS AMENDMENT BILL (NO. 4) 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.

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

Consideration in detail

Bill, by leave, taken as a whole.

Paper

Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) presented a supplementary explanatory memorandum to the Bill.

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

Clause 2—

Page 2 (lines 3 to 9), omit subclause (3), substitute:

- (3) The remaining items of Schedule 6 commence on the day on which this Act receives the Royal Assent or on the day on which the *Taxation Laws Amendment Act (No. 3) 1997* receives the Royal Assent, whichever is the later.

Page 2 (lines 11 to 13), omit subclause (5).

Schedule 1—

Page 3 (after line 6), after item 1, insert:

1A Section 159GZA (definition of *foreign investor*)

Omit all the words after “Australia”.

Item 7, page 5 (lines 5 to 7), omit all the words after “by”, substitute “such persons.”.

Item 7, page 6 (lines 15 and 16), omit all the words after “by”, substitute “such persons.”.

Item 7, page 7 (lines 25 and 26), omit all the words after “by”, substitute “such persons.”.

Page 8 (after line 4), after item 7, insert:

7A Paragraph 159GZG(5)(a)

Omit “(other than as a partner in a partnership or a trustee or beneficiary of a trust estate)”.

7B After subsection 159GZG(5)

Insert:

(5A) In calculating the foreign investor’s equity for the purpose of subsection (5), any interest in a discretionary trust (within the meaning of subsection (13)) is to be disregarded to the extent that:

- (a) the interest is subject to the power or discretion mentioned in paragraph (13)(a); or
- (b) the interest is a contingent or defeasible interest as mentioned in paragraph (13)(b).

(5B) In calculating the foreign investor’s equity for the purpose of subsection (5), any interest in a discretionary trust (within the meaning of subsection (13)) to which paragraph (13)(c) applies is to be disregarded.

Page 10 (after line 9), after item 9, insert:

9A Paragraph 159GZM(d)

Omit “number 3” (wherever occurring), substitute “number 2”.

Item 12, page 10 (line 14) to page 11 (line 9), omit the item.

Schedule 3—

Item 1, page 14 (line 21), omit “7th”, substitute “14th”.

Item 1, page 14 (line 23), omit “7th”, substitute “14th”.

Page 14 (after line 26), after item 1, insert:

1A Subsection 221F(5H)

Omit “7 days”, substitute “14 days”.

Schedule 5—

Item 6, page 22 (lines 2 to 4), omit “which is prohibited by terms of the will or instrument of trust from making distributions overseas and”.

Item 8, page 24 (lines 19 to 21), omit “and ‘which is prohibited by the terms of the will or instrument of trust from making distributions overseas and’”.

Item 12, page 25 (lines 9 to 13), omit the item.

Schedule 7—

Item 6, page 35 (line 25), after “by”, insert “, or on behalf of,”.

Item 6, page 36 (lines 10 and 11), omit the note.

Item 6, page 36 (lines 18 to 20), omit subsection 161E(1), substitute:

(1) The taxpayer must retain the declaration for 5 years after it is made.

Item 6, page 36 (lines 24 and 25), omit “registered tax agent receives a copy of”, substitute “taxpayer makes”.

Item 6, page 36 (lines 26 and 27), omit subsection 161E(4).

Item 6, page 36 (lines 28 and 29), omit subsection 161E(5).

Item 6, page 37 (lines 1 to 7), omit section 161F.

Item 6, page 37 (line 11), omit “a copy of”, substitute “the original of, or a copy of,”.

Item 7, page 37 (line 16), after “person”, insert “(the *tax agent*)”.

Item 7, page 37 (line 26), after “transmission”, insert “by a person on behalf of the tax agent”.

Item 7, page 37 (after line 29), after subsection (1AA), insert:

(1AB) Where a certificate is endorsed on or annexed to a return or application for amendment that is given on a data processing device or by way of electronic transmission, the agent’s certificate must be signed in accordance with subsection 264B(3).

Item 22, page 43 (line 22), after “by”, insert “, or on behalf of,”.

Item 22, page 44 (lines 5 and 6), omit the note.

Item 22, page 44 (lines 13 to 15), omit subsection 70B(1), substitute:

(1) The taxpayer must retain the declaration for 5 years after it is made.

Item 22, page 44 (lines 19 and 20), omit “registered tax agent receives a copy of”, substitute “taxpayer makes”.

Item 22, page 44 (lines 21 and 22), omit subsection 70B(4).

Item 22, page 44 (lines 23 and 24), omit subsection 70B(5).

Item 22, page 44 (line 26) to page 45 (line 1), omit section 70C.

Item 22, page 45 (line 5), omit “a copy of”, substitute “the original of, or a copy of,”.

Item 23, page 45 (line 10), after “person”, insert “(the *tax agent*)”.

Item 23, page 45 (line 20), after “transmission”, insert “by a person on behalf of the tax agent”.

Item 23, page 45 (after line 23), after subsection (1AA), insert:

(1AB) Where a certificate is endorsed on or annexed to a return or application for amendment that is given on a data processing device or by way of electronic transmission, the agent’s certificate must be signed in accordance with subsection 124B(3).

Debate continued.

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

28 TRAVELLING ALLOWANCE PAYMENTS—MINISTERIAL STATEMENT AND PAPER

Mr Howard (Prime Minister), by leave, made a ministerial statement concerning the refunding of travelling allowance payments by Mr Scott (Minister for Veterans' Affairs) and presented the following paper:

Travelling allowance payments to Ministers and Opposition office holders in the House of Representatives—Copy of letter from J. Mellors, Secretary, Department of Administrative Services, to Mr Howard, 24 September 1997.

29 TAXATION LAWS AMENDMENT BILL (NO. 4) 1997

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

Debate resumed on the Bill and on the amendments moved together by Mr Miles (Parliamentary Secretary (Cabinet) to the Prime Minister) (*see item No 27*).

Amendments agreed to.

Bill, as amended, agreed to.

Consideration in detail concluded.

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

30 STANDING AND JOINT STANDING COMMITTEES—MEMBERSHIP

The House was informed of the nominations by the Government Whip of Members to be members of the following committees:

Industry, Science and Technology—Standing Committee

Miss J. M. Kelly in place of Mr R. C. Baldwin.

Treaties—Joint Standing Committee

Ms Jeanes in place of Mr Tuckey.

31 HEALTH INSURANCE COMMISSION (REFORM AND SEPARATION OF FUNCTIONS) 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 by Ms Macklin 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:

- (1) condemns the Government for the closure of Medicare offices, the threat of further closures as a result of this bill, and reducing access to Medibank Private retail outlets;

- (2) is appalled that the Government is risking higher premiums for Medibank Private members due to separation costs and loss of economies of scale and higher fees for other private health funds if the competitive force exerted to date by Medibank Private is weakened;
- (3) calls on the Government to fully protect the job security of all staff at the Health Insurance Commission including those at Medibank Private;
- (4) deplores the additional cost to taxpayers caused by the separation, including:
 - (a) replicating computer and information systems;
 - (b) a massive upheaval in branch office networks for both Medicare and Medibank Private offices; and
 - (c) staff transfer and re-location costs; and
- (5) deplores the Government's total mismanagement of private health insurance which has seen \$1.7 billion of taxpayers money swallowed up by massive premium rises approved by the Health Minister and the Prime Minister".

Debate continued.

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

32 ADJOURNMENT

Mr Williams (Attorney-General and Minister for Justice) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

PAPERS

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

Social Security Act—Social Security (Threshold Rates) Determination No. 3.

Telecommunications Act 1997—

Telecommunications (Low-impact Facilities) Determination 1997.

Telecommunications Code of Practice 1997.

Wildlife Protection (Regulation of Exports and Imports) Act—Declaration under section 9—Amendment to Schedules 1, 2 and 2A, 10 September 1997.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Albanese, Mr P. J. Baldwin, Mr Campbell, Mr Costello, Mr Crean, Mr Dondas, Mr Latham, Mr Lee, Mrs Moylan, Mr Pyne, Mr Taylor and Dr Wooldridge.



I. C. HARRIS

Clerk of the House of Representatives

1996-97

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 112

MAIN COMMITTEE**MINUTES OF PROCEEDINGS**

WEDNESDAY, 24 SEPTEMBER 1997

1 The Main Committee met at 10 a.m.

2 EXCISE TARIFF (FUEL RATES AMENDMENTS) BILL 1997

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

Debate resumed.

Papers

Mr McGauran (Minister representing the Minister for Customs and Consumer Affairs) presented supplementary explanatory memoranda to the following Bills:

Excise Tariff (Fuel Rates Amendments) 1997;

Customs Tariff (Fuel Rates Amendments) 1997;

Fuel (Penalty Surcharges) Administration 1997; and

Customs and Excise Legislation Amendment (No. 2) 1997.

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

Consideration in detail

Bill, by leave, taken as a whole.

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

Schedule 1—

Item 15—

Page 5, description of goods falling to item 11, omit “petroleum condensate” (twice occurring), substitute “condensate”.

Page 5, description of goods falling to item 11, omit “semi-refined liquid petroleum products other than lubricating oils”, substitute “partly refined liquid petroleum products other than lubricants (including lubricant base oils), hydraulic oils, transformer oils”.

Page 5, omit subitem 11(A), substitute:

(A) Kerosene for use as a fuel in aircraft \$0.01785/L

Page 6, omit subitem 11(D), substitute:

(D) Fuel oil having the characteristics set out in subsection 3(4) \$0.07200/L

Page 7, description of goods falling to subitem 11(E), omit "Petroleum condensate", substitute "Condensate".

Page 9, omit "Other refined or partly refined petroleum products other than lubricating oils or bitumen", substitute "Other refined or partly refined petroleum products other than lubricants (including lubricant base oils), hydraulic oils, transformer oils or bitumen".

Page 9, omit subparagraph 11(I)(1)(a), substitute:

(a) Diesel fuel, and gasoline, on which customs or excise duty has been paid, recovered by a recycling process not being a process of refining Free

Item 18, page 11, omit subitem 17(B), substitute:

(B) Condensate produced in a State or Territory or inside the outer limits of the territorial sea of Australia other than condensate produced from a prescribed source Free

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

3 CUSTOMS TARIFF (FUEL RATES AMENDMENTS) BILL 1997

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

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr McGauran (Minister representing the Minister for Customs and Consumer Affairs), by leave, the following amendments were made together:

Schedule 1—

Item 1, page 3 (line 5), omit "4(1)", substitute "3(1)".

Item 2—

Page 3 (table, column 1), omit "2710.00.62", substitute "2710.00.60".

Page 3 (table, column 2), omit "11(D)(2)", substitute "11(D)".

Page 4 (table, column 1), omit "2710.00.69".

Page 4 (table, column 2), omit "11(D)(3)".

Item 3, page 4 (line 5), omit "2710.00.6", substitute "2710.00.60".

Item 7—

Page 10, omit subheadings 2710.00.6, 2710.00.61, 2710.00.62 and 2710.00.69, substitute:

2710.00.60	---Fuel oil having the characteristics as defined in Additional Note 1 to this Chapter	\$0.07200/L NZ: \$0.07200/L PNG: \$0.07200/L FI: \$0.07200/L DC: \$0.07200/L
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Page 10, omit subheading 2710.00.8, substitute:

2710.00.8	---Other refined or partly refined petroleum products other than lubricants (including lubricant base oils), hydraulic oils, transformer oils and bitumen:
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Item 8, page 11 (line 3), omit “1921”, substitute “1995”.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

4 FUEL MISUSE (PENALTY SURCHARGE) BILL 1997

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

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

5 FUEL SALE (PENALTY SURCHARGE) BILL 1997

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

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

6 FUEL BLENDING (PENALTY SURCHARGE) BILL 1997

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

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

7 FUEL (PENALTY SURCHARGES) ADMINISTRATION BILL 1997

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

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr McGauran (Minister representing the Minister for Customs and Consumer Affairs) the following amendment was made: Clause 4, page 3 (line 13), omit “48”, substitute “50”.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with an amendment.

8 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 2) 1997

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

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr McGauran (Minister representing the Minister for Customs and Consumer Affairs) the following amendment was made: Schedule 1, page 6 (after line 17), after item 7, insert:

7A Section 77K

Omit “consisting of liquid petroleum”.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with an amendment.

9 CUSTOMS TARIFF AMENDMENT BILL (NO. 4) 1997

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

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

10 EXCISE TARIFF AMENDMENT BILL (NO. 4) 1997

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

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

Leave granted for the question on the report to be put forthwith.

Question—That the Bill be reported to the House without amendment—put and passed.

11 FAMILY COURT OF WESTERN AUSTRALIA (ORDERS OF REGISTRARS) 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.

Suspension of sitting

At 12.12 p.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting

At 12.26 p.m., the proceedings were resumed.

Debate continued.

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

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Williams (Attorney-General and Minister for Justice), by leave, the following amendments were made together:

Clause 4, page 3 (line 28), after “court”, insert “or Registrar”.

Clause 7, page 6 (after line 4), at the end of the clause, add:

- (2) Subject to subsection (3), for the purposes of an enforcement law (see subsection (4)), any act or thing done or omitted to be done before or after the commencement of this Act gives rise to the same consequences, and is to be regarded as always having given rise to the same consequences, as if each ineffective order were an order made by the Family Court of Western Australia, in the exercise of its federal family jurisdiction, in or in relation to the proceedings for the order.
- (3) If, before the commencement of this Act, a court purported to convict a person of an offence against an enforcement law on the basis that an order of the kind referred to in subsection 4(2) was a valid order, nothing in this section is to be taken to validate or confirm that conviction.
- (4) In this section:

enforcement law means a provision of a law of the Commonwealth, other than a law relating to contempt of court, that sets out a consequence for a person if the person:

- (a) contravenes; or
- (b) acts in a specified way while there is in force; an order, or a particular kind of order, made by a court exercising federal family jurisdiction (whether or not the provision also applies to other orders of courts).

Paper

Mr Williams presented a supplementary explanatory memorandum to the Bill. Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

12 **ADJOURNMENT**

On the motion of Mr Williams (Attorney-General and Minister for Justice), the Main Committee adjourned at 12.57 p.m.

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

B. C. WRIGHT
Clerk of the Main Committee