

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 5

WEDNESDAY, 27 FEBRUARY 1985

1 MEETING OF SENATE: The Senate met at 10 a.m., pursuant to adjournment. The President (Senator the Honourable Douglas McClelland) took the Chair.

2 PRAYERS.

3 PETITIONS: The following 12 petitions, lodged with the Clerk by the Senators indicated, were received:

Senators Boswell and Collard, from 60 and 133 petitioners, respectively, praying that the Australian flag be not changed without the consent of the people in a referendum.

Senator Archer, from 79 petitioners praying that the Senate disallow certain regulations and ordinances dealing with publications and video material, that action be taken to enforce existing laws, that further measures be taken in association with the States and that the censors more appropriately reflect reasonable and responsible community attitudes.

Senator Reid, from 114 petitioners praying that the Senate reject the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senators Lajovic and Scott, from 221 and 45 petitioners, respectively, praying that the Senate act to protect society from moral pollution and its harmful effects.

Senator Zakharov, from 86 petitioners praying that the Parliament recognise the widespread public opposition to plant variety rights and promote alternative means of royalty collection for plant breeders.

Senators MacGibbon and Short, from 33 and 14 petitioners, respectively, praying that the Costigan Royal Commission be reactivated and provided with sufficient resources to conclude its investigations into organised crime in Australia.

Senator Boswell, from 546 petitioners praying that the decision to allow privileges and travel entitlements to homosexual staff of the Australian Broadcasting Corporation be reversed.

Senator MacGibbon, 2 petitions similar in wording, from 1722 and 771 petitioners praying that former legislation banning the entry into Australia and sale of hard-core pornographic and violent videos and publications be re-enacted.

4 NOTICE: Senator Messner gave a Notice of Motion, as follows: To move on the next day of sitting—That leave be given to introduce a Bill for an Act to prevent an assets test applying to the rates at which certain pensions, benefits and allowances under the *Social Security Act 1947* or the *Repatriation Act 1920* are payable.

5 GOVERNMENT PAPERS: The Manager of Government Business (Senator Grimes) tabled the following Papers:

Australian Capital Territory Schools Authority—

Annual Report 1983-84, together with interim financial statements.

Financial Statements 1982-83, together with the Auditor-General's Report thereon.

Australian Marine Sciences and Technologies Advisory Committee—Annual Report (2nd) 1983.

Coal Industry Act—Joint Coal Board—Annual Report (37th) 1983-84, together with financial statements and the Auditor-General's Report thereon.

Compensation (Commonwealth Government Employees) Act—Commissioner for Employees' Compensation—Annual Report 1983-84.

Independent Schools (Loans Guarantee) Act—Report 1983-84—Statement of particulars of guarantees and payments made under the Act.

Social Security Act—Department of Social Security—Annual Report 1983-84.

United Nations—Report of the Australian Delegation to the 38th Session of the General Assembly, New York, 20 September 1983 to 21 December 1983.

6 PRIVILEGES—STANDING COMMITTEE—REFERENCE: The Chairman of the Standing Committee of Privileges (Senator Childs), by leave, moved—

- (1) That the following matter be referred to the Committee of Privileges: The question of what penalties, if any, might, in the Committee's opinion, be appropriate with respect to the serious contempts of the Senate constituted by certain publications in *The National Times* the subject of the Committee's Report, tabled on 17 October 1984 and adopted by the Senate on 24 October 1984.
- (2) That for the purpose of its inquiry and report—
 - (a) the Committee have power to send for and examine persons, papers and records, to move from place to place, and to sit in public or private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives;
 - (b) the Committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public; and
 - (c) the Committee have power to consider the minutes of evidence and records of the Committee of Privileges of the previous Parliament.
- (3) That the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Question—put and passed.

7 ORDER OF BUSINESS—POSTPONEMENT: The Manager of Government Business (Senator Grimes) moved—That Business of the Senate, Notice of Motion No. 1 standing in the name of Senator Robert Ray relating to a proposed reference to the Standing Committee on Finance and Government Operations, be postponed till the next day of sitting.

Question—put and passed.

The Leader of the Opposition in the Senate (Senator Chaney), by leave, made a statement relating thereto.

8 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY: Order of the Day read for the consideration of the Governor-General's Opening Speech.

Senator Aulich moved—That the following Address-in-Reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech which you have been pleased to address to Parliament.

Senator Cooney seconded the motion.

Debate continued.

On the motion of the Minister for Education (Senator Ryan) the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

- 9 **SUGAR AGREEMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Finance (Senator Walsh)—That this Bill be now read a second time.

Senator Collard moved an amendment, viz: At end of motion add “, but the Senate notes with great concern the plight of the industry generally and the communities dependent on the industry because of the failure of the Hawke Government to honour its pre-election promises to assist the depressed sugar industry”.

Debate ensued.

Senator Bjelke-Petersen addressing the Chair—

And it being 2 p.m.—

- 10 **QUESTIONS:** Questions without Notice being proceeded with—

Paper: The Minister for Education (Senator Ryan) tabled the following Paper from which she had quoted:

Women—International violence against and degradation of—Background paper.

Further Questions without Notice were answered.

Paper: The Minister for Resources and Energy (Senator Gareth Evans) tabled the following Paper from which he had quoted:

Oil exploration sites—Allocation by cash bidding or work program bidding—Background paper.

Further Questions without Notice were answered.

- 11 **URGENCY MOTION:** The President informed the Senate that he had received a letter from the Leader of the Opposition in the Senate (Senator Chaney) advising that this day he intended to move—That in the opinion of the Senate the following is a matter of urgency: “The need to reassert that Australia’s participation in ANZUS and the western alliance is—

- (a) vital to our defence;
- (b) a major contribution to the maintenance of an effective stable deterrence and the preservation of peace; and
- (c) a means of increasing Australia’s influence in disarmament negotiations, and to unequivocally reject the attractive but unrealistic idea that unilateral nuclear disarmament would be an effective way to bring about an end to the arms race”.

And at least 4 Senators having risen in support of the motion—

Senator Chaney thereupon moved the motion.

Debate ensued.

And the debate having reached the limit of 2 hours allowed by Standing Order 64—

Suspension of Standing Orders: Senator Baume moved—That so much of the Standing Orders be suspended as would prevent the Question being put forthwith.

Debate ensued.

Question—put and passed.

Question—That the motion be agreed to—put accordingly.

The Senate divided—

AYES, 66

Senators—			
Archer	Crowley	Kilgariff	Richardson
Aulich	Devlin	Knowles	Robertson (Teller)
Baume	Durack	Lajovic	Ryan
Bjelke-Petersen	Elstob	Lewis	Scott
Black	Evans, Gareth	McClelland	Sheil
Bolkus	Foreman	MacGibbon	Short
Boswell	Gietzelt	McIntosh	Sibraa
Brownhill	Giles	McKiernan	Tate
Carrick, Sir John	Grimes	Maguire	Teague
Chaney	Guilfoyle,	Messner	Townley
Childs	Dame Margaret	Missen	Vanstone
Coates	Hamer	Parer	Walsh
Collard	Harradine	Primmer	Walters
Colston	Hearn	Puplick	Watson
Cook	Hill	Ray, Robert	Withers
Cooney	Jessop	Reid	Zakharov
Crichton-Browne	Jones	Reynolds	

NOES, 6

Senators—		
Chipp	Haines	Mason
Evans, Jack	Macklin (Teller)	Vigor

And so it was resolved in the affirmative.

- 12 **APPROPRIATIONS AND STAFFING—STANDING COMMITTEE**—*Leave to sit during sitting of Senate:* The Manager of Government Business (Senator Grimes), by leave, moved—That leave be granted to the Standing Committee on Appropriations and Staffing to meet during the sitting of the Senate on Wednesday, 27 February 1985.
Question—put and passed.

- 13 **SOCIAL WELFARE—STANDING COMMITTEE—VARIATION OF RESOLUTION:** Senator Elstob, by leave, moved—

- (1) That, notwithstanding anything contained in the Standing Orders, and to enable the Senate Standing Committee on Social Welfare to complete its inquiry into children and youth under institutional and other forms of care and its inquiry into retirement income systems, the Committee consist of 8 Senators, 4 being members of the Government to be nominated by the Leader of the Government, and 4 being Senators who are not members of the Government, to be nominated by the Leader of the Opposition in the Senate or by any minority group or groups or independent Senator or independent Senators.
- (2) That nothing in the foregoing Resolution affect the appointments to the Committee of Senators who are at present members of the Committee.

Question—put and passed.

Appointment of Members: The Deputy-President (Senator Hamer) informed the Senate that the President had received letters from the Leader of the Government and the Leader of the Opposition in the Senate relating to the membership of the Standing Committee on Social Welfare.

The Manager of Government Business (Senator Grimes), by leave, moved—That Senators Bjelke-Petersen and Cook, having been duly nominated in accordance with the Resolution of the Senate of this day, be appointed members of the Standing Committee on Social Welfare.

Question—put and passed.

Pursuant to Sessional Order, consideration of Government Papers was called on.

- 14 **GOVERNMENT PAPERS—CONSIDERATION:** The following Government Papers, tabled earlier this day (*see Entry No. 5 above*), were considered pursuant to Sessional Order:
- Joint Coal Board—Annual Report 1983-84—Motion to take note of Paper moved by Senator Durack.
 - Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.
 - Department of Social Security—Annual Report 1983-84—Motion to take note of Paper moved by Senator Messner, debated and agreed to.
 - Commissioner for Employees' Compensation—Annual Report 1983-84—Motion to take note of Paper moved by Senator Crowley and debated.
- Pursuant to Sessional Order, consideration of Government Papers was interrupted.*

- 15 **AUSTRALIAN CAPITAL TERRITORY SCHOOLS AUTHORITY—ANNUAL REPORT AND INTERIM FINANCIAL STATEMENTS 1983-84; FINANCIAL STATEMENTS 1982-83—PAPERS:** Senator Baume, by leave, moved—That the Senate take note of the following Papers:

- Australian Capital Territory Schools Authority—
- Annual Report 1983-84, together with interim financial statements.
- Financial Statements 1982-83, together with the Auditor-General's Report thereon.

Ordered—That the resumption of the debate be an Order of the Day for Thursday at General Business.

- 16 **INDUSTRY AND TRADE—STANDING COMMITTEE—STATEMENT BY SENATOR:** Senator Archer, on behalf of the Standing Committee on Industry and Trade, by leave, made a statement informing the Senate that the Committee had determined to resume consideration of the following reference:
- A re-examination of the Closer Economic Relationship between Australia and New Zealand.

- 17 **SCIENCE, TECHNOLOGY AND THE ENVIRONMENT—STANDING COMMITTEE—STATEMENT BY CHAIRMAN:** The Chairman of the Standing Committee on Science, Technology and the Environment (Senator Jones), by leave, made a statement informing the Senate that the Committee had determined to resume consideration of the following reference:

- The need for a national technology assessment system.

- 18 **PAPERS:** The following Papers were tabled:
- Seat of Government (Administration) Act—Pharmacy Ordinance—Determination of Fees, dated 15 January 1985.
 - States Grants (Tertiary Education Assistance) Act—Direction under section 42 to reduce amounts specified in Schedules 1 and 8, Part I, for 1984, dated 10 December 1984.

Pursuant to Sessional Order, consideration of Committee Reports was called on.

- 19 **SCIENCE, TECHNOLOGY AND THE ENVIRONMENT—STANDING COMMITTEE—REPORT ON LAND USE POLICY IN AUSTRALIA:** Order of the Day read for the adjourned debate on the motion of Senator Jones—That the Senate take note of the Report.

Debate resumed.

Question—put and passed.

- 20 **EDUCATION AND THE ARTS—STANDING COMMITTEE—REPORT ON A NATIONAL LANGUAGE POLICY:** Order of the Day read for the adjourned debate on the motion of Senator Colston—That the Senate take note of the Report.

Debate resumed.

Question—put and passed.

- 21 **PRIVATE HOSPITALS AND NURSING HOMES—SELECT COMMITTEE—REPORT ON PRIVATE NURSING HOMES IN AUSTRALIA:** Order of the Day read for the adjourned debate on the motion of Senator Giles—That the Senate take note of the Report.

Debate resumed.

Ordered—That the debate be adjourned till the next day of sitting, and that Senator Jessop have leave to continue his speech on the resumption of the debate.

Pursuant to Sessional Order, consideration of Committee Reports was interrupted.

- 22 **JUSTICES (LONG LEAVE PAYMENTS) AMENDMENT BILL 1985**—*Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 1

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'High Court Justices (Long Leave Payments) Act 1979' and the 'Judges (Long Leave Payments) Act 1979'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 27 February 1985

H. A. JENKINS,
Speaker

Ordered—That the Bill may be taken through all its stages without delay.

On the motion of the Minister for Education (Senator Ryan) the Bill was read a first time.

Senator Ryan moved—That this Bill be now read a second time.

On the motion of Senator Kilgariff the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.

- 23 **ADJOURNMENT:** The Minister for Education (Senator Ryan) moved—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 7.23 p.m. till tomorrow at 10 a.m.

- 24 **ATTENDANCE:** Present, all Senators except Senators Coleman (on leave) and Peter Rae.

A. R. CUMMING THOM,
Clerk of the Senate