

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 6

THURSDAY, 28 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 11 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Walters, from 362 petitioners praying that the Senate take action to restrict the viewing of certain films, video tapes and printed material.

Senator Sir John Carrick, from 21 petitioners praying that the Senate act to protect society from moral pollution and its harmful effects.

Senator Robert Ray, from 56 petitioners praying that the Senate ensure that chiropractic services are included in Medicare.

Senator Zakharov, from 40 petitioners praying that the Parliament recognise the widespread public opposition to plant variety rights and promote alternative means of royalty collection for plant breeders.

Senator Sir John Carrick, from 29 petitioners praying that the Costigan Royal Commission be reactivated and provided with sufficient resources to conclude its investigations into organised crime in Australia.

Senators Messner and Walters, from 13 and 49 petitioners, respectively, praying that the Australian flag be not changed without the consent of the people in a referendum.

Senators Archer and Walters, from 114 and 484 petitioners, respectively, 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 Walters, from 1367 petitioners praying that the Senate pass a motion in support of the existing Australian flag.

Senator Georges, from 40 petitioners praying that the Senate reject recommendations concerning the funding of private schools, declare a 3-year moratorium on increases in such funding and re-affirm support for government schools.

4 **NOTICE:** Senator Macklin 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 ensure the conservation of the wet tropics of North-East Queensland.

5 **NATIONAL RESOURCES—STANDING COMMITTEE—REPORT ON THE COMMONWEALTH'S ROLE IN RURAL RESEARCH AND EXTENSION SERVICES—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT:** The Minister for Community Services (Senator Grimes), by leave, made a statement responding to the Report of the Standing Committee on National Resources on the

Commonwealth's Role in Rural Research and Extension Services tabled on 30 November 1982.

Senator Collard, by leave, moved—That the Senate take note of the Statement.

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

6 SOCIAL SECURITY AND REPATRIATION (ABOLITION OF ASSETS TEST) BILL 1985:

Senator Messner, pursuant to Notice of Motion not objected to as a Formal Motion, moved—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.

Question—put and passed.

Bill presented, and on the motion of Senator Messner read a first time.

Senator Messner, by leave, moved—That this Bill be now read a second time.

On the motion of the Minister for Community Services (Senator Grimes) the debate was adjourned.

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

7 ORDER OF GENERAL BUSINESS—RE-ARRANGEMENT: The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered, the order of General Business for consideration this day pursuant to Sessional Order be as follows:

- (a) consideration of Government Papers pursuant to Sessional Order;
- (b) General Business, Notice of Motion No. 2, standing in the name of Senator Baume relating to human rights in the Baltic States; and
- (c) General Business, Order of the Day No. 4, Flags Amendment Bill 1984 [1985].

Question—put and passed.

8 FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—PROPOSED

REFERENCE: Senator Robert Ray, pursuant to notice, moved—That the following matter be referred to the Standing Committee on Finance and Government Operations: Present and planned changes in the presentation and structure of the appropriations presented to Parliament and consequential changes to the content and format of Departmental Explanatory Notes.

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

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—*And on the amendment moved thereto by Senator Collard, 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 resumed.

Senator Jack Evans, by leave, moved the following amendments to Senator Collard's amendment together:

After “the Hawke Government” in the words proposed to be added, insert “and the Bjelke-Petersen Queensland State Government”.

Leave out “its”, insert “their”.

Debate continued.

Question—That the amendments (Senator Jack Evans' amendments to Senator Collard's amendment) be agreed to—put.

The Senate divided—

AYES, 39

Senators—			
Aulich	Devlin	Hearn	Reynolds
Black	Elstob	Jones	Richardson
Bolkus	Evans, Gareth	McClelland	Robertson (Teller)
Button	Evans, Jack	McIntosh	Ryan
Childs	Foreman	McKiernan	Sibraa
Chipp	Georges	Macklin	Tate
Coates	Gietzelt	Maguire	Vigor
Cook	Giles	Mason	Walsh
Cooney	Grimes	Primmer	Zakharov
Crowley	Haines	Ray, Robert	

NOES, 32

Senators—			
Archer	Durack	MacGibbon	Teague
Baume	Guilfoyle,	Messner	Townley
Bjelke-Petersen	Dame Margaret	Missen	Vanstone
Boswell	Hill	Parer	Walters
Brownhill	Jessop	Puplick	Watson
Carrick, Sir John	Kilgariff	Reid	Withers
Chaney	Knowles	Scott	
Collard	Lajovic	Sheil (Teller)	
Crichton-Browne	Lewis	Short	

Amendments agreed to accordingly.

Question—That the words proposed to be added (Senator Collard's amendment, as amended) be added—put and negatived.

Question—That this Bill be now read a second time—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee

Clause 1 debated and agreed to.

Clauses 2 to 4 agreed to.

Schedule agreed to.

Title agreed to.

Bill to be reported without amendment.

The President resumed the Chair; and the Chairman of Committees (Senator Hamer) reported accordingly.

On the motion of Senator Walsh the Report from the Committee was adopted.

Senator Walsh moved—That this Bill be now read a third time.

Debate ensued.

Question—put and passed.

Bill read a third time.

10 JUSTICES (LONG LEAVE PAYMENTS) AMENDMENT BILL 1985: Order of the Day read for the adjourned debate on the motion of the Minister for Education (Senator Ryan)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee

Bill, by leave, taken as a whole and agreed to.

Bill to be reported without amendment.

The President resumed the Chair; and the Temporary Chairman of Committees (Senator Elstob) reported accordingly.

On the motion of the Minister for Resources and Energy (Senator Gareth Evans) the Report from the Committee was adopted, and the Bill read a third time.

- 11 **MARRIAGE AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Gareth Evans)—That this Bill be now read a second time.

Debate resumed.

Ordered—That the debate be adjourned till a later hour of the day, and that Senator Teague have leave to continue his speech on the resumption of the debate.

- 12 **MATTERS OF PUBLIC INTEREST:** The Minister for Education (Senator Ryan) moved—That, unless otherwise ordered, till 2 p.m. this day, matters of public interest may be raised and discussed by Senators, provided that no Senator shall speak for more than 15 minutes.

Question—put and passed.

Discussion of matters of public interest ensued accordingly.

And it being 2 p.m.—

13 **QUESTIONS.**

- 14 **PROPOSED BILL OF RIGHTS—ANSWER TO QUESTION:** Senator Harradine, by leave, moved—That the Senate take note of the answer given by the Minister for Resources and Energy (Senator Gareth Evans) to a Question without Notice asked by Senator Parer this day relating to a proposed Bill of Rights.

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

- 15 **CONDUCT OF A JUDGE AND ALLEGATIONS CONCERNING A JUDGE—SELECT COMMITTEES—COSTS INCURRED—STATEMENT BY PRESIDENT—PAPERS:** The President made a statement relating to a Question without Notice asked by Senator Robertson on 27 February 1985, and tabled the following Papers:

Costs incurred by the Senate on 2 Select Committees—

Select Committee on the Conduct of a Judge—Analysis of Costs.

Select Committee on Allegations Concerning a Judge—Expenditure.

- 16 **BUSINESS OF THE SENATE AND ITS COMMITTEES 1984—PAPER:** The President tabled the following Paper:

Business of the Senate and its Committees, 1984.

Ordered to be printed.

- 17 **PAPER:** The following Paper was tabled:

Immigration (Education) Act—Corrigendum to the Child Migrant Education Annual Report 1983-84.

Pursuant to Sessional Order, General Business was called on.

- 18 **GOVERNMENT PAPERS—CONSIDERATION:** The following Government Papers were considered pursuant to Sessional Order:

Australian Capital Territory Schools Authority—Annual Report and Interim Financial Statements 1983-84; Financial Statements 1982-83—Debate resumed

on the motion of Senator Baume.

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

United Nations—Report of the Australian Delegation to the 38th Session of the General Assembly—Motion to take note of Paper moved by Senator MacGibbon and agreed to.

Australian Forestry Council—Report by the Standing Committee on Forestry on the 1982-83 bushfires—Motion to take note of Paper moved by Senator Watson and agreed to.

Australian Broadcasting Corporation—Annual Report 1983-84—Motion to take note of Paper moved by Senator Watson and debated.

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

19 HUMAN RIGHTS IN THE BALTIC STATES: Senator Baume, having, by leave, amended General Business, Notice of Motion No. 2 standing in his name, and pursuant to notice, moved—That the Senate—

(a) having regard:

- (i) to the desire of all people to live in peace and freedom and to enjoy basic human rights, including the right to self-determination,
- (ii) to Australia's membership of the United Nations and regard for the principles of its Charter, the Universal Declaration of Human Rights, the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by its General Assembly on 14 December 1960 by Resolution 1514 (XV), and the Final Act of the Helsinki Agreement, and
- (iii) to the fact that, whilst the Australian people have acquired these rights and freedoms, other peoples are deprived of them; and

(b) taking note:

- (i) of the Resolution of the European Parliament on the Situation in the Baltic States (Estonia, Latvia and Lithuania) adopted on 13 January 1983,
- (ii) of the fact that the 3 Baltic States were independent sovereign republics and members of the League of Nations during the years 1918 to 1940, when they were occupied by the Soviet Union in consequence of an agreement between the then German Government under Hitler and the Soviet Government under Stalin (the so-called Molotov-Ribbentrop Pact),
- (iii) of the fact that the occupation of these states by the Soviet Union still continues, but that in accord with other democratic governments the Australian Government has not recognized *de jure* their incorporation into the Soviet Union,
- (iv) that the peoples of Estonia, Latvia and Lithuania are being denied many basic human rights (as indicated in the unanimous Report of the Parliamentary Joint Committee on Foreign Affairs and Defence entitled "Human Rights in the Soviet Union", presented in November 1979), but that they have not given up their struggle for self-determination and freedom, and
- (v) that an intensive process of Russification is taking place in these occupied countries aimed at elimination of the indigenous languages and culture;

(c) resolves:

- (i) that Australia, as a member of the United Nations, should fulfil its obligations to promote and encourage respect for human rights and fundamental freedoms, and should support the European Parliament's Resolution in respect of the Baltic States,
- (ii) that in order to do so the Australian Government should, on its own initiative, and by seeking the support of like-minded governments, bring the

question of human rights and self-determination for the Baltic States before all appropriate forums of the United Nations, and especially before the United Nations Human Rights Commission, and

- (iii) that the Department of Foreign Affairs should be directed to take all necessary steps in order to implement this Resolution.

Debate ensued.

Senator Richardson moved an amendment, viz: Leave out all words after sub-paragraph

(b) (v), insert:

- “(c) calls upon the Government of the USSR to comply with the obligations imposed upon it by the international agreements on civil and political rights to which it is a party; and

(d) requests:

- (i) the Australian Government to maintain its policy towards the issue of the Baltic States, including non-recognition *de jure* of their incorporation into the Soviet Union, and

- (ii) that the Australian Government should keep under review the possibility of intervention, through appropriate channels, for example, the United Nations Human Rights Commission, on the matter of human rights in the Baltic States”.

Debate continued.

Question—That the words proposed to be left out be left out—put and negatived.

Amendment negatived accordingly.

Question—That the motion be agreed to—put and passed.

- 20 **FLAGS AMENDMENT BILL 1984 [1985]**: Order of the Day read for the adjourned debate on the motion of Senator Durack—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee

Bill, by leave, taken as a whole and agreed to.

Bill to be reported without amendment.

The Deputy-President (Senator Hamer) resumed the Chair; and the Temporary Chairman of Committees (Senator Haines) reported accordingly.

On the motion of Senator Collard the Report from the Committee was adopted.

Senator Collard, by leave, moved—That this Bill be now read a third time.

Question—put and passed.

Bill read a third time.

- 21 **ORDER OF BUSINESS—RE-ARRANGEMENT**: The Minister for Veterans' Affairs (Senator Gietzelt) moved—That the Senate proceed to the consideration of Government Business forthwith.

Question—put and passed.

- 22 **MARRIAGE AMENDMENT BILL 1985**: Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Gareth Evans)—That this Bill be now read a second time.

Debate resumed.

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

23 **VIDEO MATERIAL—SELECT COMMITTEE—RE-APPOINTMENT:** The Minister for Resources and Energy (Senator Gareth Evans), by leave, moved—

- (1) That the Select Committee on Video Material, appointed by the Senate on 17 October 1984, be re-appointed.
- (2) That Senators Crichton-Browne, Elstob, Harradine, Jones, Walters and Zakharov be the members of the Committee.
- (3) That the Committee have power to consider the minutes of evidence and records of the previous Committee for the purposes of—
 - (a) reporting to the Senate, by 31 March 1985, on the work of the previous Select Committee; and
 - (b) authorizing the release of such minutes of evidence and records to any Joint Select Committee which may be appointed by both Houses of the Parliament, with terms of reference relating to the subject of the Select Committee's inquiry.
- (4) 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.

24 **TRUST RECOUPMENT TAX ASSESSMENT BILL 1985**

TRUST RECOUPMENT TAX BILL 1985

TRUST RECOUPMENT TAX (CONSEQUENTIAL AMENDMENTS) BILL 1985—

Messages from the House of Representatives: The following Messages from the House of Representatives were reported:

MR PRESIDENT,

Message No. 10

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to the assessment and collection of a tax in respect of income of certain trusts*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 28 February 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 9

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to impose a tax in respect of income of certain trusts*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 28 February 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 11

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to make certain amendments consequent upon the enactment of the 'Trust Recoupment Tax Assessment Act 1985'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 28 February 1985

H. A. JENKINS,
Speaker

Suspension of Standing Orders to deal with Bills together: The Minister for Resources and Energy (Senator Gareth Evans) moved—That so much of the Standing Orders be suspended as would prevent the Questions with regard to the several stages for the passage through the Senate of all or several of the Bills being put in one motion at each stage, and the consideration of all or several of such Bills together in Committee of the Whole.

Question—put and passed.

Ordered — That the Bills may be taken through all their stages without delay.

On the motion of Senator Gareth Evans the Bills were read a first time.

Senator Gareth Evans moved—That these Bills be now read a second time.

On the motion of Senator Reid the debate was adjourned.

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

25 QUARANTINE AMENDMENT BILL 1985— *Message from the House of Representatives:*
The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 12

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Quarantine Act 1908'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 28 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 Resources and Energy (Senator Gareth Evans) the Bill was read a first time.

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

On the motion of Senator Reid the debate was adjourned.

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

26 BROADCASTING OF PARLIAMENTARY PROCEEDINGS—JOINT STATUTORY COMMITTEE—REFERENCE— *Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 7

The House of Representatives transmits to the Senate the following Resolution which was agreed to by the House of Representatives this day and requests the concurrence of the Senate therein:

- (1) That the following matters be referred to the Joint Committee on the Broadcasting of Parliamentary Proceedings for inquiry and report—
 - (a) the televising of the proceedings of the Houses of the Parliament and their committees in the present and the new Parliament House; and
 - (b) the radio broadcasting of the proceedings of the Houses of the Parliament and their committees including the continuous and simultaneous broadcasting of both Houses.
- (2) That the committee, for any purposes related to this inquiry, have power—
 - (a) to appoint a sub-committee consisting of 2 or more Senators and 2 or more Members of the House of Representatives, 2 members of the sub-committee to form a quorum of the sub-committee;
 - (b) to appoint the chairman of any sub-committee who shall have a casting vote only, and at any time when the chairman of a sub-committee is not present at a meeting of the sub-committee, the members of the sub-committee present shall elect another member of that sub-committee to perform the duties of chairman at that meeting; and
 - (c) to refer to such a sub-committee any matter into which the committee is instructed to inquire.
- (3) That a sub-committee appointed by the committee for any purposes related to this inquiry have power to authorise publication of any evidence given before it and any document presented to it.
- (4) That for any purposes related to this inquiry, the committee or any sub-committee have power—
 - (a) to send for persons, papers and records;
 - (b) to move from place to place; and
 - (c) to consider and make use of any evidence and records of the committee appointed in the 33rd Parliament.
- (5) 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.

House of Representatives,
Canberra, 27 February 1985

H. A. JENKINS,
Speaker

The Minister for Resources and Energy (Senator Gareth Evans), by leave, moved—

- (1) That the Senate concurs in the Resolution transmitted to the Senate by Message No. 7 of the House of Representatives relating to the reference of matters to the Joint Committee on the Broadcasting of Parliamentary Proceedings.
- (2) That the foregoing Resolution be communicated to the House of Representatives by Message.

Question—put and passed.

27 AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE

FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE

NEW PARLIAMENT HOUSE—JOINT STANDING COMMITTEE

NATIONAL CRIME AUTHORITY—JOINT STATUTORY COMMITTEE—

Messages from the House of Representatives: The following Messages from the House of Representatives were reported:

MR PRESIDENT,

Message No. 2

The House of Representatives transmits to the Senate the following Resolution which was agreed to by the House of Representatives this day, and requests that the Senate concur and take action accordingly:

- (1) That a joint committee be appointed to inquire into and report on—
 - (a) all proposals for modification or variations of the plan of layout of the City of Canberra and its environs published in the *Commonwealth of Australia Gazette* on 19 November 1925, as previously modified or varied, which are referred to the committee by the Minister for Territories; and
 - (b) such matters relating to the Australian Capital Territory as may be referred to it by—
 - (i) resolution of either House of the Parliament, or
 - (ii) the Minister for Territories.
- (2) That the committee consist of 10 Members, 4 Members of the House of Representatives to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip, 2 Senators to be nominated by the Leader of the Government in the Senate and 2 Senators 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.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the members of the committee hold office as a joint committee until the House of Representatives is dissolved or expires by effluxion of time.
- (5) That the committee elect a Government member as its chairman.
- (6) That the committee elect a deputy chairman who shall perform the duties of the chairman of the committee at any time when the chairman is not present at a meeting of the committee, and at any time when the chairman and deputy chairman are not present at a meeting of the committee, the members present shall elect another member to perform the duties of the chairman at that meeting.
- (7) That 4 members of the committee constitute a quorum of the committee.
- (8) That the committee have power to appoint sub-committees consisting of 3 or more of its members and to refer to such a sub-committee any matter which the committee is empowered to examine.

- (9) That the committee appoint the chairman of each sub-committee who shall have a casting vote only, and at any time when the chairman of a sub-committee is not present at a meeting of the sub-committee, the members of the sub-committee present shall elect another member of that sub-committee to perform the duties of the chairman at that meeting.
- (10) That the quorum of a sub-committee be a majority of the members of that sub-committee.
- (11) That members of the committee who are not members of a sub-committee may participate in the proceedings of that sub-committee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (12) That the committee, or any sub-committee, have power to send for persons, papers and records.
- (13) That the committee, or any sub-committee, have power to move from place to place.
- (14) That a sub-committee have power to adjourn from time to time and to sit during any adjournment of the Senate or of the House of Representatives.
- (15) That any sub-committee have power to authorise publication of any evidence given before it and any document presented to it.
- (16) That the committee in its inquiries take account of the investigations of other parliamentary committees and avoid duplication.
- (17) That the committee have leave to report from time to time.
- (18) That the committee, or any sub-committee, have power to consider and make use of the evidence and records of the Joint Committees on the Australian Capital Territory appointed during previous Parliaments.
- (19) 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.

House of Representatives,
Canberra, 27 February 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 3

The House of Representatives transmits to the Senate the following Resolution which was agreed to by the House of Representatives this day, and requests that the Senate concur and take action accordingly:

- (1) That a joint committee be appointed to consider and report on—
 - (a) foreign affairs and defence generally, and
 - (b) such matters as may be referred to the committee by—
 - (i) the Minister for Foreign Affairs,
 - (ii) the Minister for Defence, or
 - (iii) resolution of either House of the Parliament.
- (2) That the committee consist of 28 members, 11 Members of the House of Representatives to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 5 Members of the House of Representatives to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip, 3 Members of the House of Representatives to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip, 5 Senators to be nominated by the Leader of the Government in the Senate and 4 Senators 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.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the members of the committee hold office as a joint committee until the House of Representatives is dissolved or expires by effluxion of time.
- (5) That the committee elect a Government member as its chairman.

- (6) That the chairman of the committee may, from time to time, appoint another member of the committee to be the deputy chairman of the committee, and that the member so appointed act as chairman of the committee at any time when the chairman is not present at a meeting of the committee.
- (7) That the committee have power to appoint not more than 3 sub-committees consisting of a minimum of 3 of its members and to refer to such a sub-committee any matters which the committee is empowered to examine.
- (8) That, in addition to the members appointed pursuant to paragraph (7), the chairman and deputy chairman of the committee be ex-officio members of each sub-committee appointed.
- (9) That the members of a sub-committee elect one of the voting members of the sub-committee to be the chairman of that sub-committee.
- (10) That members of the committee who are not members of a sub-committee may take part in the proceedings of that sub-committee but shall not vote or move any motion or be counted for the purpose of a quorum.
- (11) That the committee, or any sub-committee, have power to send for and examine persons, papers and records, to move from place to place and meet and transact business in public or private session and notwithstanding any prorogation of the Parliament.
- (12) That the committee have leave to report from time to time.
- (13) That 9 members of the committee constitute a quorum of the committee and 3 members of a sub-committee constitute a quorum of that sub-committee.
- (14) That in the event of an equality of voting, the chairman or the deputy chairman when acting as chairman, have a casting vote.
- (15) That the committee have power to consider and make use of the minutes of evidence and records of the Joint Committees on Foreign Affairs and Defence, appointed in previous Parliaments, relating to any matters on which those committees had not completed consideration.
- (16) That any sub-committee have power to authorise publication of any evidence given before it and any document presented to it.
- (17) That the committee in selecting particular matters for investigation take account of the investigations of other parliamentary committees and avoid duplication.
- (18) 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.

House of Representatives,
Canberra, 27 February 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 4

The House of Representatives transmits to the Senate the following Resolution which was agreed to by the House of Representatives this day, and requests that the Senate concur and take action accordingly:

- (1) That a joint standing committee be appointed to act for and represent the Parliament, as the client for the new Parliament House, in all matters concerned with the planning, design and construction of the new Parliament House and all matters incidental thereto.
- (2) That the committee consider and approve the developed design for the building, which, in conjunction with the revised brief for Parliament House, dated August 1980, shall be used as the basis for the design and construction of the new Parliament House, unless both Houses resolve to vary any section of the brief or have any section reconsidered by the committee.
- (3) That the committee determine user requirements for approved non-building items and consider other issues relevant to ensuring that the requirements of Parliament are fully met when transferring to the new building.

- (4) That the committee also consider and report on matters coming within the terms of section 5 of the *Parliament Act 1974* as may be referred to it by—
 - (a) the Minister responsible for administering the *National Capital Development Commission Act 1957*; or
 - (b) resolution of either House of the Parliament.
- (5) That the committee consist of—
 - (a) the President of the Senate and the Speaker of the House of Representatives;
 - (b) the Minister responsible for administering the *Parliament House Construction Authority Act 1979*;
 - (c) 6 Members of the House of Representatives, 3 to be nominated by either the Prime Minister, the Leader of the House or the Government Whip and 3 to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip; and
 - (d) 6 Senators, 3 to be nominated by the Leader of the Government in the Senate, and 3 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.
- (6) That the President of the Senate and the Speaker of the House of Representatives be joint chairmen of the committee.
- (7) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (8) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
- (9) That the committee have power to appoint sub-committees consisting of 3 or more of its members and to appoint the chairman of each sub-committee, and to refer to such a sub-committee any matter that the committee is empowered to inquire into.
- (10) That the committee or a sub-committee so appointed have power to send for persons, papers and records, to move from place to place and to sit during any adjournment of the Senate or of the House of Representatives.
- (11) That the committee have leave to report from time to time.
- (12) That 5 members of the committee, one of whom is the President or the Speaker, constitute a quorum of the committee and a majority of the members of a sub-committee constitute a quorum of that sub-committee.
- (13) That in matters of procedure, each of the chairmen whether or not occupying the Chair, have a deliberative vote and, in the event of an equality of voting, the chairman occupying the Chair have a casting vote.
- (14) That in matters other than those of procedure, each of the chairmen, whether or not occupying the Chair, have a deliberative vote only.
- (15) That the committee, or any sub-committee, have power to consider and make use of the evidence and records of the Joint Standing Committees on the New Parliament House appointed during previous Parliaments.
- (16) That any sub-committee have power to authorise publication of any evidence given before it or any information obtained in the course of its inquiries or any document presented to it.
- (17) That the committee be authorised to provide, on behalf of the Parliament, all necessary information concerning the functional requirements for the new Parliament House and matters incidental thereto direct to the Parliament House Construction Authority as the authority responsible to Parliament to undertake or arrange for the planning, design and construction of the new Parliament House.
- (18) 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.

House of Representatives,
Canberra, 27 February 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 8

The House of Representatives transmits to the Senate the following Resolution which was agreed to by the House of Representatives this day, and requests that the Senate concur and take action accordingly:

That, in accordance with section 54 of the *National Crime Authority Act 1984*, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the National Crime Authority shall be as follows:

- (a) That the committee consist of 3 Members of the House of Representatives to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (b) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a Government member as its chairman.
- (d) That the committee elect a deputy chairman who shall perform the duties of the chairman of the committee at any time when the chairman is not present at a meeting of the committee and at any time when the chairman and deputy chairman are not present at a meeting of the committee the members present shall elect another member to perform the duties of the chairman at that meeting.
- (e) That, in the event of an equality of voting, the chairman, or the deputy chairman when acting as chairman, have a casting vote.
- (f) That 4 members of the committee constitute a quorum of the committee.
- (g) That the committee have power to appoint sub-committees consisting of 3 or more of its members and to refer to such a sub-committee any matter which the committee is empowered to inquire into.
- (h) That the committee appoint a chairman of each sub-committee who shall have a casting vote only, and at any time when the chairman of a sub-committee is not present at a meeting of the sub-committee the members of the sub-committee present shall elect another member of that sub-committee to perform the duties of the chairman at that meeting.
- (i) That the quorum of a sub-committee be a majority of the members of that sub-committee.
- (j) That members of the committee who are not members of a sub-committee may participate in the proceedings of that sub-committee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (k) That the committee or any sub-committee have power to send for persons, papers and records.
- (l) That the committee or any sub-committee have power to move from place to place.
- (m) That a sub-committee have power to adjourn from time to time and to sit during any adjournment of the Senate or of the House of Representatives.
- (n) That a sub-committee have power to authorise publication of any evidence given before it and any document presented to it.

- (o) That the committee have leave to report from time to time.
- (p) That the committee or any sub-committee have power to consider and make use of the evidence and records of the committee appointed during the 33rd Parliament.
- (q) That, in carrying out its duties the committee, or any sub-committee, ensure that the operational methods and results of investigations of law enforcement agencies, as far as possible, be protected from disclosure where that would be against the public interest.
- (r) 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.

House of Representatives,
Canberra, 27 February 1985

H. A. JENKINS,
Speaker

The Minister for Resources and Energy (Senator Gareth Evans), by leave, moved—

- (1) That the Senate concurs in the Resolutions transmitted to the Senate by Messages Nos 2, 3, 4 and 8 of the House of Representatives relating to the appointment of Joint Standing Committees on the Australian Capital Territory, Foreign Affairs and Defence and the New Parliament House, and relating to the powers and proceedings of the Parliamentary Joint Committee on the National Crime Authority.
- (2) That the provisions of the Resolutions, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.
- (3) That the foregoing Resolution be communicated to the House of Representatives by Message.

Question—put and passed.

28 JOINT COMMITTEES—MEMBERSHIP: The President announced that he had received letters from the Leader of the Government, the Leader of the Opposition in the Senate and the Leader of the Australian Democrats nominating Senators to be members of certain Joint Committees.

The Minister for Resources and Energy (Senator Gareth Evans), by leave, moved—

- (1) That Senators Giles, Lewis, McKiernan and Reid, having been duly nominated in accordance with the Resolution agreed to by both Houses, be appointed members of the Joint Committee on the Australian Capital Territory.
- (2) That Senators Colston, MacGibbon, Reid, Reynolds, Sibraa and Withers, having been duly nominated in accordance with the Resolution agreed to by both Houses, be appointed members of the Joint Standing Committee on the New Parliament House.
- (3) That Senators Bolkus, Crowley, Haines, Jessop and Missen, having been duly nominated in accordance with the Resolution agreed to by both Houses, be appointed members of the Parliamentary Joint Committee on the National Crime Authority.
- (4) That Senators Bolkus, Crichton-Browne, Elstob, Hill, Jones, MacGibbon, Maguire, Sibraa and Teague, having been duly nominated in accordance with the Resolution agreed to by both Houses, be appointed members of the Joint Committee on Foreign Affairs and Defence.

Question—put and passed.

29 ELECTORAL REFORM—PROPOSED JOINT SELECT COMMITTEE—*Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 5

The House of Representatives transmits to the Senate the following Resolution which was agreed to by the House of Representatives this day, and requests that the Senate concur and take action accordingly:

- (1) That a joint select committee be appointed to inquire into and report upon all aspects of the conduct of elections for the Parliament of the Commonwealth and matters related thereto, including—
 - (a) legislation governing, and the operation of, the Australian Electoral Commission;
 - (b) the provision of “free” radio time for political messages during election periods;
 - (c) the provisions of the *Commonwealth Electoral Act 1918* concerning the defamation of candidates for election;
 - (d) tax deductibility of political donations; and
 - (e) the establishment of fixed formulae for determining the number of Senators and Members of the House of Representatives to which the Australian Capital Territory, the Northern Territory and other territories are entitled.
- (2) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the members of the committee hold office as a joint committee until the House of Representatives is dissolved or expires by effluxion of time.
- (5) That the committee elect a Government member as its chairman.
- (6) That the committee elect a deputy chairman who shall perform the duties of the chairman of the committee at any time when the chairman is not present at a meeting of the committee, and at any time when the chairman and the deputy chairman are not present at a meeting of the committee, the members present shall elect another member to perform the duties of the chairman at that meeting.
- (7) That 4 members of the committee constitute a quorum of the committee.
- (8) That the committee have power to appoint sub-committees consisting of 3 or more of its members, and to refer to such a sub-committee any matter which the committee is empowered to examine.
- (9) That the committee appoint the chairman of each sub-committee who shall have a casting vote only, and at any time when the chairman of a sub-committee is not present at a meeting of the sub-committee, the members of the sub-committee present shall elect another member of that sub-committee to perform the duties of the chairman at that meeting.
- (10) That a quorum of a sub-committee be a majority of the members of that sub-committee.
- (11) That members of the committee, not being members of a sub-committee, may participate in the proceedings of that sub-committee, but shall not vote, move any motion or be counted for the purpose of a quorum.
- (12) That the committee, or any sub-committee, have power to send for persons, papers and records.

- (13) That the committee or any sub-committee have power to consider and make use of—
 - (a) submissions lodged with the Clerk of the Senate in response to public advertisements placed in accordance with the resolution of the Senate of 26 November 1981 relating to a proposed Joint Select Committee on the Electoral System; and
 - (b) the evidence and records of the Joint Select Committee on Electoral Reform appointed during the 33rd Parliament.
- (14) That the committee, or any sub-committee, have power to move from place to place.
- (15) That any sub-committee have power to adjourn from time to time.
- (16) That any sub-committee have power to authorise publication of any evidence given before it and any document presented to it.
- (17) That the committee have leave to report from time to time.
- (18) That the committee report as soon as possible.
- (19) 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.

House of Representatives,
Canberra, 27 February 1985

H. A. JENKINS,
Speaker

The Minister for Resources and Energy (Senator Gareth Evans), by leave, moved—

- (1) That the Senate concurs in the Resolution transmitted to the Senate by Message No. 5 of the House of Representatives relating to the appointment of a Joint Select Committee on Electoral Reform, subject to the following modification—
 - Paragraph (2), leave out the paragraph, insert the following paragraph:
 - “(2) That the Committee consist of 11 Members, 4 Members of the House of Representatives to be nominated by either the Prime Minister, the Leader of the House or the Government Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip, 1 Member of the House of Representatives to be nominated by either the Leader of the National Party, the Deputy Leader of the National Party or the National Party Whip, 2 Senators to be nominated by the Leader of the Government in the Senate, 1 Senator to be nominated by the Leader of the Opposition in the Senate, and 2 Senators to be nominated by any minority group or groups or any independent Senator or independent Senators.”.
 - (2) That the provisions of the Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.
 - (3) That the foregoing Resolution be communicated to the House of Representatives by Message, with a request for the concurrence of that House in the Senate's modification of the Resolution transmitted to the Senate by that House.

Question—put and passed.

30 **ADJOURNMENT:** The Minister for Resources and Energy (Senator Gareth Evans) moved—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 7.01 p.m. till Tuesday, 19 March 1985, at 2 p.m.

31 **ATTENDANCE:** Present, all Senators except Senator Coleman (on leave).

A. R. CUMMING THOM,
Clerk of the Senate