

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

# JOURNALS OF THE SENATE

No. 9

THURSDAY, 21 MARCH 1985

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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 7 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Childs, from 589 petitioners praying that the Senate act to protect society from moral pollution and its harmful effects.

Senator Childs, from 24 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 Messner, from 55 petitioners praying that the Senate pass the Social Security and Repatriation (Abolition of Assets Test) Bill 1985.

Senator Robertson, from 15 petitioners praying that no further action be taken towards self-government in the Australian Capital Territory (ACT) until after the holding of a referendum of voters of the ACT.

Senator Childs, from 728 petitioners praying that the Senate reject any attempt to re-introduce tertiary fees.

Senator Bolkus, from 18 petitioners praying that the Senate support the New Zealand Government in its stand for a nuclear-free South Pacific.

Senator Short, from 23 petitioners praying that the Costigan Royal Commission be reactivated and provided with sufficient resources to conclude its investigations into organised crime in Australia.

4 **NOTICES:** Notices of Motion were given, as follows—

Senator Jones: To move on the next day of sitting—That the Senate, noting that—

- (a) the Queensland Government has passed an Electricity (Continuity of Supply) Act;
  - (b) this Act contravenes sections of conventions of the International Labour Organisation which have been ratified by Australia, and which are binding on all countries that have ratified them;
  - (c) under the Act the Queensland Government is forcing any sacked employee or any contractor employed by the South East Queensland Electricity Board to sign contracts binding them to inferior working conditions and denying them the right to strike;
  - (d) under the same Act, the Electricity Commissioner can force any qualified person, by the direction of labour, to restore the supply of electricity in the event of any breakdown; and
  - (e) the Act is in contravention of international law,
- calls on the Federal Government to investigate all means to overturn the Queensland legislation, namely the Electricity (Continuity of Supply) Act, to report to the

International Labour Organisation on the breach that has occurred and to establish what action can be taken against the Queensland Government.

Senator Jack Evans: To move on the next day of sitting—That leave be given to introduce a Bill for an Act relating to the control of tax avoidance schemes.

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

Acts Interpretation Act—Notification and statement relating to extension of specified period for presentation of the Canberra Theatre Trust Annual Report 1983-84.

Australian Institute of Sport—Annual Report 1983-84, together with financial statements and the Auditor-General's Report thereon.

Australian Water Resources Council—Minutes of 26th Meeting of Council, held in Launceston, 11 May 1984.

Department of Communications—Annual Report 1983-84.

Department of Home Affairs and Environment—Annual Report 1983-84.

Economic Planning Advisory Council Act—Economic Planning Advisory Council—Annual Report (1st) 1983-84.

Industries Assistance Commission—Report on the Honey Industry, dated 4 May 1984 (No. 347).

Special Prosecutors Act—Special Prosecutor—R. V. Gyles, Q.C.—Report (Final), for period 1 July 1984 to 21 September 1984.

**6 COMMONWEALTH SCHOOLS COMMISSION—REPORT ON POLICIES FOR NEW NON-GOVERNMENT SCHOOLS—MINISTERIAL STATEMENT—PAPERS:** The Minister for Community Services (Senator Grimes), at the request of the Minister for Education (Senator Ryan) and by leave, made a statement relating to the Report by a Panel of Commonwealth Schools Commissioners on Planning and Funding Policies for New Non-Government Schools, and tabled the following Papers:

Report of Panel of Commonwealth Schools Commissioners—Planning and Funding Policies for New Non-Government Schools, dated March 1985.

Statement by the Minister for Education, dated 21 March 1985.

Senator Baume, by leave, moved—That the Senate take note of the Papers.

Debate ensued.

Question—put and passed.

**7 TAXATION SYSTEM REFORM BILL 1985:** Senator Jack Evans, 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 provide for the preparation of legislation for the reform of the Australian taxation system and the introduction of that legislation into the Parliament.

Question—put and passed.

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

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

On the motion of the Minister for Resources and Energy (Senator Gareth Evans) the debate was adjourned.

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

**8 ORDER OF GENERAL BUSINESS—RE-ARRANGEMENT:** The Minister for Resources and Energy (Senator Gareth Evans) moved—

(1) That, unless otherwise ordered, the order of General Business for consideration this day pursuant to Sessional Order be as follows—

(a) General Business, Order of the Day No. 24 (Social Security and Repatriation (Abolition of Assets Test) Bill 1985); and

(b) consideration of Government Papers pursuant to Sessional Order.

- (2) That so much of the Sessional Order be suspended as would prevent the consideration of Government Papers pursuant to Sessional Order exceeding 1 hour.

Question—put and passed.

- 9 **MATTERS OF PUBLIC INTEREST:** The Minister for Resources and Energy (Senator Gareth Evans) 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.

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*And it being 2 p.m.—*

- 10 **MINISTERIAL ARRANGEMENTS:** The Leader of the Government (Senator Button), by leave, informed the Senate that during the absence overseas of Mr Hawke, Mr Bowen would act as Prime Minister.

- 11 **QUESTIONS.**

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

- 12 **GOVERNMENT PAPERS—CONSIDERATION:**

*Variation of Sessional Order:* The Manager of Government Business (Senator Grimes) moved—That, notwithstanding anything contained in the Sessional Orders, Government Papers tabled in the Senate on 20 March 1985 may be considered following the consideration of Government Papers tabled earlier this day.

Question—put and passed.

The following Government Papers, tabled earlier this day (*see Entry No. 5 above*), were considered pursuant to Sessional Order:

Department of Home Affairs and Environment—Annual Report 1983-84—Motion to take note of Paper moved by Senator Puplick and agreed to.

Economic Planning Advisory Council—Annual Report 1983-84—Motion to take note of Paper moved by Senator Maguire, debated and agreed to.

Australian Institute of Sport—Annual Report 1983-84—Motion to take note of Paper moved by Senator Lewis.

*Pursuant to Sessional Order, consideration of Government Papers was interrupted.*

- 13 **GOVERNMENT PAPERS—MOTIONS TO TAKE NOTE:** Senator Harradine, by leave, moved—That the Senate take note of each of the following Government Papers tabled on 22 February 1985 and 19 March 1985:

National Health and Medical Research Council—Annual Report 1983.

Department of Health—Annual Report 1983-84.

Attorney-General's Department and Office of Parliamentary Counsel—Annual Reports 1983-84.

Institute of Family Studies—Annual Report 1983-84.

Family Law Council—Annual Report 1983-84.

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

- 14 **GOVERNMENT PAPERS—MOTIONS TO TAKE NOTE:** Senator Lewis, by leave, moved—That the Senate take note of each of the following Government Papers tabled on 19, 20 and 21 March 1985:

Canberra Theatre Trust—Annual Report 1982-83.

Australian Capital Territory—

Building Review Committee—Annual Report 1983-84.

- Nominal Defendant—Annual Report 1983.
- Agents Board—Annual Report 1983-84.
- Bush Fire Council—Annual Report 1983-84.
- Department of Territories and Local Government—Annual Report 1983-84.
- Australian Electoral Commission—Annual Report 1983-84.
- National Aboriginal Conference—Report on the Role of the Conference.
- Statement by the Minister for Aboriginal Affairs.
- Commonwealth Accommodation and Catering Services Limited—Annual Report 1983-84.
- Australian Broadcasting Tribunal—Annual Report 1983-84.
- Commonwealth Ombudsman and Defence Force Ombudsman—Annual Reports 1983-84.
- Security Appeals Tribunal—Annual Report 1983-84.
- Federal Police Disciplinary Tribunal—Annual Report 1983-84.
- National Exhibition Centre Trust—Annual Report 1983-84.
- National Capital Development Commission—Annual Report 1983-84.
- Albury-Wodonga Development Corporation—Annual Report 1983-84.
- Phosphate Mining Company of Christmas Island Limited—Annual Report 1983-84.
- Special Broadcasting Service—Annual Report 1983-84.
- Criminology Research Council—Annual Report 1983-84.
- Australian Institute of Criminology—Annual Report 1983-84.
- National Companies and Securities Commission—Annual Report 1983-84.
- Freedom of Information Act—Annual Report 1983-84.
- International Monetary Agreements Act—Annual Report 1983-84.
- Australian Film Commission—Annual Report 1983-84.
- Commonwealth-State Housing Agreement (1981)—Annual Report 1982-83.
- Housing Loans Insurance Corporation—Annual Report 1983-84.
- New Parliament House—Updated Cost—Statement by the Acting Minister for Territories.
- Commissioner for Superannuation and Superannuation Fund Investment Trust—Annual Reports 1983-84.
- Australian Capital Territory Fire Brigade—Annual Report 1983-84.
- Norfolk Island—Annual Report 1983-84.
- Australian Capital Territory Registrar of Motor Vehicle Dealers—Annual Report 1983-84.
- Australian Capital Territory Statement of Receipts and Expenditure 1982-83.
- Industries Assistance Commission—Reports—
  - Empty Gelatin Capsules.
  - Rougher Headed Timber.
  - Vegetables and Vegetable Products (Interim Report on Frozen Peas).
- Australian Children's Television Foundation—Annual Report 1983-84.
- Australian Science and Technology Council—Report on Computer-related Technologies in the Metal Trades Industry.
- Victoria Grants Commission—Annual Report 1984.
- Statement by the Minister for Local Government and Administrative Services.
- Queensland Local Government Grants Commission—Report 1984.
- Statement by the Minister for Local Government and Administrative Services.
- International Labour Conference—Report of Australian Delegation to 69th Session 1983.
- South Australian Local Government Grants Commission—Annual Report 1984.
- Statement by the Minister for Local Government and Administrative Services.
- Tasmanian State Grants Commission—Annual Report 1984-85.
- Statement by the Minister for Local Government and Administrative Services.
- C.S.I.R.O. Laboratories—Report of Committee of Inquiry into Safety Standards and Death of Dr. R. Bergamasco—Government Response.

Amending Agreement between the Commonwealth and New South Wales for the provision of financial assistance for Urban and Regional Development.

Australian Shippers' Council—Annual Report 1983-84.

Agreement between the Commonwealth, New South Wales and Victoria for the provision of financial assistance for Urban Expansion and Redevelopment.

Department of Sport, Recreation and Tourism—Annual Report 1983-84.

Australian War Memorial—Annual Report 1983-84.

National Energy Research, Development and Demonstration Council—Annual Report 1983-84.

Advance to the Minister for Finance—Statements for October, November and December 1984, and January 1985.

Department of Communications—Annual Report 1983-84.

Special Prosecutor R. V. Gyles, Q.C.—Report (Final) for period 1 July 1984 to 21 September 1984.

Industries Assistance Commission—Report on the Honey Industry.

Australian Water Resources Council—Minutes of the 26th Meeting of the Council.

Canberra Theatre Trust—Annual Report 1983-84—Extension of period for tabling Report.

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

- 15 **SUGAR AGREEMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 19

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act relating to sugar and certain sugar products*", and acquaints the Senate that the House of Representatives has agreed to the Bill without amendment.

House of Representatives,  
Canberra, 20 March 1985

H. A. JENKINS,  
Speaker

- 16 **MARRIAGE AMENDMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 20

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to amend the 'Marriage Act 1961'*", and acquaints the Senate that the House of Representatives has agreed to the Bill without amendment.

House of Representatives,  
Canberra, 20 March 1985

H. A. JENKINS,  
Speaker

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

Defence Act—Determination 1985 No. 11—Reserve Allowance and another.

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*Pursuant to Sessional Order, consideration of General Business was called on.*

- 18 **SOCIAL SECURITY AND REPATRIATION (ABOLITION OF ASSETS TEST) BILL 1985**:

Order of the Day read for the adjourned debate on the motion of Senator Messner—That this Bill be now read a second time.

Debate resumed.

Question—put.

The Senate divided—

AYES, 27

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

NOES, 35

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

And so it was negatived.

*Pursuant to Sessional Order, consideration of General Business was interrupted.*

- 19 **HONEY LEVY LEGISLATION AMENDMENT BILL 1985**—*Message from the House of Representatives: The following Message from the House of Representatives was reported:*

MR PRESIDENT,

Message No. 21

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Honey Levy Act (No. 1) 1962', the 'Honey Levy Act (No. 2) 1962' and the 'Honey Levy Collection Act 1962'*", in which it desires the concurrence of the Senate.

House of Representatives,  
Canberra, 21 March 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 Baume the debate was adjourned.

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

- 20 **TRUST RECOUPMENT TAX ASSESSMENT BILL 1985**

**TRUST RECOUPMENT TAX BILL 1985**

**TRUST RECOUPMENT TAX (CONSEQUENTIAL AMENDMENTS) 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 these Bills be now read a second time.

Debate resumed.

Question—put and passed.

Bills read a second time.

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

*In the Committee*

Bills, by leave, taken as a whole.

Senator Peter Rae moved an amendment to the Trust Recoupment Tax Assessment Bill 1985, viz: Page 6, paragraph 5 (1) (c), line 39, leave out "1 July 1980", insert "12 May 1982".

Debate ensued.

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

The Committee divided—

AYES, 32

## Senators—

Archer  
Baume  
Bjelke-Petersen  
Boswell  
Brownhill  
Carrick, Sir John  
Chipp  
Durack  
Guilfoyle,  
Dame Margaret

Haines  
Hamer  
Harradine  
Hill  
Jessop  
Kilgariff  
Knowles  
Lajovic

MacGibbon  
Macklin  
Parer  
Puplick  
Rae, Peter  
Reid (Teller)  
Scott  
Sheil

Short  
Townley  
Vanstone  
Vigor  
Walters  
Watson  
Withers

NOES, 30

## Senators—

Aulich  
Black  
Bolkus  
Childs  
Coates  
Cook  
Cooney  
Crowley

Devlin  
Elstob  
Evans, Gareth  
Evans, Jack  
Gietzelt  
Grimes  
Hearn  
Jones

McIntosh (Teller)  
McKiernan  
Maguire  
Mason  
Primmer  
Ray, Robert  
Reynolds  
Richardson

Robertson  
Ryan  
Sibraa  
Tate  
Walsh  
Zakharov

And so it was resolved in the affirmative.

Question—That the words proposed to be inserted be inserted—put and passed.

Bills agreed to with an amendment to the Trust Recoupment Tax Assessment Bill 1985.

Trust Recoupment Tax Assessment Bill 1985 to be reported with an amendment.

Trust Recoupment Tax Bill 1985 and Trust Recoupment Tax (Consequential Amendments) Bill 1985 to be reported without amendment or requests.

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

On the motion of the Minister for Education (Senator Ryan) the Report from the Committee was adopted.

Senator Ryan moved—That these Bills be now read a third time.

Debate ensued.

Question—put and passed.

Bills read a third time.

- 21 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY: Order of the Day read for the adjourned debate on the motion of Senator Aulich—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.

*And on the amendment moved thereto by the Leader of the Opposition in the Senate (Senator Chaney), viz:* That the following words be added to the Address-in-Reply “, but the Senate is of the opinion that the Government’s program outlined in the Governor-General’s Speech fails to address critical problems facing Australia in that—

- (a) it fails to reassure the Australian people that the country’s defence arrangements within the western alliance will be preserved and strengthened following:
  - (i) the Prime Minister’s capitulation to internal party pressures on the issue of Australia providing logistical assistance to the United States for its testing of the MX missile, and
  - (ii) increasing uncertainty as to the future of the ANZUS Treaty fuelled by members of the Labor Government, including a Cabinet Minister;
- (b) it contains no coherent economic strategy at a time when recovery is threatened by:
  - (i) record government taxation and spending,
  - (ii) continuing pressure within the Government for new taxes on assets,
  - (iii) growing demands for higher wages and other extra cost burdens on industry,
  - (iv) the level of public debt repayments, and
  - (v) loss of value of the currency reflecting world concern about Australia’s competitiveness and government instability; and
- (c) it endorses a rigid, centralised wage determining structure which imposes the same cost burdens on commerce and industry regardless of ability to pay”.

Debate resumed.

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.

- 22 **ADJOURNMENT:** The Manager of Government Business (Senator Grimes) moved—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 10.38 p.m. till tomorrow at 9 a.m.

- 23 **ATTENDANCE:** Present, all Senators except Senators Coleman (on leave), Colston, Crichton-Browne and Georges.

**A. R. CUMMING THOM,**  
Clerk of the Senate