

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 19

MONDAY, 22 APRIL 1985

1 **MEETING OF SENATE:** The Senate met at 2 p.m., pursuant to adjournment. The President (Senator the Honourable Douglas McClelland) took the Chair.

2 **PRAYERS.**

3 **ADDRESS-IN-REPLY TO THE GOVERNOR-GENERAL'S OPENING SPEECH:** The President informed the Senate that, accompanied by honourable Senators, he had, on 19 April 1985, waited on His Excellency the Governor-General and presented to him the Address-in-Reply, agreed to on 17 April 1985, to the speech by His Excellency on the occasion of the opening of the Parliament. His Excellency was pleased to make the following reply:

MR PRESIDENT,

Thank you for your Address-in-Reply.

It will be my pleasure and duty to convey to Her Majesty the Queen the message of loyalty from the Senate, to which the Address gives expression.

4 **PETITIONS:** The following 8 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Reid, from 124 petitioners praying that the Senate reject the recommendation of the Vinson inquiry that an abortion clinic be established in Canberra.

Senator Button, from 18 petitioners praying that post-secondary tuition fees and any form of the user-pays principle in education not be introduced, that student financial assistance be increased and that visa charges on private overseas students be removed.

Senator Reynolds, from 8 petitioners praying that the Senate reverse any decision which commits Australia to participate in the testing of MX Peacemaker missiles, and ensure that Australia's commitment to a nuclear-free zone in the South Pacific be maintained.

Senators Cooney and Zakharov, from 252 and 72 petitioners, respectively, praying that the Senate legislate to close the joint Australian-United States electronic communications facilities at the Watsonia Army Barracks, Victoria.

Senator Short, from 25 petitioners praying that the Senate reject any changes to the design of the Australian National Flag without the prior approval of Australian citizens at a referendum.

Senator Walters, from 29 petitioners praying that the Senate take action to restrict the viewing of certain films, video tapes and printed material.

Senator Collard, from 187 petitioners praying that the Australian flag be not changed without the consent of the people in a referendum.

5 NOTICES:

Notices of Motion: Notices of Motion were given, as follows—

The Minister for Finance (Senator Walsh): To move on the next day of sitting—That leave be given to introduce a Bill for an Act to amend the *Superannuation Act 1976* and the *Superannuation Act 1922*, and for related purposes.

Senator Macklin: To move on the next day of sitting—That the Senate—

- (a) as a matter of national food security, upholds the principle that the seeds and cuttings of plants are a public resource and a common heritage to all and that accordingly, seeds should be freely available to all, freely multipliable, able to be sold, exchanged, exported and imported by anyone who wishes;
- (b) recognises that plant breeding is a highly co-operative venture often involving private enterprise at the very last stages after basic seed collection, storage, and research has been publicly funded, and that legislation establishing plant patenting schemes overseas has resulted in the subordination and curtailment of public breeding programs in many countries;
- (c) in view of the aforementioned, recognises that any system giving “property” or ownership rights over seeds to individuals, organisations or enterprises is inappropriate and unjust; and
- (d) rejects the majority recommendation of the Report of the Senate Standing Committee on National Resources on Plant Variety Rights, that “the Commonwealth consider the introduction of a PVR scheme in Australia”.

Contingent Notice of Motion: The Leader of the Opposition in the Senate (Senator Chaney) gave a Contingent Notice of Motion, as follows: To move (contingent on any Senator being refused leave to make a statement to the Senate)—That so much of the Standing Orders be suspended as would prevent that Senator making that statement.

6 QUESTIONS.

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

Australian Heritage Commission Act—Australian Heritage Commission—Annual Report (8th) 1983-84, together with financial statements and the Auditor-General’s Report thereon.

Statement by the Minister for Arts, Heritage and Environment.

Commonwealth Electoral Act—Redistribution of Electoral Divisions, 1984—

Determinations (Volume I) by the augmented Electoral Commissions for the States of—

New South Wales, dated 11 October 1984.

Queensland, dated 13 September 1984.

South Australia, dated 3 September 1984.

Victoria, dated 14 September 1984.

Western Australia, dated 31 August 1984.

Maps of the proposed and final Electoral Divisions and microfiche of suggestions, comments and objections relating to the Redistribution (Volume II) for the States of—

New South Wales.

Queensland.

South Australia.

Victoria.

Western Australia.

Determinations by the augmented Electoral Commissions, together with maps of the proposed and final Electoral Divisions and microfiche of suggestions, comments and objections relating to the Redistribution of—

Australian Capital Territory, dated 23 August 1984.

Tasmania, dated 12 September 1984.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report on Tax Sharing Relativities 1985 (2 vols), dated 30 March 1985.

Fishing Industry Act—Annual Report (28th) 1983-84, by the Minister for Primary Industry.

Human Rights Commission Act—Human Rights Commission—Report No. 12—The Queensland *Electricity (Continuity of Supply) Act 1985*, dated 29 March 1985.

Inter-State Commission Act—Inter-State Commission—Report on an investigation of the Tasmanian Freight Equalisation Scheme, dated 29 March 1985—
Volume I.

Volume II—Shipment of Wheat to Tasmania.

South Africa—An Australian Code of Conduct for Companies with Commercial Interests in South Africa—Statement by the Minister for Foreign Affairs, dated 18 April 1985.

- 8 **URGENCY MOTION:** The President informed the Senate that he had received a letter from Senator Lewis advising that this day he intended to move—That in the opinion of the Senate the following is a matter of urgency: “The need for the Government to provide leadership on economic policy and to act effectively against industrial disruption despite its obligations to the trade union movement”.

And at least 4 Senators having risen in support of the motion—
Senator Lewis thereupon moved the motion.

Debate ensued.

Closure: Senator Messner moved—That the Question be now put.

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

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

The Senate divided—

AYES, 34

Senators—

Archer
Baume
Boswell
Brownhill
Carrick, Sir John
Chipp
Collard
Durack
Evans, Jack

Guilfoyle,
Dame Margaret
Haines
Hamer
Hill
Jessop
Knowles
Lajovic
Lewis

MacGibbon
Macklin
Mason
Messner
Missen
Parer
Rae, Peter
Reid
Scott

Sheil (Teller)
Short
Teague
Vanstone
Vigor
Walters
Watson
Withers

NOES, 30

Senators—

Aulich
Black
Bolkus
Button
Childs
Coates
Colston
Cook

Cooney
Crowley
Devlin
Elstob
Evans, Gareth
Foreman
Georges
Giles

Grimes
Harradine
Hearn
Jones
Maguire
Primmer
Ray, Robert
Reynolds

Richardson
Robertson (Teller)
Ryan
Sibraa
Walsh
Zakharov

And so it was resolved in the affirmative.

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

- 9 **GOVERNMENT PAPERS—CONSIDERATION:** The following Government Paper, tabled earlier this day (*see Entry No. 7 above*), was considered pursuant to Sessional Order:

Commonwealth Grants Commission—Report on Tax Sharing Relativities 1985—Motion to take note of Paper moved by Senator Peter Rae and debated.

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

- 10 **REDISTRIBUTION OF ELECTORAL DIVISIONS 1984—PAPERS:** Senator Macklin, by leave, moved—That the Senate take note of the following Papers:

Redistribution of Electoral Divisions, 1984—Determinations (and related documents) of proposed and final Electoral Divisions for the States and the Australian Capital Territory.

Ordered—That the debate be adjourned till the next Thursday on which General Business is called on, and be considered pursuant to the provisions of the Sessional Order relating to the consideration of Government Papers.

- 11 **GOVERNMENT PAPERS—MOTIONS TO TAKE NOTE:** Senator Baume, by leave, moved—That the Senate take note of each of the following Papers tabled earlier this day (*see Entry No. 7 above*):

Inter-State Commission—Report on the Tasmanian Freight Equalisation Scheme.

Australian Heritage Commission—Annual Report 1983-84 and Ministerial Statement thereon.

Australian Code of Conduct for Companies with Commerical Interests in South Africa—Statement by the Minister for Foreign Affairs.

Fishing Industry Act—Annual Report 1983-84.

Human Rights Commission—Report No. 12—The Queensland *Electricity (Continuity of Supply) Act 1985*.

Ordered—That the debates be adjourned till the next Thursday on which General Business is called on, and be considered pursuant to the provisions of the Sessional Order relating to the consideration of Government Papers.

- 12 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—1ST REPORT OF 1985:** The Chairman of the Parliamentary Standing Committee on Public Works (Senator Foreman) tabled the following Report:

Construction of new Commonwealth Offices, Sydney (Kingsford-Smith) Airport (1st Report of 1985).

Ordered to be printed.

- 13 **PAPERS:** The following Papers were tabled:

Canberra College of Advanced Education Act—Statute—No. 57—Courses and Awards Amendment 1985.

Defence Act—Determinations 1985—

No. 18—Reserve Allowance.

No. 19—Defence Force Rental Expense Assistance Allowance and Temporary Accommodation Allowance.

No. 20—Temporary Rental Allowance.

Drug Trafficking—Corrigendum to Report, dated 25 February 1983, of the Royal Commission of Inquiry into Drug Trafficking.

First Home Owners Act—Regulations—Statutory Rules 1985 No. 39.

Fisheries Act—Fisheries Notices—

No. 139—Prohibition relating to the taking of scallops from proclaimed waters in Bass Strait.

No. 140—Prohibition relating to the taking of prawns and shrimps in the Gulf of Carpentaria.

Navigation Act—Regulations—Statutory Rules 1985 No. 38.

Seat of Government (Administration) Act—Ordinances 1985—

No. 12—Mental Health (Amendment).

No. 13—Medical Practitioners Registration (Amendment).

No. 16—Crimes (Amendment) (No. 2).

No. 17—Court of Petty Sessions (Amendment).

No. 18—Court of Petty Sessions (Amendment) (No. 2).

No. 19—Evidence (Amendment).

States Grants (Tertiary Education Assistance) Act 1984—

Directions under sub-sections 37 (1) and 41 (2)—Approval of Additional Building Projects and Subsequent Directions, dated 20 February 1985.

Direction under sub-section 41 (1)—Variation Schedule for Building Projects, dated 27 February 1985.

- 14 **PRIVATE HOSPITALS AND NURSING HOMES—SELECT COMMITTEE—CHANGE IN MEMBERSHIP:** The Deputy-President (Senator Hamer) informed the Senate that the President had received a letter from the Leader of the Opposition in the Senate (Senator Chaney) requesting a change in the membership of the Select Committee on Private Hospitals and Nursing Homes.

The Leader of the Government (Senator Button), by leave, moved—That Senator Bjelke-Petersen be discharged from further attendance on the Select Committee on Private Hospitals and Nursing Homes and that Senator Brownhill, having been duly nominated in accordance with the Resolution appointing the Select Committee, be appointed a member of the Committee.

Question—put and passed.

- 15 **AUSTRALIAN INSTITUTE OF MULTICULTURAL AFFAIRS AMENDMENT BILL 1985—***Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 41

The House of Representatives acquaints the Senate that it has agreed to the amendment made by the Senate in the Bill intituled "*A Bill for an Act to amend the 'Australian Institute of Multicultural Affairs Act 1979'*".

House of Representatives,
Canberra, 22 April 1985

H. A. JENKINS,
Speaker

- 16 **SOIL CONSERVATION (FINANCIAL ASSISTANCE) BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—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 Scott) 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.

- 17 **BOUNTY (INJECTION-MOULDING EQUIPMENT) AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—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, debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bill read a third time.

- 18 **NATIONAL WELFARE FUND REPEAL BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 42

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to repeal the 'National Welfare Fund Act 1943', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 22 April 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 Reid the debate was adjourned.

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

- 19 **SUPPORTED ACCOMMODATION ASSISTANCE BILL 1985**: Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That this Bill be now read a second time.

Debate resumed.

Senator Crowley addressing the Chair—

And it being 10.30 p.m.—

- 20 **ADJOURNMENT**: The Deputy-President (Senator Hamer), under Sessional Order, put the Question—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 11.05 p.m. till tomorrow at 2 p.m.

- 21 **ATTENDANCE**: Present, all Senators except Senators Bjelke-Petersen, Coleman (on leave), Crichton-Browne, Gietzelt, McIntosh, McKiernan and Tate.

A. R. CUMMING THOM,
Clerk of the Senate