

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 20

TUESDAY, 23 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 **PETITIONS:** The following 5 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Sir John Carrick, from 2049 petitioners praying that the Senate pass a motion that the existing Australian National Flag be changed only with the approval of the nation as expressed in a referendum.

Senator Messner, from 202 petitioners praying that the Senate repeal the Labor Government's iniquitous and unfair assets test.

Senators Colston and MacGibbon, from 225 and 277 petitioners, respectively, praying that the Senate request the Government to reaffirm a commitment to provide students from developing countries with access to Australia's educational and training resources and to formulate a consistent and considerate overseas students policy.

Senator McKiernan, from 80 petitioners praying that the Senate support the New Zealand Government in its stand for a nuclear-free South Pacific.

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

Acts Interpretation Act—Correspondence relating to extension of specified period for presentation of the Australian Institute of Aboriginal Studies Annual Report 1983-84.

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

Statement by the Minister for Aboriginal Affairs.

Australian National University Act—Australian National University—Financial statements 1983, together with the Auditor-General's Report thereon.

Statement by the Minister for Education.

Commonwealth Schools Commission—Recommendations for 1986, dated 12 April 1985.

Foreign Affairs and Defence—Joint Committee—Government Responses to Reports on—

Australia and ASEAN—Challenges and Opportunities—Statement by the Minister for Foreign Affairs, dated 19 April 1985.

Australia's Diplomatic Representation in Africa and the adjacent Indian Ocean Island States—Statement by the Minister for Foreign Affairs, dated 22 April 1985.

Non-government Schools (Loans Guarantee) Act—Annual Report 1984 by the Minister for Education.

States Grants (Schools Assistance) Act 1982—Commonwealth Schools Commission—Report on financial assistance granted to each State, dated March 1985.

- 5 **MINISTERIAL ARRANGEMENTS:** The Leader of the Government (Senator Button), by leave, informed the Senate that during the absence overseas of Mr Keating, Senator Gietzelt and Mr Holding, Senator Walsh would act as Treasurer, Mr Scholes would act as Minister for Veterans' Affairs and Senator Ryan would act as Minister for Aboriginal Affairs.

6 **QUESTIONS.**

- 7 **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 for the Government to provide adequate information to enable proper judgement to be made of its economic policies".

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

Debate ensued.

Closure: Senator Peter Rae 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, 33

Senators—			
Archer	Haines	Missen	Vigor
Baume	Hamer	Parer	Walters
Boswell	Hill	Puplick	Watson
Carrick, Sir John	Kilgariff	Rae, Peter	Withers
Chaney	Knowles	Reid	
Chipp	Lajovic	Sheil (Teller)	
Durack	Lewis	Short	
Evans, Jack	MacGibbon	Teague	
Guilfoyle,	Macklin	Townley	
Dame Margaret	Messner	Vanstone	

NOES, 30

Senators—			
Aulich	Cooney	Harradine	Reynolds
Black	Crowley	Hearn	Richardson
Bolkus	Devlin	Jones	Robertson (Teller)
Button	Elstob	McClelland	Sibraa
Childs	Evans, Gareth	McKiernan	Walsh
Coates	Foreman	Maguire	Zakharov
Colston	Georges	Primmer	
Cook	Giles	Ray, Robert	

And so it was resolved in the affirmative.

- 8 **PROPOSED SITTINGS OF SENATE—MINISTERIAL STATEMENT:** The Leader of the Government (Senator Button), by leave, made a statement relating to the proposed pattern of sittings of the Senate for the remainder of the current period of sittings.

The Leader of the Opposition in the Senate (Senator Chaney), by leave, moved—That the Senate take note of the Statement.

Debate ensued.

Question—put and passed.

- 9 **PARLIAMENTARY EVIDENCE—USE IN COURT PROCEEDINGS—REFUSAL TO ACCEDE TO PETITION—PROPOSED RECONSIDERATION:** Senator Missen, by leave, moved—That the Senate reconsider its decision to deny the petition lodged on behalf of Judge Foord, made on 16 April 1985, and further consider the statements of the

President made on 28 March 1985 and 16 April 1985, relating to interventions by the Senate in actions commenced against Mr Justice Murphy and Judge Foord, and the general powers and responsibilities of the Senate in regard thereto.

Debate ensued.

Question—put and negatived.

Senator Georges, by leave, made a statement relating thereto.

- 10 **PRIVILEGES—STANDING COMMITTEE—REFERENCE:** Senator Haines raised a matter of privilege relating to improper disclosure of amendments prepared for the purpose of the proceedings of the Senate.

Senator Haines moved—That the following matter be referred to the Committee of Privileges: The improper disclosure and misrepresentation by a departmental officer of an amendment prepared for moving in the Senate.

Debate ensued.

Question—put and passed.

- 11 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Leader of the Government (Senator Button) moved—That consideration of Government Papers pursuant to Sessional Order be not proceeded with this day.

Question—put and passed.

- 12 **COMMONWEALTH SCHOOLS COMMISSION—RECOMMENDATIONS FOR 1986—PAPER:** Senator Baume, by leave, moved—That the Senate take note of the following Paper:

Commonwealth Schools Commission—Recommendations for 1986.

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.

- 13 **PUBLICATIONS COMMITTEE—STANDING COMMITTEE—2ND REPORT:** The Chairman of the Standing Committee on Publications (Senator Elstob) tabled the following Report:

SECOND REPORT

The Publications Committee has the honour to report that it has met in conference with the Publications Committee of the House of Representatives.

The Joint Committee, having considered petitions and papers presented to Parliament since the last meeting of the Committee, and papers previously presented, recommends that the following be printed:

Archives Act—Advisory Council on Australian Archives—Annual Report (1st) for period 6 to 30 June 1984.

Australian Bicentennial Authority Act—Australian Bicentennial Authority—Annual Report (4th) 1983-84.

Australian Capital Territory Electricity Supply Act—Australian Capital Territory Electricity Authority—Annual Report (21st) 1983-84.

Australian Heritage Commission Act—Australian Heritage Commission—Annual Report (8th) 1983-84.

Australian Institute of Aboriginal Studies—Annual Report 1983-84.

Chicken Meat Research Act—Australian Chicken Meat Research Committee—Annual Report (15th) 1983-84.

Commonwealth Electoral Act—Redistribution of Electoral Divisions, 1984—

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

New South Wales.

Queensland.

South Australia.

Victoria.

Western Australia.

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

New South Wales.
Queensland.
South Australia.
Victoria.
Western Australia.

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

Australian Capital Territory.
Tasmania.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—
Report on tax sharing relativities 1985, dated 30 March 1985—

Volume 1—Main report.

Volume 2—Appendixes and consultants' reports.

Dairy Produce Act—Australian Dairy Corporation—Annual Report (9th) 1983-84.

Family Law Council—Administration of Family Law in Australia—Report to the Attorney-General, dated 28 February 1985.

Fishing Industry Act—Annual Report (28th) 1983-84.

Foreign Investment Review Board—Annual Report 1983-84.

Housing Industry—Indicative Planning Council for the Housing Industry—Short-term Prospects Report, dated 19 March 1985.

Human Rights Commission Act—Human Rights Commission—

Report No. 9—Queensland *Community Services (Aborigines) Act 1984*, dated 9 January 1985.

Report No. 10—The Human Rights of Australian-born Children: A Report on the Complaint of Mr and Mrs R. C. Au Yeung, dated 18 January 1985.

Report No. 11—Human Rights of the Terminally Ill: The Right of Terminally Ill Patients to have Access to Heroin for Painkilling Purposes, dated 4 March 1985.

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

Industries Assistance Commission—Chemicals and Plastics Industries—Interim Report on End-Use Under Security By-Laws, dated 15 March 1985 (No. 361).

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

Volume 1.

Volume 2—Shipment of wheat to Tasmania.

Law Reform Commission Act—Law Reform Commission—Annual Report (10th) 1983-84.

National Aboriginal Conference—The Role of the Conference—Report by H. C. Coombs, dated 1 May 1984.

National Gallery Act—Australian National Gallery—Annual Report 1983-84.

Parliament House Construction Authority Act—Parliament House Construction Authority—Annual Report (5th) 1983-84.

Pig Industry Research Act—Australian Pig Industry Research Committee—Annual Report 1983-84.

Snowy Mountains Hydro-electric Power Act—Snowy Mountains Hydro-electric Authority—Annual Report (35th) 1983-84.

Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Annual Report 1983-84.

Sugar Agreement Act—Fruit Industry Sugar Concession Committee—Annual Report 1983-84.

Wheat Research Act—Annual Report 1983-84 by the Minister for Primary Industry.

Corrigendum

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

23 April 1985

RON ELSTOB,
Chairman

Senator Elstob, by leave, moved—That the Report be adopted.

Question—put and passed.

14 PAPERS: The following Papers were tabled:

Census and Statistics Act—Australian Bureau of Statistics—Release of Lists—Proposal No. 3 of 1985—Provision of Classification Codes to the Queensland Industry and Commerce Training Commission.

Public Service Act—Determination 1985 No. 26.

15 SUPERANNUATION LEGISLATION AMENDMENT BILL 1985: The Minister for Industry, Technology and Commerce (Senator Button), at the request of the Minister for Finance (Senator Walsh) and 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 amend the *Superannuation Act 1976* and the *Superannuation Act 1922*, and for related purposes.

Question—put and passed.

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

Suspension of Standing Orders: Senator Button, pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bill being passed through its remaining stages without delay.

Question—put and passed.

Senator Button 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.

16 HUMAN EMBRYO EXPERIMENTATION BILL 1985: Senator Harradine, having altered his Notice of Motion in accordance with Standing Order 109 and 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 prohibit experiments involving the use of human embryos created by in vitro fertilization.

Question—put and passed.

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

Senator Harradine, by leave, 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.

17 WHEAT MARKETING AMENDMENT BILL 1985: The Minister for Industry, Technology and Commerce (Senator Button), by leave, moved—That leave be given to introduce a Bill for an Act relating to the marketing of wheat.

Question—put and passed.

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

Suspension of Standing Orders: Senator Button, pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bill being passed through its remaining stages without delay.

Question—put and passed.

Senator Button 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.

18 CUSTOMS ADMINISTRATION BILL 1985

CUSTOMS ADMINISTRATION (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1985:

The Minister for Industry, Technology and Commerce (Senator Button), by leave, moved the following motions together—

That leave be given to introduce a Bill for an Act to establish an Australian Customs Service, and for purposes connected therewith.

That leave be given to introduce a Bill for an Act to enact certain transitional provisions and make certain amendments in consequence of the enactment of the *Customs Administration Act 1985*.

Questions—put and passed.

Bills presented.

Suspension of Standing Orders to deal with Bills together: Senator Button 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 the Bills being put in one motion at each stage, and the consideration of such Bills together in Committee of the Whole.

Question—put and passed.

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

Suspension of Standing Orders: Senator Button, pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bills being passed through their remaining stages without delay.

Question—put and passed.

Senator Button moved—That these Bills 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.

- 19 NEXT MEETING OF SENATE: The Leader of the Government (Senator Button), moved—That the Senate, unless otherwise ordered, at its rising, adjourn till Tuesday, 7 May 1985, at 2 p.m.

Question—put and passed.

- 20 ADJOURNMENT: The Leader of the Government (Senator Button), moved—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 6.42 p.m. till Tuesday, 7 May 1985, at 2 p.m.

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

A. R. CUMMING THOM,
Clerk of the Senate