

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 21

TUESDAY, 7 MAY 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 DEATH OF FORMER MEMBER, THE HONOURABLE SIR PERCY SPENDER, K.C.V.O., K.B.E., Q.C.: The Leader of the Government (Senator Button) referred to the death, on 3 May 1985, of the Honourable Sir Percy Spender, K.C.V.O, K.B.E., Q.C., a former Member of the House of Representatives and Minister of the Crown, and, by leave, moved—That the Senate expresses its deep regret at the death, on 3 May 1985, of the Honourable Sir Percy Claude Spender, K.C.V.O., K.B.E., Q.C., a former Minister of the Crown and Member of the House of Representatives for the Division of Warringah, New South Wales, from 1937 to 1951, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his widow and the members of his family in their bereavement.

The motion having been supported and all Senators present having stood, in silence—
Question—passed.

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

Senator Messner, from 322 petitioners praying that the Senate repeal the Labor Government's iniquitous and unfair assets test.

Senator Zakharov, from 54 petitioners praying that the Senate legislate to close the joint Australian-United States electronic communications facilities at the Watsonia Army Barracks, Victoria.

Senator Bolkus, from 35 petitioners praying that the Senate support the New Zealand Government in its stand for a nuclear-free South Pacific.

Senator Macklin, from 237 petitioners praying that the Senate request the Government to reaffirm a commitment to provide students from developing countries with access to Australia's education and training resources and to formulate a consistent and considerate overseas students policy.

Senator Macklin, from 150 petitioners praying that a Senate Select Committee on Nuclear Disarmament and Peace be established to investigate the creation of a Ministry of Peace and Disarmament.

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

Australian Capital Territory Schools Authority—Financial Statements 1983-84, together with the Auditor-General's Report thereon.

Industries Assistance Commission—Interim Report on Apples and Pears, dated 24 March 1985 (No. 362).

Parliament House Construction Authority—Appointments to the Authority—Statement by the Minister for Territories.

Security of Wharves and Containers—Report by the Joint Commonwealth and New South Wales Task Force (Convenor: N. A. Sheather), dated 23 October 1984.

United Nations—Conference on Disarmament—Report of the Australian Delegation to the 1984 Session, held in Geneva, 7 February to 31 August 1984.

Statement by the Minister for Foreign Affairs, dated 23 April 1985.

- 6 **MINISTERIAL ARRANGEMENTS:** The Leader of the Government (Senator Button), by leave, informed the Senate that during the absence overseas of Mr Hayden, Senator Gareth Evans would act as Minister for Foreign Affairs.

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

Distinguished Visitors: The President drew attention to the presence in the gallery of a delegation from the ASEAN Inter-Parliamentary Organisation, led by the Honourable Kharis Suhud, Deputy-Speaker of the Indonesian Parliament and, on behalf of honourable Senators, extended a warm welcome to the members of the delegation.

Further Questions without Notice were answered.

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

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

- 9 **GOVERNMENT PAPERS—CONSIDERATION:** The following Government Papers, tabled earlier this day (*see Entry No. 5 above*), were considered pursuant to Sessional Order:
United Nations—Report of the Australian Delegation to the 1984 Session of the Conference on Disarmament and Ministerial Statement thereon—Motion to take note of Papers moved by the Leader of the Opposition in the Senate (Senator Chaney) and debated.

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

- 10 **STATEMENTS BY SENATORS:** Senator Jessop and the Leader of the Government (Senator Button), by leave, made statements relating to the consideration of Government Papers.

- 11 **INDUSTRIES ASSISTANCE COMMISSION—INTERIM REPORT ON APPLES AND PEARS—PAPER:** Senator Watson, by leave, moved—That the Senate take note of the following Paper:

Industries Assistance Commission—Interim Report on Apples and Pears.

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

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

Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act—Regulation—Statutory Rules 1985 No. 40.

Compensation (Commonwealth Government Employees) Act—Regulations—Statutory Rules 1985 No. 42.

Dairy Products (Export Inspection Charge) Collection Act—Regulations—Statutory Rules 1985 No. 52.

Defence Act—Determinations 1985—

No. 21—Travelling Allowance and others.

No. 22—Travelling Allowance and others.

No. 23—Overseas Rental and Utilities Allowance.

Eggs (Export Inspection Charge) Collection Act—Regulations—Statutory Rules 1985 No. 53.

Export Control Act—Orders 1985—

No. 1—Prescribed Goods (General).

No. 2—Export Meat.

No. 3—Game, Poultry and Rabbit Meat.

No. 4—Dairy Produce.

No. 5—Egg.

No. 6—Grain, Plants and Plant Products.

No. 7—Fish.

Extradition (Commonwealth Countries) Act—Regulation—Statutory Rules 1985 No. 62.

Extradition (Foreign States) Act—Regulations—Statutory Rules 1985 Nos 55, 56, 57, 58, 59, 60, 61, 63, 64.

Fish (Export Inspection Charge) Act—Regulations—Statutory Rules 1985 No. 54.

Fish (Export Inspection Charge) Collection Act—Regulations—Statutory Rules 1985 No. 51.

Health Insurance Act—Regulation—Statutory Rules 1985 No. 50.

Health Insurance Commission Act—Regulation—Statutory Rules 1985 No. 41.

Interim Forces Benefits Act—Regulations—Statutory Rules 1985 No. 48.

Life Insurance Act—Regulation—Statutory Rules 1985 No. 44.

Public Service Act—Appointments—

Department of Employment and Industrial Relations—W. L. Glenbar.

Department of Territories—P. A. R. Barker, A. D. Wallace.

Department of Veterans' Affairs—H. L. Ryan.

Remuneration Tribunals Act—Determination 1985—No. 2—Remuneration and Allowances for Holders of Public Offices—Managing Director, Overseas Telecommunications Commission (Australia) and others, dated 15 February 1985.

Repatriation Act—Regulations—Statutory Rules 1985 No. 45.

Repatriation (Far East Strategic Reserve) Act—Regulations—Statutory Rules 1985 No. 46.

Repatriation (Special Overseas Service) Act—Regulations—Statutory Rules 1985 No. 47.

Seamen's Compensation Act—Regulations—Statutory Rules 1985 No. 43.

Seamen's War Pensions and Allowances Act—Regulations—Statutory Rules 1985 No. 49.

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 22 April 1985.

13 FIRST HOME OWNERS AMENDMENT BILL 1985—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 43

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'First Home Owners Act 1983', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 23 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 Industry, Technology and Commerce (Senator Button) the Bill was read a first time.

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

On the motion of Senator Durack the debate was adjourned.

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

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

MR PRESIDENT,

Message No. 44

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Representation Act 1983'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 23 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 Industry, Technology and Commerce (Senator Button) the Bill was read a first time.

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

On the motion of Senator Durack the debate was adjourned.

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

- 15 **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.

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.

Senator Messner moved an amendment, viz: Page 3, after clause 4, insert the following new clause:

"4A. (1) In this section, 'agreement' means an agreement or a further agreement of the kind referred to in section 4 between the Commonwealth and any State or States entered into after the commencement of this Act.

"(2) An agreement shall be such that guidelines of the kind referred to in sub-clause 8 (2) of the form of agreement contained in the Schedule shall be required under the agreement.

"(3) Section 48 (except paragraphs (1) (a) and (b) and sub-section (2)) and section 49 of the *Acts Interpretation Act 1901* apply to guidelines approved under an agreement as if the references in those sections to regulations were references to guidelines and the references to the making of regulations were references to the approval of guidelines."

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

AYES, 28

Senators—

Archer	Guilfoyle,	Missen	Teague
Baume	Dame Margaret	Parer	Vanstone
Bjelke-Petersen	Hamer	Puplick	Walters
Boswell	Hill	Rae, Peter	Watson
Brownhill	Jessop	Reid	Withers
Carrick, Sir John	Lajovic	Scott	
Collard	Lewis	Sheil (Teller)	
Crichton-Browne	Messner	Short	

NOES, 35

Senators—

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

And so it was negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of Senator Grimes the Report from the Committee was adopted, and the Bill read a third time.

- 16 **AUTOMOTIVE INDUSTRY AUTHORITY 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

Clauses 1 to 7, by leave, taken together, debated and agreed to.

Clause 8 debated.

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the following amendments were, by leave, taken together, debated and agreed to:

Page 5, at end of proposed new section 26B, add the following new sub-section:

“(2) Where, within the period of 12 months commencing on the day on which a declaration under this section in respect of an Australian company came into force, that company did not enter into a grant agreement, the Authority may, by resolution, revoke that declaration.”

Page 8, proposed new paragraph 26J (a), lines 34 and 35, leave out “another person or body”, insert “a Territory”.

The Leader of the Opposition in the Senate (Senator Chaney) moved an amendment, viz: Page 10, after proposed new sub-section 26M (3), add the following new sub-section:

“(4) Section 48 (except paragraphs (1) (a) and (b) and sub-section (2)) and section 49 of the *Acts Interpretation Act 1901* apply to directions given under sub-section (1) as if the references in those sections to regulations were references to directions and the references to the making of regulations were references to the giving of directions.”.

Debate ensued.

And it being 10.30 p.m.: The Chairman of Committees (Senator Hamer), under Sessional Order, put the Question—That he do leave the Chair and report to the Senate.

Question—put and passed.

The Acting Deputy-President (Senator Scott) resumed the Chair; and Senator Hamer reported accordingly.

- 17 **ADJOURNMENT:** The Acting Deputy-President (Senator Scott), under Sessional Order, put the Question—That the Senate do now adjourn.
Debate ensued.

Paper: The President tabled the following Paper:

Parliamentary Evidence—Limitation on Use in Court Proceedings—Copy of letter from the Chairman of the Australian Broadcasting Corporation, Mr Kenneth Myer, to the President of the Senate, concerning reporting of committal proceedings involving Mr Justice Murphy, dated 30 April 1985.

Question—resolved in the affirmative.

The Senate adjourned at 11.06 p.m. till tomorrow at 10 a.m.

- 18 **ATTENDANCE:** Present, all Senators except Senators Coleman (on leave), Georges, Gietzelt, Giles, Jones, Knowles and Macklin.

A. R. CUMMING THOM,
Clerk of the Senate