

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 22

WEDNESDAY, 8 MAY 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 16 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator McKiernan, from 32 petitioners praying that the Senate support the New Zealand Government in its stand for a nuclear-free South Pacific.

Senator Mason, from 24 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.

Senators Boswell and Reynolds, from 238 and 227 petitioners, respectively, 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 Reynolds, from 103 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.

Senator Brownhill, from 46 petitioners praying that measures be taken to develop a fair and equitable taxation system.

Senator Brownhill, from 380 petitioners praying that the Senate protect the rights of private enterprise and reject the introduction of any inequitable additional taxes such as capital gains taxes.

Senator Messner, from 258 petitioners praying that the Senate repeal the Labor Government's iniquitous and unfair assets test.

Senator Robert Ray, from 175 petitioners praying that the Senate reject post-secondary tuition fees and mandatory overseas student charges and that the commitment to free post-school education be reaffirmed.

Senator Jack Evans, from 240 petitioners praying that the Senate support the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senator Chipp, from 23 petitioners praying that the imperial system of measurement be restored.

Senator Reid, from 46 petitioners praying that the Senate reject the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senator Reid, from 88 petitioners praying that the Senate reject the recommendation of the Vinson inquiry that an abortion clinic be established in Canberra.

Senator Kilgarriff, from 28 petitioners praying that the Senate ensure that the Government fulfills its commitment to complete the redevelopment of Darwin International Airport by the scheduled completion date of 1988.

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

Senator Kilgarriff, from 3570 petitioners praying that the Senate request the Government to cease all aid to the Hanoi Government, to return certain students to Vietnam and to condemn the Vietnamese violation of human rights and their invasion of Laos, Kampuchea and Thailand.

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

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coates):

No. 1—To move 12 sitting days after today—That the *Credit Ordinance 1985*, as contained in Australian Capital Territory Ordinance No. 5 of 1985 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

No. 2—To move 12 sitting days after today—That the *Supervision of Offenders (Community Service Orders) Ordinance 1985*, as contained in Australian Capital Territory Ordinance No. 10 of 1985 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

No. 3—To move 12 sitting days after today—That the word “apparently”, where twice occurring in paragraph 556S (b) of the Crimes Act, 1900 of the State of New South Wales in its application to the Australian Capital Territory, as contained in section 4 of the *Crimes (Amendment) Ordinance 1985*, as contained in Australian Capital Territory Ordinance No. 11 of 1985 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

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

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

- (a) notes with regret that members of certain unions affiliated with the Australian Council of Trade Unions are refusing to handle freight travelling into or out of the State of Queensland for the next 48 hours;
- (b) condemns this latest display of industrial thuggery and attempted intimidation of the State and its people; and
- (c) condemns the Federal Government for failing to protect the people of Queensland because of its refusal to exercise its legal responsibilities under section 45D of the Trade Practices Act, which outlaws secondary boycotts.

5 FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—REFERENCE:

The Chairman of the Standing Committee on Finance and Government Operations (Senator Coates), by leave, moved—That the Superannuation Legislation Amendment Bill 1985 be referred to the Standing Committee on Finance and Government Operations for inquiry and report on or before 15 May 1985.

Question—put and passed.

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

Australian Agricultural Council—Resolutions of—

120th (Special) Meeting of the Council, held in Canberra, 27 September 1984.

121st Meeting of the Council, held in Melbourne, 11 February 1985.

Australian Capital Territory House of Assembly (Second Assembly)—Business of the Assembly 1984, for period 13 February to 4 December 1984.

Australian Environment Council—Summary Record of Proceedings of 16th Meeting of the Council, held in Mount Cook National Park, New Zealand, 4 July 1984.

Australian Police Ministers' Council—Annual Report 1983-84 on the activities of National Common Police Services.

Nature Conservation Ministers' Council—Summary Record of Proceedings of 13th Meeting of the Council, held in Mount Cook, New Zealand, 5 July 1984.

Trade Union Training Authority Act—Australian Trade Union Training Authority—Annual Report 1983-84, together with financial statements and the Auditor-General's Report thereon.

Wheat Marketing Act—Australian Wheat Board—Annual Report for year ended 30 September 1984, together with financial statements and the Auditor-General's Report thereon.

7 CONSTITUTIONAL AND LEGAL AFFAIRS—STANDING COMMITTEE—STATEMENT BY CHAIRMAN: The Chairman of the Standing Committee on Constitutional and Legal Affairs (Senator Tate), by leave, made a statement informing the Senate that the Committee had determined to resume consideration of the following references:

Continuing oversight of the implementation of reports of the Law Reform Commission.

National Service Amendment Bill 1983.

The Joint Opinion dated 23 August 1983 of the Attorney-General and the Solicitor-General given to the Royal Commission on Australia's Security and Intelligence Agencies concerning a statement made in the South Australian Parliament by the Honourable Peter Duncan, M.L.A.

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

[NO. 2]: 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.

9 ORDER OF BUSINESS—RE-ARRANGEMENT: The Manager of Government Business (Senator Grimes) moved—That consideration of Committee Reports pursuant to Sessional Order be not proceeded with this day.

Question—put and passed.

10 AUTOMOTIVE INDUSTRY AUTHORITY AMENDMENT BILL 1985: The Senate, according to Order, resolved itself into Committee for the further consideration of the Bill.

In the Committee

Consideration resumed of clause 8, as amended, *and of the amendment moved thereto by the Leader of the Opposition in the Senate (Senator Chaney)*, 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.”.

Question—That the words proposed to be added be added—put.

The Committee divided—

AYES, 31

Senators—

Archer
Baume
Bjelke-Petersen
Boswell
Brownhill
Chaney
Collard
Crichton-Browne

Durack
Guilfoyle,
 Dame Margaret
Hamer
Hill
Jessop
Kilgariff
Lajovic

Lewis
MacGibbon
Messner
Missen
Parer
Puplick
Rae, Peter
Reid (Teller)

Scott
Sheil
Short
Teague
Townley
Walters
Watson
Withers

NOES, 38

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

And so it was negatived.

Clause 8, as amended, further debated.

Ordered—That further consideration of clause 8, as amended, be postponed till after consideration of clause 9.

Clause 9 read—

On the motion of Senator Chaney the following amendment was debated and agreed to:

Page 12, after proposed new sub-section 27A (2), add the following new sub-section:

“(3) Where there is an application to manufacturing of the results of a project which has been carried out under arrangements made under sub-section (1), such application shall be undertaken by a company under a contract entered into by the Commonwealth and that company after tenders for that contract have been invited.”

Clause 9, as amended, agreed to.

Consideration resumed of postponed clause 8, as amended.

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the following amendment was debated and agreed to:

Page 10, after proposed new sub-section 26M(2), insert the following new sub-section:

“(2A) Directions and any revocation of any directions published under sub-section (2) shall be laid before each House of the Parliament within 15 sitting days of that House after the publication in the *Gazette* of the directions or any revocation.”

Clause 8, as amended, agreed to.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

11 CUSTOMS ADMINISTRATION BILL 1985

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

Order of the Day read for the adjourned debate on the motion of the Minister for Industry, Technology and Commerce (Senator Button)—That these Bills be now read a second time.

The Leader of the Opposition in the Senate (Senator Chaney) moved an amendment, viz: Leave out all words after “That”, insert “these Bills be referred to the Standing Committee on Finance and Government Operations for investigation and report on the necessity for the creation of an independent Customs Service and, without limiting the generality of the reference, for report on—

- (a) the practical impact of the changes on the Service, the Minister, customs agents and the general public;

- (b) what advantages flow from the proposed changes;
- (c) the extent to which the changes add to or reduce the accountability of the Australian Customs Service;
- (d) how the changes affect the role and responsibility of the Minister; and
- (e) the cost of the changes”.

Debate ensued.

And it being 2 p.m.—

12 QUESTIONS.

- 13 **MACKENZIE RIVER DAM—ANSWER TO QUESTION:** The Leader of the Opposition in the Senate (Senator Chaney), 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 Reynolds on 7 May 1985, relating to the MacKenzie River Dam, Queensland.

Question—put and passed.

- 14 **PERSONAL EXPLANATION:** Senator Colston, by leave, made a personal explanation relating to an article in the newspaper, *Central Queensland News*, dated 3 May 1985.

- 15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE:** The President informed the Senate that Senator Baume had proposed that a matter of public importance be submitted to the Senate for discussion, viz: “The need for maximum educational choice for parents and students as a necessary part of raising educational standards and Labor’s ill-advised moves to restrict choice”.

And at least 4 Senators having risen in support of the proposed discussion—

The President called upon Senator Baume to speak.

Discussion ensued.

Discussion concluded.

- 16 **SOCIAL SECURITY AND REPATRIATION (ABOLITION OF ASSETS TEST) BILL 1985 [NO. 2]:** Senator Messner, pursuant to leave granted this day, presented 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.

On the motion of Senator Messner the Bill was 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.

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

- 17 **GOVERNMENT PAPERS—CONSIDERATION:** The following Government Papers, tabled earlier this day (*see Entry No. 6 above*), were considered pursuant to Sessional Order:
- Australian Wheat Board—Annual Report 1983-84—Motion to take note of Paper moved by Senator Brownhill, debated and agreed to.
 - Australian Police Ministers’ Council—Annual Report 1983-84 on National Common Police Services—Motion to take note of Paper moved by Senator Reid, debated and agreed to.
 - Australian Trade Union Training Authority—Annual Report 1983-84—Motion to take note of Paper moved by Senator Harradine and debated.

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

- 18 **SUSPENSION OF STANDING AND SESSIONAL ORDERS:** Senator Lewis moved—That so much of the Standing and Sessional Orders be suspended as would prevent—
- the debate on the motion to take note of the Australian Trade Union Training Authority Annual Report 1983-84 from continuing; and
 - at the conclusion of that debate, Senator Lewis moving a motion to take note of Papers tabled this day relating to Resolutions of Meetings of the Australian Agricultural Council.

Debate ensued.

Question—put and passed.

- 19 **AUSTRALIAN TRADE UNION TRAINING AUTHORITY—ANNUAL REPORT 1983-84—PAPER:** Order of the Day read for the adjourned debate on the motion of Senator Harradine—That the Senate take note of the Paper.

Debate resumed.

Senator Lewis moved—That the debate be now adjourned.

Question—put.

The Senate divided—

AYES, 26

Senators—

Baume
Boswell
Brownhill
Chaney
Crichton-Browne
Durack
Guilfoyle,
Dame Margaret

Hamer
Harradine
Hill
Jessop
Kilgariff (Teller)
Lajovic
Lewis

MacGibbon
Missen
Parer
Rae, Peter
Scott
Short
Teague

Townley
Vanstone
Walters
Watson
Withers

NOES, 32

Senators—

Black
Bolkus
Button
Childs
Chipp
Colston
Cooney
Crowley

Devlin
Elstob
Evans, Jack
Foreman
Grimes
Haines
Hearn
Jones

McClelland
McIntosh (Teller)
McKiernan
Macklin
Maguire
Mason
Primmer
Ray, Robert

Reynolds
Richardson
Robertson
Ryan
Sibraa
Vigor
Walsh
Zakharov

And so it was negatived.

Debate continued.

Senator Maguire addressing the Chair—

And it being 7 p.m.—

- 20 **ADJOURNMENT:** The President, under Sessional Order, put the Question—That the Senate do now adjourn.
- Debate ensued.
- Question—resolved in the affirmative.
- The Senate adjourned at 7.25 p.m. till tomorrow at 10 a.m.
- 21 **ATTENDANCE:** Present, all Senators except Senators Sir John Carrick, Coleman (on leave), Georges, Gietzelt and Knowles.

A. R. CUMMING THOM,
Clerk of the Senate