

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 25

MONDAY, 13 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 **PETITIONS:** The following 6 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Reid, from 114 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 Brownhill, from 15 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 Brownhill, from 77 petitioners praying that the Senate act to protect society from moral pollution and its harmful effects.

Senators Collard and Messner, from 33 and 69 petitioners, respectively, praying that the Senate pass the Social Security and Repatriation (Abolition of Assets Test) Bill 1985 [No. 2].

Senator Jack Evans, from 255 petitioners praying that the Senate support the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

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

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

(a) notes:

(i) that it is 40 years since the liberation of the prisoners of Nazi concentration and death camps,

(ii) that from those camps and other evidence there emerged knowledge of the full horror of the holocaust against the Jewish people, and

(iii) that some have sought in recent times to deny that the holocaust and the awful events that surrounded it occurred; and

(b) declares:

(i) that historical evidence has determined beyond doubt that the holocaust occurred, and

(ii) that a major task for any civilised people is to prevent such events happening again.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coates): To move 11 sitting days after today—That the Extradition (Republic of South Africa) Regulations, as contained in Statutory Rules 1985 No. 14 and made under the *Extradition (Foreign States) Act 1966*, be disallowed.

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

Senator Messner: To move on the next day of sitting—That leave be given to introduce a Bill for an Act to make provision with respect to certain matters concerning Commonwealth employees.

Senator Harradine: To move on the next day of sitting—That the Senate, noting the 5th Report of 1985 of the Standing Committee for the Scrutiny of Bills, relating to the Human Embryo Experimentation Bill 1985—

- (a) directs that Committee, when dealing with a private Senator's Bill, to take all appropriate measures to enable that Senator to participate, without voting, in its deliberations on the Bill, to make available to that Senator any submissions which the Committee has received on the Bill and any comments on the Bill which the Committee is considering reporting to the Senate, to provide that Senator with an opportunity to be heard orally or in writing in relation to such submissions or proposed comments before the Committee makes any report to the Senate on the Bill, and to ensure that the Senator is advised of the approximate time of presentation of the report and is provided with a copy thereof at the same time as it is received by members of the Committee; and
- (b) directs that Committee to confine itself strictly to the criteria for reporting on Bills contained in the Resolution appointing the Committee, and not to comment upon matters relating to the policy of Bills.

Senator Jones: To move on the next day of sitting—That the Senate, noting that the Queensland Government has legislated to increase the number of seats in the Legislative Assembly from 82 to 87, to be divided into 4 zones, condemns that Government for—

- (a) blatantly rigging the Queensland electoral system in such a manner as to ensure the National Party remains in office; and
- (b) depriving the electors of Queensland of their last vestiges of democratic voting rights, and going against the principle of "one vote, one value".

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

Advance to the Minister for Finance—Statement for March 1985.

Defence—Memorandum of Understanding on Logistic Support between the Government of Australia and the Government of the United States of America, signed on 23 April 1985 and 30 March 1985, respectively, together with 8 annexes, A to H.

Pacific Patrol Boat Project—Statement by the Minister for Defence.

Royal Australian Air Force—Special Purpose Flights—Schedules for 1984.

Science and Industry Research Act—Commonwealth Scientific and Industrial Research Organization—Annual Report (36th) 1983-84, together with financial statements and the Auditor-General's Report thereon.

Statement by the Minister for Science, dated 9 May 1985.

6 QUESTIONS.

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE: The President informed the Senate that Senator Peter Rae had proposed that a matter of public importance be submitted to the Senate for discussion, viz: "The urgent need to implement an effective program for business deregulation".

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

The President called upon Senator Peter Rae to speak.

Discussion ensued.

Senator Jones moved—That the business of the day be called on.

Question—put and negatived.

Discussion continued.

And the discussion having reached the limit of 2 hours allowed by Standing Order 64, the business of the day was called on.

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

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

Commonwealth Scientific and Industrial Research Organization—Annual Report 1983-84 and Ministerial Statement thereon—Motion to take note of Papers moved by Senator Baume, debated and agreed to.

Pacific Patrol Boat Project—Statement by the Minister for Defence—Motion to take note of Paper moved by Senator Lewis and debated.

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

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

Acts Interpretation Act—Correspondence relating to a further extension of specified period for presentation of the Anglo-Australian Telescope Board Annual Report 1983-84.

States Grants (Petroleum Products) Act—Amendments of the schedules to the subsidy schemes in relation to the States of New South Wales, Victoria, Queensland, South Australia and Western Australia, dated 6 May 1985.

Telecommunications Act—By-laws—

Telecommunications (Charging Zones and Charging Districts) Amendment No. 55.

Telecommunications (Telex Charging Areas) Amendment No. 1.

- 10 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF ACTS:**

Proclamations by His Excellency the Governor-General were tabled, notifying that His Excellency had proclaimed the following sub-sections of Acts to come into operation on the dates specified:

Live-stock Slaughter Levy Amendment Act 1984—Sub-section 4 (2)—10 May 1985—(*Gazette* No. S 157, 9 May 1985)

Live-stock Export Charge Amendment Act 1984—Sub-section 4 (2)—10 May 1985—(*Gazette* No. S 157, 9 May 1985)

- 11 TRADE—AUSTRALIA'S PERFORMANCE AND PROSPECTS—MINISTERIAL STATEMENT—PAPERS:** The Minister for Industry, Technology and Commerce (Senator Button), by leave, made a statement relating to Australia's trade performance and prospects and tabled the following Papers:

Australia's Trade Performance and Prospects—Background paper by the Department of Trade, dated May 1985.

Statement by the Minister for Trade.

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

Debate ensued.

Question—put and passed.

- 12 FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—REFERENCE:**

Senator Peter Rae, pursuant to Notice of Motion not objected to as a Formal Motion, moved—That the Senate refer to the Standing Committee on Finance and Government Operations the following matter: The relationship between the Commonwealth and the Northern Territory with respect to the arrangements under which the Commonwealth has provided and will in future provide the Northern Territory with financial capacity to meet the employer liability under the Commonwealth Superannuation Scheme; and that as part of its considerations, the Committee study the findings and resulting arrangements of the 1984 Joint Task Force Group Report into the Northern Territory Superannuation Arrangements and make recommendations in relation to the implementation thereof.

Question—put and passed.

- 13 **NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 66

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to establish the National Occupational Health and Safety Commission, and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 10 May 1985 a.m.

JOAN CHILD,
Acting 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.

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

MR PRESIDENT,

Message No. 67

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Stevedoring Industry Levy Act 1977'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 10 May 1985

JOAN CHILD,
Acting 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 Lewis the debate was adjourned.

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

- 15 **EXCISE TARIFF AMENDMENT BILL 1985**
CUSTOMS TARIFF AMENDMENT BILL 1985—

Messages from the House of Representatives: The following Messages from the House of Representatives were reported:

MR PRESIDENT,

Message No. 68

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to Duties of Excise*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 10 May 1985

JOAN CHILD,
Acting Speaker

MR PRESIDENT,

Message No. 69

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Customs Tariff Act 1982'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 10 May 1985

JOAN CHILD,
Acting Speaker

Suspension of Standing Orders to deal with Bills together: The Minister for Education (Senator Ryan) 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.

Ordered—That the Bills may be taken through all their stages without delay.

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

Senator Ryan moved—That these Bills 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 SCRUTINY OF BILLS—STANDING COMMITTEE—PROPOSED DIRECTIONS FOR CONSIDERATION OF BILLS—*Suspension of Standing Orders:* Senator Harradine, pursuant to Standing Order 448, moved—That so much of the Standing Orders be suspended as would prevent Senator Harradine moving that the Notice of Motion given by him earlier this day be called on forthwith.

Question—put and passed.

Senator Harradine thereupon moved—That the Notice of Motion given by Senator Harradine earlier this day be called on forthwith.

Question—put and passed.

Senator Harradine thereupon moved—That the Senate, noting the 5th Report of 1985 of the Standing Committee for the Scrutiny of Bills, relating to the Human Embryo Experimentation Bill 1985—

- (a) directs that Committee, when dealing with a private Senator's Bill, to take all appropriate measures to enable that Senator to participate, without voting, in its deliberations on the Bill, to make available to that Senator any submissions which the Committee has received on the Bill and any comments on the Bill which the Committee is considering reporting to the Senate, to provide that Senator with an opportunity to be heard orally or in writing in relation to such submissions or proposed comments before the Committee makes any report to the Senate on the Bill, and to ensure that the Senator is advised of the approximate time of presentation of the report and is provided with a copy thereof at the same time as it is received by members of the Committee; and
- (b) directs that Committee to confine itself strictly to the criteria for reporting on Bills contained in the Resolution appointing the Committee, and not to comment upon matters relating to the policy of Bills.

Debate ensued.

Leave refused: Senator Harradine sought leave to incorporate a document in *Hansard*.
Objection being raised, leave not granted.

Debate continued.

Leave refused: Senator Harradine sought leave to table Papers.
Objection being raised, leave not granted.

Debate continued.

Leave refused: Senator Harradine again sought leave to table Papers.
Objection being raised, leave not granted.

Debate continued.

Question—That the motion be agreed to—put and negatived.

17 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—*And on the amendment moved thereto by the Leader of the Opposition in the Senate (Senator Chaney), 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 resumed.

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

The Senate divided—

AYES, 31

Senators—

Archer
Baume
Boswell
Brownhill
Carrick, Sir John
Chaney
Collard
Crichton-Browne

Durack
Guilfoyle,
 Dame Margaret
Hamer
Harradine
Jessop
Kilgariff
Lajovic

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

Scott
Sheil
Short
Teague
Townley
Vanstone
Watson
Withers

NOES, 37

Senators—

Aulich
Black
Bolkus
Button
Childs
Chipp
Coates
Colston
Cook
Cooney

Crowley
Devlin
Elstob
Evans, Gareth
Evans, Jack
Foreman
Georges
Giles
Grimes
Haines

Hearn
Jones
McClelland
McIntosh (Teller)
McKiernan
Macklin
Maguire
Mason
Ray, Robert
Reynolds

Richardson
Ryan
Sibraa
Tate
Vigor
Walsh
Zakharov

Amendment negated accordingly.

Question—That these Bills be now read a second time—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

Ordered—That the Customs Administration Bill 1985 be first considered.

CUSTOMS ADMINISTRATION BILL 1985—

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 debated.

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 President resumed the Chair; and Senator Hamer reported accordingly.

- 18 **ADJOURNMENT:** The President, under Sessional Order, put the Question—That the Senate do now adjourn.

Question—resolved in the affirmative.

The Senate adjourned at 10.31 p.m. till tomorrow at 2 p.m.

- 19 **ATTENDANCE:** Present, all Senators except Senators Bjelke-Petersen, Coleman (on leave), Gietzelt, Hill, Knowles and Walters.

A. R. CUMMING THOM,
Clerk of the Senate