

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 27

WEDNESDAY, 15 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 6 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Macklin, from 179 petitioners praying that a Senate Select Committee on Nuclear Disarmament and Peace be established to investigate the creation of a Ministry of Peace and Nuclear Disarmament.

Senator Macklin, from 113 petitioners praying that the Parliament recognise the widespread public opposition to plant variety rights and promote alternative means of royalty collection for plant breeders.

Senator Collard, from 60 petitioners praying that the Australian flag be not changed without the consent of the people in a referendum.

Senator Messner, from 238 petitioners praying that the Senate pass the Social Security and Repatriation (Abolition of Assets Test) Bill 1985 [No. 2].

Senator Brownhill, from 831 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 14 petitioners praying that measures be taken to develop a fair and equitable taxation system.

The following petition, not in conformity with the Standing Orders, was, by leave, presented by Senator Sir John Carrick and received:

From 342 petitioners praying that the existing Australian National Flag be not changed.

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

Senator Hamer: To move on the next day of sitting—That, in the opinion of the Senate, the Government should move to refer to the United Nations Decolonisation Committee the question of the colonial territories of the old Russian empire, which are now forcibly incorporated into the Soviet Union.

Senator Primmer: To move on the next day of sitting—That the following matter be referred to the Standing Committee on Finance and Government Operations: Whether the claim by the Australian Broadcasting Corporation that certain information should not be made available to Estimates Committee C on the ground of commercial confidentiality is justified.

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

Senator Mason: To move on the next day of sitting—That, in the opinion of the Senate, the agreement dated 11 March 1981 between Australia and the United

States of America on the staging of United States Air Force B-52 aircraft through Australia should be renegotiated to—

- (a) include a new article reading 'No aircraft carrying nuclear weapons shall use any facility in Australia or be based in Australia without the prior agreement in writing of the Australian Government';
- (b) secure amendment of article VII of the agreement to require approval by the Australian Government of developments affecting staging operations, rather than consultations on such developments; and
- (c) review article II of the agreement to alter the location of the B-52 aircraft and their support aircraft, removing them from Darwin, and basing them at a site well removed from major population centres in Australia.

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

- (a) notes with concern that the following Queensland shires or portions of Queensland shires have been declared drought-stricken: Bowen, Blackall, Ilfracombe, Isisford, Longreach, Murwah and Richmond;
- (b) recognizes the damaging effect drought has, not only on primary producers, but on provincial towns and small businesses dependent on these primary producers;
- (c) condemns the Federal Government for scrapping the Commonwealth Fodder Subsidy Scheme, the Commonwealth Interest Payment Subsidy Scheme and the Bicentennial Water Resources Program; and
- (d) calls on the Federal Minister for Primary Industry to urgently clarify his Government's policy on drought relief.

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

- (a) accepts the fact that the indigenous people of Australia, now known as Aborigines and Torres Strait Islanders, were in possession of this entire nation prior to the 1788 First Fleet landing at Botany Bay;
- (b) recognises the Aboriginal and Torres Strait Islanders peoples' right to land; and
- (c) urges the Australian Government to admit prior ownership by the said indigenous people and to introduce legislation to compensate them for the dispossession of their land in accordance with the following 5 basic principles:
 - (i) Aboriginal land to be held under inalienable freehold title,
 - (ii) protection of Aboriginal sites,
 - (iii) Aboriginal control in relation to mining on Aboriginal land,
 - (iv) access to mining royalty equivalents, and
 - (v) compensation for lost land to be negotiated.

Senator Jones: To move on the next day of sitting—That the Senate, taking note of the latest figures produced by the Australian Bureau of Statistics which show the number of days lost because of strikes in the month of February 1985, notes—

- (a) that 148 200 of the 199 200 days lost because of industrial action in February occurred in the State of Queensland; and
- (b) that the reason for the massive increase in strike days lost in Queensland, from 3400 in January to 148 200 in February, was the total refusal of the Premier and Government of that State to conciliate in the ongoing power dispute, a position that is still being maintained.

5 CONSTITUTIONAL AND LEGAL AFFAIRS—STANDING COMMITTEE—REFERENCE:

Senator Hill, pursuant to Notice of Motion not objected to as a Formal Motion, moved—That the following matter be referred to the Standing Committee on Constitutional and Legal Affairs: National uniformity in laws relating to in vitro fertilisation and the status of children deriving therefrom and the role of the Commonwealth in achieving such uniformity.

Question—put and passed.

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

6 ORDER OF BUSINESS—RE-ARRANGEMENT: The Manager of Government Business (Senator Grimes) moved—

- (1) That Business of the Senate, Order of the Day No. 1 (Presentation of Standing Committee on Finance and Government Operations Report) and Order of the Day No. 2 (Presentation of Estimates Committee D Report), be postponed till a later hour of the day.
- (2) That consideration of Committee Reports pursuant to Sessional Order be not proceeded with this day.

Question—put and passed.

7 PETROLEUM (SUBMERGED LANDS) (CASH BIDDING) AMENDMENT BILL 1985: Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Gareth Evans)—That this Bill be now read a second time.

Debate resumed.

Question—put.

The Senate divided—

AYES, 31

Senators—

Aulich
Bolkus
Childs
Coates
Colston
Cook
Cooney
Crowley

Devlin
Elstob
Evans, Gareth
Foreman
Georges
Giles
Grimes
Hearn

Jones
McClelland
McIntosh (Teller)
McKiernan
Maguire
Primmer
Ray, Robert
Reynolds

Richardson
Robertson
Ryan
Sibraa
Tate
Walsh
Zakharov

NOES, 37

Senators—

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

Guilfoyle,
 Dame Margaret
Haines
Hamer
Harradine
Hill
Jessop
Kilgariff
Lajovic
Lewis

MacGibbon
Macklin
Mason
Messner
Missen
Parer
Puplick
Reid
Scott
Sheil (Teller)

Short
Teague
Townley
Vanstone
Vigor
Walters
Watson
Withers

And so it was negatived.

8 HOUSING LOANS INSURANCE AMENDMENT BILL 1985: Order of the Day read for the adjourned debate on the motion of the Minister for Education (Senator Ryan)—That this Bill be now read a second time.

Debate resumed.

Question—put.

The Senate divided—

AYES, 36

Senators—

Aulich
Bolkus
Childs
Chipp
Coates
Colston
Cook
Cooney
Crowley

Devlin
Elstob
Evans, Gareth
Evans, Jack
Foreman
Georges
Giles
Haines
Hearn

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

Reynolds
Richardson
Robertson
Ryan
Sibraa
Tate
Vigor
Walsh
Zakharov

NOES, 29

Senators—

Archer	Guilfoyle,	MacGibbon	Teague
Baume	Dame Margaret	Messner	Townley
Boswell	Hamer	Missen	Vanstone
Brownhill	Hill	Parer	Walters
Carrick, Sir John	Jessop	Puplick	Watson
Collard	Kilgariff	Scott	Withers
Crichton-Browne	Lajovic	Sheil (Teller)	
Durack	Lewis	Short	

And so it was resolved in the affirmative.

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 8, by leave, taken together and agreed to.

Senator Lewis moved an amendment, viz: Page 4, after clause 8, insert the following new clause:

“8A. Section 15 of the Principal Act is amended—

(a) by omitting sub-section (2); and

(b) by omitting sub-section (4) and substituting the following sub-section:

“(4) A person who holds the office of Chairman or Deputy Chairman of the Corporation shall not be the Managing Director or the Deputy Managing Director.”

Debate ensued.

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

Clause 9 debated—

Question—That clause 9 stand as printed—put.

The Committee divided—

AYES, 36

Senators—

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

NOES, 29

Senators—

Archer	Durack	Lewis	Sheil
Baume	Guilfoyle,	MacGibbon	Teague
Boswell	Dame Margaret	Messner	Townley
Brownhill	Hamer	Missen	Vanstone
Carrick, Sir John	Hill	Parer	Walters
Chaney	Jessop	Puplick	Watson
Collard	Kilgariff	Reid (Teller)	
Crichton-Browne	Lajovic	Scott	

And so it was resolved in the affirmative.

Clause 9 agreed to accordingly.

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

Bill to be reported without amendment.

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

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

9 FINANCIAL TRANSACTIONS—MONTHLY STATEMENT BY COMMONWEALTH GOVERNMENT—AMENDED FORMAT—PAPER—MINISTERIAL STATEMENT: The Minister for Finance (Senator Walsh) tabled the following Paper:

Audit Act—Monthly Statement of Commonwealth Financial Transactions—Amended format.

Notice: Senator Walsh, by leave, gave a Notice of Motion, as follows: To move on the next day of sitting—That, in accordance with sub-section 49 (2) of the *Audit Act 1901*, the Senate approves the variation to the form of the Statement of Financial Transactions of the Commonwealth presented to the Senate on 15 May 1985.

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

And it being 2 p.m.—

10 QUESTIONS: Questions without Notice being proceeded with—

Distinguished Visitors: The President drew attention to the presence in the gallery of a delegation from the Supreme Soviet of the Union of Soviet Socialist Republics, led by Mr B. E. Sarkisov, a Deputy-Chairman of the Supreme Soviet and Chairman of the Presidium of the Supreme Soviet of the Armenian Soviet Socialist Republic, and, on behalf of honourable Senators, extended a warm welcome to the members of the delegation.

Further Questions without Notice were answered.

11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE: The President informed the Senate that the Leader of the Opposition in the Senate (Senator Chaney) had proposed that a matter of public importance be submitted to the Senate for discussion, viz: "The continuing doubts and uncertainties about key economic issues, particularly wages policy".

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

The President called upon Senator Chaney to speak.

Discussion ensued.

Ordered—That the business of the day be called on.

12 PERSONAL EXPLANATION: Senator Mason, by leave, made a personal explanation relating to a matter raised in an article in the publication, *Inside Canberra*, dated 3 May 1985.

13 EDUCATION AND THE ARTS—STANDING COMMITTEE—1ST REPORT ON EXAMINATION OF ANNUAL REPORTS: The Chairman of the Standing Committee on Education and the Arts (Senator Colston) tabled the following Report:

Examination of Annual Reports—1st Report, dated May 1985.

Ordered to be printed.

Senator Colston, by leave, made a statement relating to the Report.

14 SCRUTINY OF BILLS—STANDING COMMITTEE—6TH REPORT AND 5TH ALERT DIGEST: The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Tate) tabled the following Report and Paper:

6th Report, dated 15 May 1985.

Alert Digest No. 5, dated 15 May 1985.

Senator Tate moved—That the Report be printed.
Debate ensued.

Papers: Senator Harradine, by leave, tabled the following Papers:

Human Embryo Experimentation Bill 1985—Standing Committee for the Scrutiny of Bills—5th Report—

Copy of letter from Mr J. Monro, Consultant Draftsman to the Senate, to Senator Harradine.

Preliminary comments on the Committee's Report by Senator Harradine.

Question—put and passed.

- 15 **PUBLIC ACCOUNTS—JOINT STATUTORY COMMITTEE—230TH REPORT:** Senator Cooney, on behalf of the Joint Committee of Public Accounts, tabled the following Report:

230th Report—Finance Minute on Report 209—Auditor-General's Report 1980-81.

Ordered to be printed.

Senator Cooney, by leave, made a statement relating to the Report.

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

Defence Act—Determinations 1985—

No. 24—Flying Allowance and others.

No. 25—Salary of Permanent Force Members and others.

No. 26—Overseas Living Out Allowance and others.

No. 27—Overseas Living Out Allowance and others.

No. 30—Disturbance Allowance and others.

No. 31—Salary of Permanent Force Members.

Fisheries Act—Fisheries Notices—

No. 135—Prohibition relating to the taking of snapper in proclaimed waters adjacent to Shark Bay, Western Australia.

No. 141—Restrictions relating to the use of fish traps in proclaimed waters adjacent to Shark Bay, Western Australia.

Public Service Act—Determinations 1985—Nos 28, 30, 31.

- 17 **GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW:** A Message from His Excellency the Governor-General was reported, informing the Senate that His Excellency had, in the name of Her Majesty, assented to the following law:

15 May 1985—Message No. 12—

Supported Accommodation Assistance Act 1985 (Act No. 22 of 1985)

- 18 **TAXATION LAWS AMENDMENT BILL 1985—Message from the House of Representatives:** The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 76

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

House of Representatives,
Canberra, 15 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 Community Services (Senator Grimes) the Bill was read a first time.

Senator Grimes 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 **FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—REPORT ON SUPERANNUATION LEGISLATION AMENDMENT BILL 1985:** Pursuant to Order, the Chairman of the Standing Committee on Finance and Government Operations (Senator Coates) tabled the following Report:

Report on the Superannuation Legislation Amendment Bill 1985, dated 15 May 1985.

Ordered to be printed.

Senator Coates, by leave, moved—That the Senate take note of the Report.

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

- 20 **ESTIMATES COMMITTEE D—REPORT—REFERENCE:** Pursuant to Order, the Chairman of Estimates Committee D (Senator Reynolds) tabled the Report from Estimates Committee D on the Particulars of Proposed Additional Expenditure for the Service of the year ending on 30 June 1985 and Particulars of Certain Proposed Additional Expenditure in Respect of the year ending on 30 June 1985, together with the *Hansard* record of the Committee's proceedings.

Ordered—That the Report be printed.

Additional Information: Senator Reynolds, by leave, tabled additional information received by the Committee.

Ordered—That the additional information be incorporated in the Estimates Committees' *Hansard*.

Reference: Senator Reynolds, by leave, moved—That the following matter be referred to Estimates Committee D for report on or before Tuesday, 28 May 1985: The processes involved in the appearance of witnesses before, and presentation of information to, Estimates Committee D by the Department of Aboriginal Affairs and the National Aboriginal Conference during its consideration of the Proposed Additional Expenditure for 1984-85.

Question—put and passed.

- 21 **NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Education (Senator Ryan)—That this Bill be now read a second time.

Debate resumed.

Senator Cook addressing the Chair—

And it being 7 p.m.—

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

Debate ensued.

Motion to take note: The Leader of the Opposition in the Senate (Senator Chaney), by leave, moved—That the Senate take note of the speech made on the adjournment this day by Senator Richardson relating to the Enmore conspiracy case.

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

Debate continued.

Question—resolved in the affirmative.

The Senate adjourned at 7.23 p.m. till tomorrow at 10 a.m.

23 **ATTENDANCE:** Present, all Senators except Senators Bjelke-Petersen, Black, Coleman (on leave), Gietzelt, Knowles and Peter Rae.

A. R. CUMMING THOM,
Clerk of the Senate