

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 28

THURSDAY, 16 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 TEMPORARY CHAIRMEN OF COMMITTEES: The President tabled his Warrant withdrawing, at his request, Senator Sibraa from the panel of Temporary Chairmen of Committees and appointing Senator Tate in his place, as follows:

Pursuant to Standing Order 28A, I hereby withdraw Senator Sibraa from the panel of Temporary Chairmen of Committees and appoint Senator Tate to the panel.

Given under my hand this fifteenth day of May 1985.

DOUGLAS McCLELLAND
President

4 PETITIONS: The following 7 petitions, lodged with the Clerk by the Senators indicated, were received:

Senators Baume, Sir John Carrick, Robertson and Walters, from 101, 115, 27 and 173 petitioners, respectively, praying that the Senate pass Senator Harradine's Bill to prohibit experiments involving the use of human embryos created by in vitro fertilization.

Senator Robertson, from 78 petitioners praying that the Senate not legalise the possession, sale, hire or supply of any pornographic material.

Senator Mason, from 12 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.

Senator Zakharov, from 36 petitioners praying that the Senate legislate to close the joint Australian-United States electronic communications facilities at the Watsonia Army Barracks, Victoria.

5 NOTICES:

Notice of Motion: The Chairman of the Select Committee on Volatile Substance Fumes (Senator Robertson) gave a Notice of Motion, as follows: To move on the next day of sitting—That the time for presentation of the Report of the Select Committee on Volatile Substance Fumes be extended to 8 October 1985.

Notice of Motion withdrawn: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coates), by leave, withdrew Business of the Senate, Notice of Motion No. 1 standing in his name, for the disallowance of the National Crime Authority Regulations (Amendment), as contained in Statutory Rules 1985 No. 3 and made under the *National Crime Authority Act 1984*.

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

- 6 FINANCIAL TRANSACTIONS—MONTHLY STATEMENT BY COMMONWEALTH GOVERNMENT—APPROVAL OF AMENDED FORMAT:** The Minister for Community Services (Senator Grimes), 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, 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.

Question—put and passed.

- 7 ORDER OF BUSINESS—RE-ARRANGEMENT:** The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered, the order of General Business for consideration this day pursuant to Sessional Order be as follows—
 (a) consideration of Government Papers pursuant to Sessional Order; and
 (b) General Business, Order of the Day No. 101 (Social Security and Repatriation (Abolition of Assets Test) Bill 1985 [No. 2]).

Question—put and passed.

- 8 TRADING HOURS (AMENDMENT) ORDINANCE 1984—MOTION FOR DISALLOWANCE:** Senator Vigor, pursuant to notice, moved—That the *Trading Hours (Amendment) Ordinance 1984*, as contained in Australian Capital Territory Ordinance No. 66 of 1984 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

Debate ensued.

On the motion of the Minister for Education (Senator Ryan) the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

- 9 FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—REFERENCE:** Senator Primmer, pursuant to notice, moved—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.

Debate ensued.

Question—put and passed.

- 10 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.

Ordered—That the debate be adjourned till a later hour of the day, and that Senator Aulich have leave to continue his speech on the resumption of the debate.

- 11 MATTERS OF PUBLIC INTEREST:** The Minister for Resources and Energy (Senator Gareth Evans) moved—That, unless otherwise ordered, till 2 p.m. this day, matters of public interest may be discussed by Senators, provided that no Senator shall speak for more than 15 minutes.

Question—put and passed.

Discussion of matters of public interest ensued accordingly.

—
And it being 2 p.m.—

- 12 QUESTIONS.**

13 PAPERS: The following Papers were tabled:

Lands Acquisition Act—Land, etc., acquired for—Construction, maintenance and operation of pipelines or parts thereof under and in accordance with the *Pipeline Authority Act 1973*—South Australia.

Seat of Government (Administration) Act—

Notices (2) of Variation of the Plan of Layout of the City of Canberra and its Environs, dated 15 May 1985.

Pursuant to Sessional Order, consideration of General Business was called on.

14 GOVERNMENT PAPERS—CONSIDERATION: The following Government Paper was considered pursuant to Sessional Order:

Memorandum of Understanding on Logistic Support between the Governments of Australia and the United States of America—Motion to take note of Paper moved by Senator Teague and agreed to.

15 ESTIMATES COMMITTEE B—ADDITIONAL INFORMATION: The Chairman of Estimates Committee B (Senator Giles), by leave, tabled additional information received by the Committee.

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

16 SOCIAL SECURITY AND REPATRIATION (ABOLITION OF ASSETS TEST) BILL 1985
[NO. 2]: Order of the Day read for the adjourned debate on the motion of Senator Messner—That this Bill be now read a second time.

Debate resumed.

Senator Haines moved an amendment, viz: Leave out all words after "That", insert "the Senate, recognising that agreement by the Senate to a Bill to repeal the assets test will not assist farmers, because it will not change the Act in any way, nevertheless condemns the Labor Government for its failure to act quickly to alleviate the hardship caused to the rural community by the administration of the assets test, and opposes the return to an inequitable income-only means test as proposed by the Liberal-National Party Opposition".

Debate continued.

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

Senator Messner moved an amendment to the words proposed to be inserted by Senator Haines' amendment, viz: Leave out the words proposed to be inserted, insert "the Senate, recognising that agreement by the Senate and the House of Representatives to a Bill to repeal the assets test will assist farmers, and others, who saved towards the provision for their own futures, condemns the Labor Government for its failure to act quickly to alleviate the hardship caused to the rural community, widows, and those in aged persons accommodation by the administration of the assets test, and supports the return to an equitable retirement income system which supports self-provision and does not promote dependency on governments during retirement".

Debate ensued.

Question—That the words proposed to be left out (Senator Messner's amendment to Senator Haines' amendment) be left out—put and negatived.

Question—That the words proposed to be inserted (Senator Haines' amendment) be inserted—put.

The Senate divided—

AYES, 6

Senators—
Chipp
Evans, Jack

Haines
Macklin (Teller)

Mason
Vigor

NOES, 58

Senators—

| | | | |
|-------------------|---------------|--------------------|----------|
| Archer | Devlin | McClelland | Ryan |
| Aulich | Durack | MacGibbon | Scott |
| Baume | Elstob | McIntosh | Sheil |
| Bolkus | Evans, Gareth | McKiernan | Short |
| Boswell | Foreman | Maguire | Sibraa |
| Brownhill | Georges | Messner | Tate |
| Carrick, Sir John | Giles | Missen | Teague |
| Childs | Grimes | Parer | Townley |
| Coates | Guilfoyle, | Primmer | Vanstone |
| Collard | Dame Margaret | Puplick | Walsh |
| Colston | Hill | Ray, Robert | Walters |
| Cook | Jones | Reid | Watson |
| Cooney | Kilgariff | Reynolds | Withers |
| Crichton-Browne | Lajovic | Richardson | Zakharov |
| Crowley | Lewis | Robertson (Teller) | |

And so it was negatived.

The President drew attention to the fact that all that was left of Senator Messner's motion was the word "That" which, by itself, was not acceptable as a motion.

- 17 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered, consideration of General Business pursuant to Sessional Order be not further proceeded with this day.

Question—put and passed.

- 18 **DAYS AND TIMES OF MEETING AND ORDER OF BUSINESS:** The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered—

- the Senate, at its rising, adjourn till Monday, 20 May 1985, at 2 p.m.;
- the days and hours of meeting of the Senate for the week commencing Monday, 20 May 1985, be—
 - Monday, 2 p.m.- 6.30 p.m.
 - 8 p.m.-10.30 p.m.
 - Tuesday, 2 p.m.- 6.30 p.m.
 - 8 p.m.-10.30 p.m.
 - Wednesday, 10 a.m.-12.45 p.m.
 - 2 p.m.- 7 p.m., and
 - Thursday, 10 a.m.-6.30 p.m.;
- the Sessional Order relating to the adjournment of the Senate have effect at the terminating time each day; and
- the Sessional Orders relating to the conduct of business which apply for week 2 apply for the sitting week commencing 20 May 1985.

Question—put and passed.

- 19 **TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT BILL (NO. 2) 1985—Message from the House of Representatives:** The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 82

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Telecommunications (Interception) Act 1979', and for related purposes*", 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.

- 20 **NATIONAL CRIME AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL 1985**—*Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 83

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'National Crime Authority Act 1984', the 'Taxation Administration Act 1953' and the 'Income Tax Assessment Act 1936' in relation to the provision of information by certain Commonwealth authorities to the National Crime Authority, and for other purposes*", 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.

- 21 **COMPANIES AMENDMENT BILL 1985**
COMPANIES (FEES) AMENDMENT BILL 1985—

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

MR PRESIDENT,

Message No. 84

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Companies Act 1981'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 15 May 1985

JOAN CHILD,
Acting Speaker

MR PRÉSIDENT,

Message No. 85

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Companies (Fees) Act 1981'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 15 May 1985

JOAN CHILD,
Acting Speaker

Suspension of Standing Orders to deal with Bills together: The Minister for Community Services (Senator Grimes) 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 Grimes the Bills were read a first time.

Senator Grimes 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.

- 22 **SNOWY MOUNTAINS ENGINEERING CORPORATION AMENDMENT BILL 1985**—*Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 89

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to reconstitute the Snowy Mountains Engineering Corporation, and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 16 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.

23 TRADING HOURS (AMENDMENT) ORDINANCE 1984—MOTION FOR DISALLOWANCE:

Order of the Day read for the adjourned debate on the motion of Senator Vigor—That the *Trading Hours (Amendment) Ordinance 1984*, as contained in Australian Capital Territory Ordinance No. 66 of 1984 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

Debate resumed.

Question—put and passed.

24 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.

Question—put.

The Senate divided—

AYES, 34

Senators—

Aulich
Bolkus
Button
Childs
Chipp
Coates
Colston
Cook
Cooney

Crowley
Devlin
Elstob
Evans, Gareth
Evans, Jack
Foreman
Georges
Giles
Jones

McClelland
McKiernan
Macklin
Maguire
Mason
Primmer
Ray, Robert
Reynolds
Richardson

Robertson (Teller)
Ryan
Sibraa
Tate
Vigor
Walsh
Zakharov

NOES, 27

Senators—

Archer
Baume
Boswell
Brownhill
Collard
Crichton-Browne
Durack

Guilfoyle,
 Dame Margaret
Hill
Kilgarriff (Teller)
Lajovic
Lewis
MacGibbon

Messner
Missen
Parer
Puplick
Reid
Scott
Sheil

Short
Teague
Townley
Vanstone
Walters
Watson
Withers

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

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

Bill to be reported without amendment.

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

On the motion of the Minister for Finance (Senator Walsh) the Report from the Committee was adopted, and the Bill read a third time.

- 25 CUSTOMS AND EXCISE LEGISLATION AMENDMENT 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 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 4, by leave, taken together and agreed to.

Senator Jack Evans moved an amendment, viz: Page 2, after clause 4, insert the following new clause:

Prohibited imports

“4A. The Principal Act is amended by adding after section 51 the following section:

‘52. (1) Goods, other than goods prescribed for the purpose of this section, the sale of which is prohibited in a foreign country, which is not a foreign country prescribed for the purpose of this section, by or under a law of that country which prohibits the sale of hazardous goods, are prohibited imports.

‘(2) The regulations shall make provision for the certification of the status of goods under sub-section (1).’.”

Debate ensued.

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

Clauses 5 to 15, by leave, taken together and agreed to.

Clause 16 read—

The Leader of the Opposition in the Senate (Senator Chaney) moved an amendment, viz: Page 8, proposed new sub-section 234AB (1), lines 9 to 19, leave out the sub-section, insert the following new sub-sections:

“(1) An officer may direct a person, including a passenger disembarking from, or embarking on, a ship or aircraft—

(a) not to operate a camera, or use an appliance to record or transmit sound, at a place in relation to which a sign is displayed under sub-section 234AA (2); or

(b) not to operate a camera, or use an appliance to record or transmit sound, at a place (being a place that is part of a ship, of an aircraft or of a wharf) at a time when the personal baggage of passengers disembarking from, or embarking on, a ship or aircraft, is being examined, for the purposes of this Act, at or in the vicinity of that place.

‘(1A) Where an officer gives to a person a direction under sub-section (1), the officer shall inform that person that failure to comply with that direction is an offence under this Act.

‘(1B) A person shall not fail to comply with a direction given to that person by an officer in accordance with sub-section (1).

Penalty: \$1,000.”

Debate ensued.

And it being 6.30 p.m.: The Temporary Chairman of Committees (Senator Elstob), 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 Elstob reported accordingly.

- 26 **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 6.46 p.m. till Monday next, at 2 p.m.

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

A. R. CUMMING THOM,
Clerk of the Senate