

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 30

TUESDAY, 21 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 3 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Messner, from 72 petitioners praying that the Senate repeal the Labor Government's assets test.

Senator Walters, from 465 petitioners praying that the Senate reject recommendations concerning the funding of private schools, declare a 3-year moratorium on increases in such funding and reaffirm support for government schools.

Senator Ryan, from 19 petitioners praying that the Senate support full military co-operation between Australia and the United States for the defence security of the Australian Commonwealth.

4 **NOTICE:** Senator Mason 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 prohibit the dumping or disposal of radioactive wastes or other radioactive matter into the sea.

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

Anglo-Australian Telescope Agreement Act—Anglo-Australian Telescope Board—Annual Report 1983-84, together with financial statements and the Auditor-General's Report thereon.

Australian Industrial Relations Law and Systems—Report (3 vols) of the Committee of Review (Chairman: Professor K. Hancock), dated 30 April 1985.

Statement by the Minister for Employment and Industrial Relations.

Conciliation and Arbitration Act—Australian Conciliation and Arbitration Commission—Annual Report (28th) of President, for year ended 13 August 1984.

Egg Export Legislation Repeal Act—Australian Egg Board—Financial statements for period 1 July 1984 to 18 March 1985, together with the Auditor-General's Report thereon.

Science and Technology—Annual Statement (6th) 1984-85, dated 24 April 1985.

6 **QUESTIONS:** Questions without Notice being proceeded with—

Distinguished Visitors: The President drew attention to the presence in the gallery of a delegation from the Congress of Mexico, led by Senor Lugo Gil and, on behalf of honourable Senators, extended a warm welcome to the members of the delegation.

Further Questions without Notice were answered.

Papers: The Minister for Finance (Senator Walsh) tabled the following Papers from which he had quoted:

National Service Scheme—Extract from House of Representatives *Hansard*, dated 28 April 1965, and background notes.

Further Questions without Notice were answered.

Paper: The Minister for Finance (Senator Walsh) tabled the following Paper from which he had quoted:

Darwin Casino—Background paper relating to sale of Casino.

Further Questions without Notice were answered.

- 7 **FEDERATED SHIP PAINTERS AND DOCKERS UNION—ROYAL COMMISSION—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—PAPER:** The Minister for Resources and Energy (Senator Gareth Evans), by leave, made a statement responding to the Reports of the Royal Commission on the activities of the Federated Ship Painters and Dockers Union, and tabled the following Paper:

Federated Ship Painters and Dockers Union—Royal Commission—Schedule of Government's Responses to Costigan Royal Commission Recommendations.

Senator Gareth Evans, by leave, moved—That the Senate take note of the Statement.

Debate ensued.

Question—put and passed.

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:
- Australian Industrial Relations Law and Systems—Report of the Committee of Review and Ministerial Statement thereon—Motion to take note of Paper moved by Senator Messner, debated and agreed to.
 - Australian Conciliation and Arbitration Commission—Annual Report 1983-84—Motion to take note of Paper moved by Senator Messner and agreed to.

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

- 9 **PUBLIC ACCOUNTS—JOINT STATUTORY COMMITTEE—229TH REPORT:** Senator Watson, on behalf of the Joint Committee of Public Accounts, tabled the following Report:

229th Report—Reports of the Auditor-General—1981-82 and September 1982.

Ordered to be printed.

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

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

Australian Capital Territory Supreme Court Act—Rules of Court—Statutory Rules 1985 No. 69.

Banks (Shareholdings) Act—Regulations—Statutory Rules 1985 No. 67.

Defence Act—Determinations 1985—No. 34—Recreation Leave and Long Service Leave.

Judiciary Act—Regulations—Statutory Rules 1985 No. 66.

Postal Services Act—By-laws 1985—Postal (Amendment) No. 2.

Public Service Act—

Appointment—Department of Defence—I. R. Simper.

Determinations 1985—No. 29.

Regulations—Statutory Rules 1985 No. 65.

Remuneration Tribunals Act—Determinations 1985—

No. 3—Remuneration payable to holders of certain public offices—Chief Executive Officer, Legal Aid Commission (A.C.T.) and others, dated 29 April 1985.

No. 4—Remuneration payable to holders of certain public offices—Chairman, Australian Capital Territory Health Authority and others, dated 1 May 1985.

- 11 **POSTPONEMENT:** The Leader of the Government (Senator Button) moved—That Government Business, Notice of Motion No. 1 standing in the name of the Manager of Government Business (Senator Grimes) relating to the Australian Constitutional Convention, be postponed till the next day of sitting.

Question—put and passed.

- 12 **SUPPLY BILL (NO. 1) 1985-86—***Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 104

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to make interim provision for the appropriation of money out of the Consolidated Revenue Fund for the service of the year ending on 30 June 1986*", in which it desires the concurrence of the Senate.

House of Representatives,

Canberra, 20 May 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 Lewis the debate was adjourned.

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

- 13 **SUPPLY BILL (NO. 2) 1985-86—***Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 105

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to make interim provision for the appropriation of money out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on 30 June 1986, and for other purposes*", in which it desires the concurrence of the Senate.

House of Representatives,

Canberra, 20 May 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 Peter Rae the debate was adjourned.

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

- 14 **SUPPLY (PARLIAMENTARY DEPARTMENTS) BILL 1985-86—***Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 106

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to make interim provision for the appropriation of money out of the Consolidated Revenue Fund for certain expenditure, in relation to the*

Parliamentary Departments, in respect of the year ending on 30 June 1986", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 20 May 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 Sheil the debate was adjourned.

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

- 15 **AUSTRALIAN SPORTS COMMISSION BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 100

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to establish the Australian Sports Commission, and for other purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 20 May 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 Sheil the debate was adjourned.

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

- 16 **WHEAT MARKETING AMENDMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 107

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act relating to the marketing of wheat*", and acquaints the Senate that the House of Representatives has agreed to the Bill with the amendment indicated by the annexed Schedule, in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 20 May 1985

JOAN CHILD,
Deputy Speaker

Ordered—That consideration of the Message in Committee of the Whole be an Order of the Day for the next day of sitting.

- 17 **AUSTRALIAN DRIED FRUITS CORPORATION AMENDMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 108

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to amend the 'Australian Dried Fruits Corporation Act 1978', and for related purposes*", and acquaints the Senate that the House of Representatives has disagreed to the amendment made by the Senate, for the Reasons shown in the annexed Schedule.

The House of Representatives desires the reconsideration by the Senate of the Bill in respect of the said amendment.

House of Representatives,
Canberra, 21 May 1985 a.m.

JOAN CHILD,
Deputy Speaker

Ordered—That consideration of the Message in Committee of the Whole be an Order of the Day for the next day of sitting.

18 CUSTOMS ADMINISTRATION BILL 1985**CUSTOMS ADMINISTRATION (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1985—**

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

MR PRESIDENT,

Message No. 109

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to establish an Australian Customs Service, and for purposes connected therewith*", and acquaints the Senate that the House of Representatives has agreed to the Bill without amendment.

House of Representatives,
Canberra, 21 May 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 110

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to enact certain transitional provisions and make certain amendments in consequence of the enactment of the 'Customs Administration Act 1985'*", and acquaints the Senate that the House of Representatives has agreed to the Bill without amendment.

House of Representatives,
Canberra, 21 May 1985

H. A. JENKINS,
Speaker

19 APPROPRIATION BILL (NO. 3) 1984-85: The Senate, according to Order, resolved itself into Committee for the further consideration of the Bill.

In the Committee

Schedule further considered.

Group C—

The following Votes were further debated:

Divisions—

		\$
304	Finance	232 000
287, 288, 290	Employment and Industrial Relations	11 974 000
670-672, 676	Treasury	1 756 000
490, 497	Primary Industry	2 282 000
220, 222, 224	Communications	12 201 000

Paper: The Minister for Community Services (Senator Grimes) tabled the following Paper from which he had quoted:

Australian Postal Commission—Copy of letter from the Chief General Manager of Australia Post, Mr D. G. McQuitty, to the First Assistant Auditor-General, Mr C. T. Monaghan, dated 4 July 1984, relating to the Efficiency Audit of the provision of services to the public through post offices.

Votes in Group C further debated.

Ordered—That further consideration of the Votes in Group C be postponed till after consideration of the Votes in Group D.

Group D—

The following Votes were, by leave, taken together:

Divisions—

		\$
270-272, 278, 279, 282-284, 360	Education	6 954 000
352-354	Housing and Construction	3 475 000
130, 333, 590, 592	Sport, Recreation and Tourism	11 820 000
330, 336	Arts, Heritage and Environment	1 187 000
120, 125	Aboriginal Affairs	4 282 000

On the motion of Senator Reynolds the following motion was agreed to: That the Committee, having considered the Report of Estimates Committee D, recommends that the following matter be referred to the Standing Committee on Finance and Government Operations: The circumstances surrounding advice given, decisions taken and procedures involved with the various court actions relating to the film "The Return of Captain Invincible".

Votes in Group D debated and passed without requests.

Consideration resumed of the postponed Votes in Group C.

Votes in Group C further debated and passed without requests.

Group E—

The following Votes were, by leave, taken together, debated and passed without requests:

Divisions—

		\$
520, 521, 523	Resources and Energy	1 171 000
165, 175, 179, 181, 187	Attorney-General's	7 432 000
575, 577, 579, 580, 582	Special Minister of State	11 507 000
315, 316, 318, 319	Foreign Affairs	22 921 000
230, 232-234, 239, 255-257	Defence	248 811 000

Group F—

The following Votes were, by leave, taken together, debated and passed without requests:

Divisions—

		\$
334, 690-692	Veterans' Affairs	24 664 000
664, 666, 667	Transport	2 427 000
193	Aviation	845 000
620, 622, 624, 626, 628	Territories	5 688 000
130, 132	Local Government and Administrative Services	17 185 000
	Rent (<i>Defence</i>)	859 000

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

Bill to be reported without requests, but with a Resolution containing a recommendation.

The Acting Deputy-President (Senator Jones) resumed the Chair; and the Chairman of Committees (Senator Hamer) reported that the Committee had considered the Bill and had agreed to the following:

- (1) That the Bill be reported without requests.
- (2) That the Committee, having considered the Report of Estimates Committee D, recommends that the following matter be referred to the Standing Committee on Finance and Government Operations: The circumstances surrounding advice

given, decisions taken and procedures involved with the various court actions relating to the film "The Return of Captain Invincible".

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

- 20 **APPROPRIATION BILL (NO. 4) 1984-85:** 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 and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bill read a third time.

- 21 **CUSTOMS AND EXCISE LEGISLATION 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 16 *and of the amendment moved thereto by the Leader of the Opposition in the Senate (Senator Chaney)*, 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."

Senator Chaney, by leave, amended his amendment to read as follows: 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, without reasonable excuse, fail to comply with a direction given to that person by an officer in accordance with sub-section (1).

Penalty: \$1,000.”.

Debate resumed.

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

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

On the motion of Senator Chaney the following amendment was agreed to: Page 8, proposed new sub-section 234AB (2), line 21, leave out “sub-section (1)”, insert “sub-section (1B)”.

Clause 16, as amended, agreed to.

Clauses 17 to 22, by leave, taken together and agreed to.

Clause 23 read—

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

Page 11, paragraph (a), after proposed new sub-section 269P (2B), insert the following new sub-section:

“(2C) A revocation under sub-section (2B) of a concession order comes into effect on the date specified in the order of revocation, not being a date earlier than the date of the making of the order.”.

Clause 23, as amended, agreed to.

Clauses 24 to 36, by leave, taken together and agreed to.

Clause 17, by leave, reconsidered and agreed to.

Clause 37 read—

Senator Chaney moved an amendment, viz: Pages 14 and 15, line 34 (page 14) to line 13 (page 15), leave out the clause, insert the following clause:

“37. (1) Section 78A of the Principal Act is amended by omitting sub-section (5) and substituting the following sub-section:

“(5) Where a rebate is payable under sub-section (1) to a person in respect of any diesel fuel, the amount of the rebate payable to that person is equal to the amount of duty paid by that person upon that diesel fuel.”.

“(2) Sub-section 78A (5) of the Principal Act as amended by this Act applies in respect of diesel fuel purchased after the commencement of this Act.”.

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.

Which Question was negatived.

Debate continued.

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

The Committee divided—

AYES, 30

Senators—

Archer
Baume
Bjelke-Petersen
Boswell
Brownhill
Carrick, Sir John
Chaney
Collard

Crichton-Browne
Durack
Guilfoyle,
 Dame Margaret
Hamer
Hill
Jessop
Kilgariff

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

Scott
Sheil
Short
Townley
Vanstone
Watson
Withers

NOES, 35

Senators—

Aulich
Black
Bolkus
Button
Childs
Chipp
Coates
Colston
Cook

Cooney
Crowley
Devlin
Elstob
Evans, Gareth
Evans, Jack
Foreman
Giles
Grimes

Hearn
Jones
McClelland
McKiernan
Macklin
Maguire
Primmer
Ray, Robert
Reynolds

Richardson
Robertson (Teller)
Ryan
Sibraa
Tate
Vigor
Walsh
Zakharov

Amendment negated accordingly.

Clause 37 agreed to.

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

Bill to be reported with amendments.

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

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bill read a third time.

22 **ADJOURNMENT:** The Minister of Industry, Technology and Commerce (Senator Button) moved—That the Senate do now adjourn.

Debate ensued.

Paper: Senator Kilgariff, by leave, tabled the following Paper:

Northern Territory—Paper by Senator Kilgariff entitled “The State of the Northern Territory”, dated 23 April 1985.

Debate continued.

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

Debate continued.

Count-out: Notice being taken that a quorum of Senators was not present, the bells were rung for 3 minutes; and the President, having counted the Senate and a quorum not being present, forthwith (at 11.33 p.m.) adjourned the Senate till tomorrow at 10 a.m.

Present at the time of count-out—Senators Chaney, Collard, Crichton-Browne, Elstob, Grimes, Jessop, Kilgariff, McClelland, MacGibbon, Messner, Puplick, Peter Rae, Sheil and Townley.

23 ATTENDANCE: Present, all Senators except Senators Coleman (on leave), Georges, Gietzelt, Knowles and Teague.

A. R. CUMMING THOM,
Clerk of the Senate