

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 31

WEDNESDAY, 22 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 7 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Reid, 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.

Senator Zakharov, from 47 petitioners praying that the Senate request the Government not to increase indirect taxation.

Senator Kilgarriff, from 42 petitioners praying that the Senate repeal the Labor Government's assets test.

Senator Reid, from 407 petitioners praying that the Senate reject the recommendation of the Vinson inquiry that an abortion clinic be established in Canberra.

Senator Reid, from 114 petitioners praying that the Senate reject the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senator Jack Evans, from 90 petitioners praying that the Senate support the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senator Brownhill, from 861 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.

4 NOTICES:

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

Senator Jack Evans: To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee on Public Servants' Rights in relation to Exposing Breaches of the Law, be appointed to inquire into and report upon—

(a) injustices suffered by public servants who seek to expose actions detrimental to Australia's interests;

(b) public servants being prevented by departmental heads from exposing blatant evasions of the law;

(c) threats to the 'national interest' in such circumstances; and

(d) public servants being threatened with prosecution on the basis of breaching the oath of confidentiality in such circumstances,

and to recommend such legislative and administrative measures which it considers desirable to improve public servants' rights in the circumstances outlined.

- (2) That the Committee consist of 6 Senators, as follows—
 - (a) 3 to be nominated by the Leader of the Government;
 - (b) 2 to be nominated by the Leader of the Opposition in the Senate; and
 - (c) one to be nominated by the Leader of the Australian Democrats after consultation with any minority group or groups of Senators or Independent Senator or Independent Senators.
 - (3) That the Committee proceed to the despatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
 - (4) That the Committee elect as Chairman one of the members nominated by the Leader of the Government.
 - (5) That the Chairman of the Committee may, from time to time, appoint another member of the Committee to be the Deputy-Chairman of the Committee, and that the member so appointed act as Chairman of the Committee at any time when there is no Chairman or the Chairman is not present at a meeting of the Committee.
 - (6) That, in the event of an equality of voting, the Chairman, or the Deputy-Chairman when acting as Chairman, have a casting vote.
 - (7) That the quorum of the Committee be 3 members.
 - (8) That the Committee (and any sub-committee) have power to send for and examine persons, papers and records, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations it may deem fit.
 - (9) That the Committee have power to appoint sub-committees consisting of 3 or more of its members, and to refer to any such sub-committee any of the matters which the Committee is empowered to consider, and that the quorum of a sub-committee be a majority of the Senators appointed to the sub-committee.
 - (10) That the Committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the Committee with the approval of the President.
 - (11) That the Committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public.
 - (12) That the Committee report to the Senate by 30 June 1986.
 - (13) That, if the Senate be not sitting when the Committee has completed its report, the Committee may provide the report to the President, or, if the President is unable to act, to the Deputy-President, and, in that event—
 - (a) the report shall be deemed to have been presented to the Senate;
 - (b) the publication of the report is authorized by this Resolution;
 - (c) the President or the Deputy-President, as the case may be, may give directions for the printing and circulation of the report; and
 - (d) the President or the Deputy-President, as the case may be, shall lay the report upon the Table at the next sitting of the Senate.
 - (14) That the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.
- Senator MacGibbon: To move on the next day of sitting—That the Senate—
- (a) deplores the fact that the Labor Government failed to maintain a quorum in the Senate on 21 May 1985, that only 3 Labor Senators out of the 35 elected by the people of Australia were present in the Chamber to answer the call for a quorum, and that as a consequence the Senate had to be closed down before the business of the day was completed;
 - (b) noting that since the action to call a quorum was initiated by a Labor Senator and that such an action was an act of stupidity, at best, because he exposed the

negligence of his colleagues towards the solemn discharge of their duties and responsibilities in the Senate to the legislative process of Australia, and at worst was an act of contempt for the democratic legislative processes of the Australian Parliament, in so far as it denied the Opposition the occasion to debate the matters of importance before the Chair; and

- (c) noting that this is only the second occasion since 1933 that such an irresponsible event has occurred,

calls on the Government to resign, as it has demonstrated its incapacity to govern and respectfully requests the Governor-General to commission a new Government for the people of Australia.

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

- (a) recognising that the present Hawke Socialist Government is a very big spending Government;
- (b) aware that big spending and big taxes must go hand-in-hand if Australia is to avoid getting even further in debt to overseas banking organisations;
- (c) convinced that Australia is already too far in debt for the good of future generations;
- (d) further aware that Australia will spend more on its national debt interest than on defence in the next financial year; and
- (e) recognising that to stop the escalation of our horrendous national debt interest the Government will soon be forced to make drastic expenditure cuts and/or introduce massive tax increases no matter what is said at the tax summit,

calls on the Government to issue a statement explaining to the people of Australia how it intends to solve the national debt interest crisis situation.

Senator Jessop: To move on the next day of sitting—That the Senate deplores the action of the Government on Tuesday, 21 May 1985, in—

- (a) calling a quorum on the adjournment debate;
- (b) failing to keep the constitutional numbers in the Senate; and
- (c) stifling the opportunity for Opposition Senators to condemn the bullying tactics of the Prime Minister with respect to the pending visit to South Africa by Australian professional cricketers.

Senator Townley: To move on the next day of sitting—That the Senate is appalled that there were only 3 Government Senators in the Senate, about one-eighth of a quorum, when the Senate was counted-out due to lack of numbers on the night of Tuesday, 21 May 1985.

Contingent Notice of Motion: The Leader of the Australian Democrats (Senator Chipp) gave a Contingent Notice of Motion, as follows: To move (contingent on Senator Walsh in the course of the proceedings of the Senate, concluding any speech, statement, answer to a Question or comment)—That so much of the Standing Orders be suspended as would prevent the Leader of the Australian Democrats (Senator Chipp) moving a motion of censure of Senator Walsh.

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

Administrative Review Council—The Relationship between the Ombudsman and the Administrative Appeals Tribunal—Report (No. 22) to the Attorney-General.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—5th Report (1985) on Special Assistance for the Northern Territory.

Electoral Reform—Joint Select Committee—2nd Report—Government Response—Ministerial Statement.

Human Rights Commission Act—Human Rights Commission—Reports—No. 13—Human Rights and the *Migration Act 1958*, dated 17 April 1985.

No. 14—Queensland Electricity Supply and Related Industrial Legislation, dated 15 May 1985.

Royal Australian Air Force Veterans' Residences Act—Royal Australian Air Force Veterans' Residences Trust—Annual Report 1983-84, together with financial statements and the Auditor-General's Report thereon.

Student Assistance Act—Report by the Minister for Education for 1984.

Women, Sport and the Media—Report by the Working Group on Women in Sport (Convenor: Senator R. Crowley), dated 8 May 1985.

- 6 ENVIRONMENT PROTECTION (SEA DUMPING) AMENDMENT BILL 1985:** Senator Mason, 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 prohibit the dumping or disposal of radioactive wastes or other radioactive matter into the sea.

Question—put and passed.

Bill presented, and on the motion of Senator Mason read a first time.

Senator Mason, 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.

- 7 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1985
NATIONAL PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1985—**

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

MR PRESIDENT,

Message No. 102

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Aboriginal Land Rights (Northern Territory) Act 1976'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 20 May 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 103

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'National Parks and Wildlife Conservation Act 1975'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 20 May 1985

H. A. JENKINS,
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.

- 8 STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 1) 1985—***Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 112

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to make various amendments of the statute law of the Commonwealth, and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21 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 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.

9 NATIONAL HEALTH AMENDMENT BILL 1985—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 114

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'National Health Act 1953', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21 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 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.

10 LOCAL GOVERNMENT (PERSONAL INCOME TAX SHARING) AMENDMENT BILL 1985—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 115

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Local Government (Personal Income Tax Sharing) Act 1976'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21 May 1985

JOAN CHILD,
Deputy 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.

11 AUSTRALIAN CONSTITUTIONAL CONVENTION—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 111

The House of Representatives acquaints the Senate of the following Resolution which was agreed to by the House of Representatives this day:

That the House of Representatives, recognising the desirability of a thorough review of the Australian Constitution in the light of experience since its establishment and of modern day requirements, agrees that the Commonwealth Parliament continue its participation in the Australian Constitutional Convention established to review the Commonwealth of Australia Constitution and accordingly resolves:

(1) That, for the purposes of the Convention—

(a) a delegation from the Commonwealth Parliament take part in the deliberations of the Convention, and comprise 12 members of the

- Parliament of whom 4 shall be members of the Senate and 8 shall be Members of the House of Representatives;
- (b) the 8 Members of the House of Representatives comprise 4 members of the Australian Labor Party, 3 members of the Liberal Party of Australia and one member of the National Party of Australia.
- (2) That—
- (a) the Prime Minister and 3 other Members of the House of Representatives, being members of the Australian Labor Party, nominated by him;
 - (b) the Leader of the Opposition and 2 other Members of the House, being members of the Liberal Party of Australia, nominated by him; and
 - (c) the Leader of the National Party of Australia or another Member of the House, being a member of the National Party of Australia, nominated by the Leader of that Party,
- be members of the Delegation.
- (3) That the Prime Minister or his nominee be the Leader of the Delegation, and the Leader of the Opposition or his nominee be the Deputy Leader.
 - (4) That a member of the Delegation cease to be such a member if—
 - (a) he ceases to be a member of the Commonwealth Parliament;
 - (b) the House of the Parliament of which he is a member terminates his appointment; or
 - (c) he resigns as a member of the Delegation by writing addressed to the President of the Senate or the Speaker of the House of Representatives, as the case requires.
 - (5) That where, because of illness or any other cause, a member of the Delegation is not available to attend a meeting, or part of a meeting, of the Convention, the Leader or senior available member of that member's Party may nominate an alternative member and the member so nominated shall be a member of the Delegation for that meeting, or that part of that meeting.
 - (6) That, in the event of a member of the Delegation ceasing to be such a member, the Leader of that member's Party in the House from which that member was drawn may nominate another member (being a member of the House of which the first-mentioned member is or was a member) to replace the first-mentioned member.
 - (7) That the Leader of the Delegation from time to time make a report for presentation to each House of the Parliament on matters arising out of the Convention, and that the Deputy Leader of the Delegation may make an accompanying report.

House of Representatives,
Canberra, 21 May 1985

H. A. JENKINS,
Speaker

12 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.

13 AUSTRALIAN CONSTITUTIONAL CONVENTION: The Minister for Resources and Energy (Senator Gareth Evans), at the request of the Manager of Government Business (Senator Grimes) and pursuant to notice, moved—That the Senate, recognising the desirability of a thorough review of the Australian Constitution in the light of experience since its establishment and of modern day requirements, agrees that the Commonwealth Parliament continue its participation in the Australian Constitutional Convention established to review the Commonwealth of Australia Constitution and accordingly resolves:

- (1) That, for the purposes of the Convention—
 - (a) a Delegation from the Commonwealth Parliament take part in the deliberations of the Convention, and comprise 12 members of the Parliament

- of whom 4 shall be members of the Senate and 8 shall be Members of the House of Representatives;
- (b) the 4 members of the Senate comprise 2 members of the Australian Labor Party, one member of the Opposition and one member of the Australian Democrats.
- (2) That—
- (a) 2 Senators being members of the Australian Labor Party, nominated by the Leader of the Government in the Senate;
- (b) one Senator being a member of the Opposition, nominated by the Leader of the Opposition in the Senate; and
- (c) one Senator being a member of the Australian Democrats, nominated by the Leader of that Party in the Senate,
- be members of the Delegation.
- (3) That the Prime Minister or his nominee be the Leader of the Delegation, and the Leader of the Opposition or his nominee be the Deputy Leader.
- (4) That a member of the Delegation cease to be such a member if—
- (a) he ceases to be a member of the Commonwealth Parliament;
- (b) the House of Parliament of which he is a member terminates his appointment; or
- (c) he resigns as a member of the Delegation by writing addressed to the President of the Senate or the Speaker of the House of Representatives, as the case requires.
- (5) That where, because of illness or any other cause, a member of the Delegation is not available to attend a meeting, or part of a meeting, of the Convention, the Leader or senior available member of that member's Party may nominate an alternative member and the member so nominated shall be a member of the Delegation for that meeting, or that part of that meeting.
- (6) That, in the event of a member of the Delegation ceasing to be such a member, the Leader of that member's Party in the House from which that member was drawn may nominate another member (being a member of the House of which the first-mentioned member is or was a member) to replace the first-mentioned member.
- (7) That the Leader of the Delegation from time to time make a report for presentation to each House of the Parliament on matters arising out of the Convention, and that the Deputy Leader of the Delegation may make an accompanying report.
- (8) That a Message be sent to the House of Representatives acquainting it of the Resolution agreed to by the Senate.

On the motion of Senator Durack the following amendments were, by leave, taken together, debated and agreed to:

Paragraph (1) (a), leave out "4", insert "5".

Paragraph (1) (a), leave out "8", insert "7".

Paragraph (1) (b), leave out "4", insert "5".

Paragraph (1) (b), leave out "one member" (first occurring), insert "2 members".

Paragraph (2) (b), leave out "one Senator being a member", insert "2 Senators being members".

Paragraph (8), at end of paragraph, add "and requesting that the House reconsider the Resolution transmitted to the Senate by Message No. 111.

Motion, as amended, agreed to.

14 EXCISE TARIFF AMENDMENT BILL 1985

CUSTOMS TARIFF AMENDMENT BILL 1985:

Order of the Day read for the adjourned debate on the motion of the Minister for Education (Senator Ryan)—That these Bills be now read a second time.

Debate resumed.

Ordered—That the Question for the second reading of the Bills be put separately.

EXCISE TARIFF AMENDMENT BILL 1985—

Question—That this Bill be now read a second time—put and passed.

CUSTOMS TARIFF AMENDMENT BILL 1985—

Question—That this Bill be now read a second time—put.

Senator Durack moved an amendment, viz: Leave out all words after “That”, insert “the Bill be referred to the Standing Committee on Industry and Trade for report by that Committee on the designation of colour television sets under reference no. 85.15.11 of Schedule 3 of the *Customs Tariff Act 1982* as proposed to be amended by the Bill”.

Debate ensued.

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

The Senate divided—

AYES, 30**Senators—**

Archer	Durack	MacGibbon	Sheil (Teller)
Baume	Guilfoyle,	Messner	Short
Bjelke-Petersen	Dame Margaret	Missen	Townley
Boswell	Hamer	Parer	Vanstone
Brownhill	Hill	Puplick	Walters
Carrick, Sir John	Kilgariff	Rae, Peter	Watson
Chaney	Lajovic	Reid	Withers
Collard	Lewis	Scott	

NOES, 37**Senators—**

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

Amendment negated accordingly.

Question—That this Bill 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

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

Bills to be reported without requests.

The Acting Deputy-President (Senator Townley) 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 Bills read a third time.

15 SALES TAX LAWS AMENDMENT BILL 1985

SALES TAX (NO. 5) AMENDMENT BILL 1985

SALES TAX ASSESSMENT BILL (NO. 10) 1985

SALES TAX BILL (NO. 10A) 1985

SALES TAX BILL (NO. 10B) 1985

SALES TAX BILL (NO. 10C) 1985:

Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That these Bills be now read a second time.
Debate resumed.

Question—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 Sales Tax Laws Amendment Bill 1985 and the Sales Tax Assessment Bill (No. 10) 1985 be first considered.

SALES TAX LAWS AMENDMENT BILL 1985

SALES TAX ASSESSMENT BILL (NO. 10) 1985—

Bills, by leave, taken as a whole.

On the motion of the Minister for Finance (Senator Walsh) the following amendments were, by leave, taken together, debated and agreed to:

Sales Tax Laws Amendment Bill 1985—

Page 32, Schedule, before the amendment of the *Crimes (Taxation Offences) Act 1980*, insert the following amendment:

“*Administrative Decisions (Judicial Review) Act 1977*

Schedule 1—

Omit from paragraph (e)—

‘*Sales Tax Assessment Act (No. 1) 1930*

Sales Tax Assessment Act (No. 2) 1930

Sales Tax Assessment Act (No. 3) 1930

Sales Tax Assessment Act (No. 4) 1930

Sales Tax Assessment Act (No. 5) 1930

Sales Tax Assessment Act (No. 6) 1930

Sales Tax Assessment Act (No. 7) 1930

Sales Tax Assessment Act (No. 8) 1930

Sales Tax Assessment Act (No. 9) 1930’

Substitute—

‘Acts providing for the assessment of sales tax.’.”

Sales Tax Assessment Bill (No. 10) 1985—

Page 2, sub-clause 3 (1), definition of “goods”, lines 1 to 4, leave out the definition, insert the following definition:

“‘goods’ includes—

(a) commodities; and

(b) goods or commodities which have gone into use or consumption in Australia,

but does not include goods or commodities in respect of which a person has become liable to pay tax before 10 May 1985 (whether or not the tax has become due and payable before that date) under an Act providing for the assessment of sales tax;”.

Senator Peter Rae, by leave, moved the following amendments together:

Sales Tax Laws Amendment Bill 1985—

Page 1, sub-clause 2 (3), lines 12 and 13, leave out “shall be deemed to have come into operation on the commencement of the *Sales Tax Assessment Act (No. 10)*

1985", insert "shall come into operation on a date fixed by the Parliament by an Act".

Page 2, sub-clause 2 (4), lines 2 and 3, leave out "shall be deemed to have commenced to have effect on the commencement of the *Sales Tax Assessment Act (No. 10) 1985*", insert "shall come into operation on a date fixed by the Parliament by an Act".

Page 2, after sub-clause 2 (5), insert the following new sub-clause:

"(6) The amendments made by paragraphs 4 (1) (a), (c) and (e) shall commence to have effect on a date fixed by the Parliament by an Act."

Sales Tax Assessment Bill (No. 10) 1985—

Page 1, clause 2, line 7, leave out "shall be deemed to have come into operation on 10 May 1985", insert "shall come into operation on a date fixed by the Parliament by an Act".

Debate ensued.

Question—That the amendments be agreed to—put.

The Committee divided—

AYES, 29

Senators—

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

NOES, 37

Senators—

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

Amendments negated accordingly.

Bills, as amended, agreed to.

SALES TAX (NO. 5) AMENDMENT BILL 1985

SALES TAX BILL (NO. 10A) 1985

SALES TAX BILL (NO. 10B) 1985

SALES TAX BILL (NO. 10C) 1985—

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

Sales Tax Laws Amendment Bill 1985 and Sales Tax Assessment Bill (No. 10) 1985 to be reported with amendments.

Sales Tax (No. 5) Amendment Bill 1985, Sales Tax Bill (No. 10A) 1985, Sales Tax Bill (No. 10B) 1985 and Sales Tax Bill (No. 10C) 1985 to be reported without requests.

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

On the motion of the Minister for Finance (Senator Walsh) the Report from the Committee was adopted.

On the motion of the Minister for Education (Senator Ryan) the Bills were read a third time.

- 16 **TAXATION LAWS AMENDMENT BILL 1985:** 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.

Senator Peter Rae addressing the Chair—

—
And it being 2 p.m.—

- 17 **QUESTIONS:** Questions without Notice being proceeded with—

Distinguished Visitors: The President drew attention to the presence in the gallery of a delegation from the Bundestag of the Federal Republic of Germany, led by Mr Richard Stuecklen 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 Resources and Energy (Senator Gareth Evans) tabled the following Papers from which he had quoted:

Nuclear Device—Alleged Explosion—

Background paper relating to South Africa/Israel nuclear collaboration, dated 22 May 1985.

Extract from the newspaper, *The Herald*, dated 21 May 1985, relating to an alleged explosion of a nuclear device near South Africa in 1979.

Further Questions without Notice were answered.

- 18 **AUSTRALIA'S SECURITY AND INTELLIGENCE AGENCIES—ROYAL COMMISSION—FINAL REPORTS—PAPERS—MINISTERIAL STATEMENT:** The Leader of the Government (Senator Button) tabled the following Papers:

Australia's Security and Intelligence Agencies—Royal Commission (Commissioner: Mr Justice Hope)—Reports, dated December 1984—

General Report.

Report on the Australian Security Intelligence Organization.

Report on the Office of National Assessments and the Joint Intelligence Organization.

Senator Button, by leave, made a statement relating thereto and moved—That the Senate take note of the Statement.

Debate ensued.

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

- 19 **AUDITOR-GENERAL—CORRESPONDENCE RELATING TO DELAY IN AVAILABILITY OF REPORT—PAPER:** The Acting Deputy-President (Senator Townley), on behalf of the President, tabled the following Paper:

Auditor-General—Letter from the Acting Auditor-General, Mr D. J. Hill, to the President of the Senate, dated 16 May 1985, responding to criticisms by Estimates Committees A and B of the delay in availability of the Auditor-General's Report of 15 April 1985.

- 20 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE:** The Acting Deputy-President (Senator Townley) informed the Senate that Senator Haines had proposed that a matter of public importance be submitted to the Senate for discussion, viz: "The need for the Commonwealth Government to fund programmes to counteract the increasing social problem of violence against women and children".

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

The Acting Deputy-President called upon Senator Haines to speak.

Discussion ensued.

Discussion concluded.

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

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

Women, Sport and the Media—Report by the Working Group on Women in Sport—Motion to take note of Paper moved by Senator Baume, debated and agreed to.

Human Rights Commission—Report No. 13—Queensland Electricity Supply and Related Industrial Legislation—Motion to take note of Paper moved by Senator Parer and debated.

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

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- 22 **STATEMENT BY SENATOR:** Senator Missen, by leave, made a statement relating to a matter raised during debate this day.

- 23 **SCRUTINY OF BILLS—STANDING COMMITTEE—7TH REPORT AND 6TH ALERT DIGEST:** The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Tate) tabled the following Report and Paper:

7th Report, dated 22 May 1985.

Alert Digest No. 6, dated 22 May 1985.

Ordered—That the Report be printed.

- 24 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—5TH REPORT OF 1985:** The Chairman of the Parliamentary Standing Committee on Public Works (Senator Foreman) tabled the following Report:

Construction of Facilities for the Australian Frigate Project, Williamstown Dockyard, Melbourne—Phase B (5th Report of 1985).

Ordered to be printed.

- 25 **PAPER:** The following Paper was tabled:

Commonwealth Teaching Service Act—Determinations 1985—No. 2.

- 26 **RELEASE OF COMMITTEE DOCUMENTS:** The Manager of Government Business (Senator Grimes), by leave, moved—

- (1) That the President of the Senate and the Speaker of the House of Representatives be authorised to permit, at their discretion, Professor Gordon Reid to examine and copy the records of the Joint Library Committee subsequent to 22 May 1975, in the case of non confidential material, and subsequent to 22 May 1955 in the case of confidential material.
- (2) That the foregoing Resolution has effect notwithstanding anything contained in the Standing Orders.
- (3) That a Message be sent to the House of Representatives acquainting it of the terms of this Resolution and seeking its concurrence.

Debate ensued.

Question—put and passed.

- 27 **TAXATION LAWS AMENDMENT BILL 1985:** 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 Deputy-President (Senator Hamer) resumed the Chair; and the Temporary Chairman of Committees (Senator Townley) 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.

- 28 **WHEAT MARKETING AMENDMENT BILL 1985:** The Senate, according to Order, resolved itself into Committee for the consideration of Message No. 107 of the House of Representatives.

In the Committee

Message read.

SCHEDULE OF THE AMENDMENT MADE BY THE HOUSE OF REPRESENTATIVES

Clause 11, page 10, line 16, omit "3", substitute "4".

The Minister for Finance (Senator Walsh) moved—That the amendment made by the House of Representatives be agreed to.

Question—put.

The Committee divided—

AYES, 33

Senators—

Aulich
Black
Bolkus
Button
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—

Baume
Bjelke-Petersen
Boswell
Brownhill
Carrick, Sir John
Chaney
Chipp
Collard
Crichton-Browne
Durack

Evans, Jack
Guilfoyle,
 Dame Margaret
Haines
Hamer
Hill
Jessop
Kilgarriff (Teller)
Lajovic
Lewis

MacGibbon
Macklin
Mason
Messner
Missen
Parer
Puplick
Rae, Peter
Reid
Scott

Sheil
Short
Teague
Townley
Vanstone
Vigor
Watson
Withers

And so it was negatived.

Amendment disagreed to accordingly.

Resolution to be reported.

The Deputy-President (Senator Hamer) resumed the Chair; and the Temporary Chairman of Committees (Senator Townley) reported that the Committee had considered Message No. 107 of the House of Representatives relating to the Wheat Marketing Amendment Bill 1985 and had disagreed to the amendment made by the House of Representatives in the Bill.

On the motion of Senator Walsh the Report from the Committee was adopted.

- 29 **AUSTRALIAN DRIED FRUITS CORPORATION AMENDMENT BILL 1985:** The Senate, according to Order, resolved itself into Committee for the consideration of Message No. 108 of the House of Representatives.

In the Committee

Message read.

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

Pages 1 and 2, clause 3, line 11 (page 1) to line 37 (page 2), leave out the clause.

Reasons of the House of Representatives for disagreeing to the amendment of the Senate

The Senate amendment is not acceptable because—

This amendment does not take account of the fact that increasing competitiveness, and complexity, of international marketing in dried vine fruit due to intervention by governments and technological advances dictate the need for wide in-house expertise for the continued effective performance of the commercial functions of the Australian Dried Fruits Corporation (ADFC).

The Government proposal that there be 2 additional members from the business community, with specialist skills in areas such as finance and marketing outside the industry, would bring fresh insights and considerably broaden the experience and expertise within the Corporation membership and strengthen its decision making base.

The Corporation's functions are commercial and therefore its membership should be capable of meeting the full spectrum of commercial demands placed upon it.

The Australian Dried Fruits Association (ADFA) comprises both growers and packers. The Government's proposals would ensure that the industry, through the ADFA, would continue to have a direct influence on the appointment of 6 of the 10 members. The ADFA provides nominations for the 4 grower members and is consulted on the existing 2 specialist members who have traditionally been from the packing sector. The ADFC would be consulted in regard to appointment of the 2 specialist members from outside the industry.

The amendment is not acceptable to the Government. It is the wish of the Government that clause 3 of the original Bill be restored.

The Minister for Finance (Senator Walsh) moved—That the Committee does not insist on the amendment of the Senate to which the House of Representatives has disagreed.

Debate ensued.

Question—put.

The Committee divided—

AYES, 33

Senators—

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

NOES, 38

Senators—

Archer	Durack	Lewis	Scott
Baume	Evans, Jack	MacGibbon	Sheil
Bjelke-Petersen	Guilfoyle,	Macklin	Short
Boswell	Dame Margaret	Mason	Teague
Brownhill	Haines	Messner	Townley
Carrick, Sir John	Hamer	Missen	Vanstone
Chaney	Hill	Parer	Vigor
Chipp	Jessop	Puplick	Watson
Collard	Kilgariff (Teller)	Rae, Peter	Withers
Crichton-Browne	Lajovic	Reid	

And so it was negatived.

Amendment insisted upon accordingly.

Resolution to be reported.

The Deputy-President (Senator Hamer) resumed the Chair; and the Temporary Chairman of Committees (Senator Townley) reported that the Committee had considered Message No. 108 of the House of Representatives relating to the Australian Dried Fruits Corporation Amendment Bill 1985 and had resolved to insist on the amendment of the Senate to which the House of Representatives had disagreed.

On the motion of Senator Walsh the Report from the Committee was adopted.

30 DAIRY PRODUCE MARKET SUPPORT LEVY BILL 1985

DAIRY LEGISLATION AMENDMENT BILL 1985

DAIRY PRODUCE MARKET SUPPORT BILL 1985

DAIRY INDUSTRY STABILIZATION LEVY AMENDMENT BILL 1985:

Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That these Bills be now read a second time.

Statements, by leave: The Minister for Finance (Senator Walsh) and the Leader of the Opposition in the Senate (Senator Chaney), by leave, made statements relating to the Bills.

Debate resumed.

On the motion of Senator Grimes the debate was adjourned.

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

- 31 **SOCIAL SECURITY LEGISLATION AMENDMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 113

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to family allowance and nursing homes assistance*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21 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 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 Sheil the debate was adjourned.

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

- 32 **DEFENCE (RE-ESTABLISHMENT) AMENDMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 116

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Defence (Re-establishment) Act 1965'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21 May 1985

JOAN CHILD,
Deputy 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 Sheil the debate was adjourned.

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

- 33 **REPATRIATION LEGISLATION AMENDMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 117

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

House of Representatives,
Canberra, 21 May 1985

JOAN CHILD,
Deputy 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 Collard the debate was adjourned.

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

- 34 **WHEAT MARKETING AMENDMENT BILL 1985**—*Appointment of Committee for Reasons*: Senator Collard moved—That Senators Collard, Macklin and Archer be appointed a Committee to draw up Reasons for the Senate disagreeing to the amendment made by the House of Representatives in the Bill.

Question—put and passed.

- 35 **NOTICE**: Senator Vigor, by leave, 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 amend the *Broadcasting and Television Act 1942* to clarify the powers of the Australian Broadcasting Tribunal to determine the conditions to be observed by licensees under the Act.

- 36 **DAIRY PRODUCE MARKET SUPPORT LEVY BILL 1985**

DAIRY LEGISLATION AMENDMENT BILL 1985

DAIRY PRODUCE MARKET SUPPORT BILL 1985

DAIRY INDUSTRY STABILIZATION LEVY AMENDMENT BILL 1985:

Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That these Bills be now read a second time.

Debate resumed.

Senator Macklin addressing the Chair—

And it being 7 p.m.—

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

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 7.32 p.m. till tomorrow at 10 a.m.

- 38 **ATTENDANCE**: Present, all Senators except Senators Coleman (on leave), Gietzelt and Knowles.

A. R. CUMMING THOM,
Clerk of the Senate