

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 37

FRIDAY, 31 MAY 1985

1 **MEETING OF SENATE:** The Senate met at 9 a.m., pursuant to adjournment. The President (Senator the Honourable Douglas McClelland) took the Chair.

2 **PRAYERS.**

3 **PETITIONS:** The following 24 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Ryan, from 733 petitioners praying that the Senate request the Government to provide for the building of a regional community centre at Dickson in the Australian Capital Territory in the 1985-86 Budget.

Senator Boswell, from 35 petitioners praying that the Senate ensure that the concessional rate of duty on old cars and car parts be maintained.

Senators Harradine, Hill and Richardson, from 14, 13 and 472 petitioners, respectively, praying that the Senate support the introduction of a broad-based consumption tax with no exemptions to replace current sales tax legislation.

Senator Peter Rae, from 1778 petitioners praying that the Senate request the Government to implement a fair and equitable retirement incomes policy and repeal the assets test legislation.

Senator Walters, from 244 petitioners praying that the Parliament prohibit the importation and production of hard-core pornography and that the operation of certain regulations and ordinances concerning video tapes and discs be examined.

Senators Brownhill and Robertson, from 189 and 18 petitioners, respectively, praying that the Senate protect the rights of private enterprise and reject the introduction of any inequitable additional taxes such as capital gains taxes.

Senators Chaney and Messner, from 36 and 29 petitioners, respectively, praying that the Senate repeal the Labor Government's assets test.

Senator Reid, from 289 petitioners praying that the Senate reject the recommendation of the Vinson inquiry that an abortion clinic be established in Canberra.

Senators Baume, Boswell, Brownhill, Button, Gietzelt, Harradine, Lajovic, Lewis, Reynolds, Richardson, Scott and Townley, from 596, 1160, 421, 368, 729, 349, 630, 171, 1005, 498, 339 and 90 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.

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

Senator Walters: To move on the next day of sitting—That the Senate condemns the Hawke Government for—

(a) agreeing to close the Tasmanian railways and throw 1100 employees out of work; and

(b) for its attempts to water-down the Tasmanian Freight Compensation Scheme.

Senator Watson: To move on the next day of sitting—That the Senate condemns the Hawke Socialist Government for the manner of its negotiations with the Tasmanian

Premier in determining the level of grants to Tasmania at the Premiers' Conference, particularly its approach in the Prime Minister's offer of cash in lieu of jobs in the proposal of scrapping the Tasmanian railway system, and its withdrawal from freight equalization.

Senator Harradine:

No. 1—To move on the next day of sitting—That the Senate expresses its concern at the Federal Government's apparent preparedness to negotiate away the jobs of its own employees in the Australian National Railways in the context of a Premiers' Conference, without any prior consultation with the workers and unions concerned.

No. 2—To move on the next day of sitting—That the Senate—

(a) noting the Australian Broadcasting Corporation's (ABC) previous insistence in official statements and evidence to Senate Estimates Committee C that its decision to provide travel entitlements to homosexual partners of ABC staff members on the same basis as spouses, was based on advice given to the Board by its Equal Employment Opportunities Unit that the ABC was required by law to make this decision and that other corporations had so acted; and

(b) noting that the ABC has now admitted orally and in writing to Estimates Committee C that the information on which its decision was based is incorrect and has acknowledged its error,

calls on the ABC to immediately reverse its unsound and anti-social decision.

5 REGULATIONS AND ORDINANCES—STANDING COMMITTEE:

Notices 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 Extradition (Republic of South Africa) Regulations.

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

Senator Coates, by leave, withdrew Business of the Senate, Notice of Motion No. 2 standing in his name, for the disallowance of certain sections and sub-sections of the Australian Capital Territory Credit Ordinance 1985.

Senators Coates and Lewis, by leave, made statements relating thereto.

Leave to move from place to place: Senator Coates, by leave, moved—That the Standing Committee on Regulations and Ordinances have leave to move from place to place till the next day of sitting.

Question—put and passed.

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

MR PRESIDENT,

Message No. 144

The House of Representatives acquaints the Senate of the following Resolution which was agreed to by the House on 22 May 1985:

That the resolution of the House of Representatives of 21 May 1985, concerning the delegation from the Commonwealth Parliament to the Australian Constitutional Convention, be amended, as follows:

(1) paragraph (1) (a)—omit "4 shall be members of the Senate and 8", substitute "5 shall be members of the Senate and 7";

(2) paragraph (1) (b)—omit "8 Members of the House of Representatives comprise 4 members of the Australian Labor Party, 3", substitute "7 Members of the House of Representatives comprise 4 members of the Australian Labor Party, 2"; and

(3) paragraph (2) (b)—omit "2 other Members", substitute "another Member".

House of Representatives,
Canberra, 30 May 1985

H. A. JENKINS,
Speaker

Senate delegates: The President informed the Senate that he had received advice from the Leader of the Government, the Leader of the Opposition in the Senate and the Leader of the Australian Democrats, notifying the following Senate delegates to the Australian Constitutional Convention:

Government delegates—the Minister for Resources and Energy (Senator Gareth Evans) and Senator Tate.

Opposition delegates—Senators Durack and Peter Rae.

Australian Democrat delegate—Senator Macklin.

7 INDUSTRY AND TRADE—STANDING COMMITTEE—AUTHORITY TO PRESENT REPORTS WHEN SENATE NOT SITTING: Senator Archer, on behalf of the Standing Committee on Industry and Trade and pursuant to Notice of Motion not objected to as a Formal Motion, moved—

- (1) That, if the Senate be not sitting when the Standing Committee on Industry and Trade has completed its Reports on the Re-examination of the Closer Economic Relationship between Australia and New Zealand, the Committee may send the Reports to the President, or, if the President is unable to act, to the Deputy-President, and, in that event—
 - (a) the Reports shall be deemed to have been presented to the Senate;
 - (b) the publication of the Reports is authorised 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 Reports; and
 - (d) the President or the Deputy-President, as the case may be, shall lay the Reports upon the Table at the next sitting of the Senate.
- (2) That the foregoing provisions of this Resolution, insofar as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Question—put and passed.

8 EDUCATION AND THE ARTS—STANDING COMMITTEE—AUTHORITY TO PRESENT REPORT WHEN SENATE NOT SITTING: The Chairman of the Standing Committee on Education and the Arts (Senator Colston), pursuant to Notice of Motion not objected to as a Formal Motion, moved—

- (1) That, if the Senate be not sitting when the Standing Committee on Education and the Arts has completed its Second Report on the Examination of Annual Reports, the Committee may send 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 authorised 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.
- (2) That the foregoing provisions of this Resolution, insofar as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Question—put and passed.

9 ANIMAL WELFARE—SELECT COMMITTEE—AUTHORITY TO PRESENT REPORTS WHEN SENATE NOT SITTING: The Chairman of the Select Committee on Animal Welfare (Senator Georges), pursuant to Notice of Motion not objected to as a Formal Motion, moved—

- (1) That, if the Senate be not sitting when the Select Committee on Animal Welfare has completed any progress reports, the Committee may send the Reports to the President, or, if the President is unable to act, to the Deputy-President, and, in that event—
 - (a) the Reports shall be deemed to have been presented to the Senate;

- (b) the publication of the Reports is authorised 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 Reports; and
 - (d) the President or the Deputy-President, as the case may be, shall lay the Reports upon the Table at the next sitting of the Senate.
- (2) That the foregoing provisions of this Resolution, insofar as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Question—put and passed.

- 10 **SUSPENSION OF SITTING—VARIATION OF ORDER:** The Leader of the Government (Senator Button) moved—That the Order relating to the luncheon suspension of the sitting this day be varied to enable the Senate to sit between 12.45 p.m. and 2 p.m., and that during this period Senators may speak on any matter, provided no Senator shall speak for more than 15 minutes.

Question—put and passed.

- 11 **COMMITTEES—CHANGES IN MEMBERSHIP:** The President informed the Senate that he had received letters from the Leader of the Government, the Leader of the Opposition in the Senate and the Leader of the Australian Democrats requesting that certain Senators be discharged from further attendance on certain Committees and nominating Senators to be members in their place.

The Leader of the Government (Senator Button), by leave, moved—

- (1) That Senator Robertson be discharged from further attendance on the Standing Committee on Regulations and Ordinances and that Senator Tate, having been duly nominated in accordance with Standing Order 36A, be appointed a member of the Committee.
- (2) That, from and including 1 July 1985, Senator Bolkus be discharged from further attendance on the Standing Committee on Foreign Affairs and Defence and that Senators Aulich, Boswell and Childs, having been duly nominated in accordance with Standing Order 36AA, be appointed members of the Committee.
- (3) That, from and including 1 July 1985, Senator Richardson, having been duly nominated in accordance with Standing Order 36AA, be appointed a member of the Standing Committee on National Resources.
- (4) That, from and including 1 July 1985, Senators Brownhill, Cooney and Siddons, having been duly nominated in accordance with the Resolution appointing the Select Committee on Animal Welfare, be appointed members of the Committee.
- (5) That Senator Elstob be discharged from further attendance on the Joint Select Committee on Video Material and that Senator Reynolds, having been duly nominated in accordance with the Resolution appointing the Joint Select Committee, be appointed a member of the Committee.

Question—put and passed.

- 12 **STATEMENTS BY SENATORS:** The Leader of the Australian Democrats (Senator Chipp) and the Leader of the Government (Senator Button), by leave, made statements relating to the consideration of business this day.

- 13 **FERTILIZERS (SUBSIDY) 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.

Cognate debate: The following Bill was, by leave, considered together with the above-mentioned Bill during the second reading debate: States and Northern Territory Grants (Rural Adjustment) Bill 1985.

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 MacGibbon) 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.

14 STATES AND NORTHERN TERRITORY GRANTS (RURAL ADJUSTMENT) 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.

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 MacGibbon) 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.

15 SOCIAL SECURITY AND REPATRIATION LEGISLATION 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

Clauses 1 to 33, by leave, taken together and agreed to.

Clause 34 read—

Ordered—That consideration of clause 34 be postponed till after the consideration of clause 37.

Clause 35 debated.

Question—That clause 35 stand as printed—put.

The Committee divided—

AYES, 31

Senators—

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

NOES, 35

Senators—

Archer	Evans, Jack	MacGibbon	Sheil (Teller)
Baume	Haines	Macklin	Teague
Bjelke-Petersen	Hamer	Mason	Townley
Boswell	Hill	Messner	Vanstone
Brownhill	Jessop	Missen	Vigor
Chaney	Kilgariff	Parer	Walters
Chipp	Knowles	Rae, Peter	Watson
Collard	Lajovic	Reid	Withers
Durack	Lewis	Scott	

And so it was negatived.

Clause 35 negatived accordingly.

Clause 36 debated and agreed to.

Clause 37 debated and negatived.

Consideration resumed of postponed clause 34.

On the motion of Senator Messner the following amendment was agreed to, viz: Page 13, paragraph (c), lines 30 to 37, leave out the paragraph.

Clause 34, as amended, agreed to.

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

Bill to be reported with amendments.

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

On the motion of the Minister for Resources and Energy (Senator Gareth Evans) the Report from the Committee was adopted, and the Bill read a third time.

- 16 **BOUNTY (SHIPS) 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

Bill, by leave, taken as a whole.

The Leader of the Opposition in the Senate (Senator Chaney) moved an amendment, viz: Page 8, after clause 7, insert the following new clause:

“7A. Section 6 of the Principal Act is amended by adding after sub-section (5) the following sub-section:

‘(6) Bounty is not payable in respect of the construction or modification of a vessel where that construction or modification is completed after 30 June 1987.’”.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

- 17 **AUSTRALIAN SPORTS COMMISSION 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.

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

And it being 12.45 p.m.—

- 18 **STATEMENTS BY SENATORS:** Pursuant to Order, Senators whose terms of service expire on 30 June 1985 made statements relating to their impending retirement.

And it being 2 p.m.—

19 **QUESTIONS.**

- 20 **NEXT MEETING OF SENATE:** The Leader of the Government (Senator Button) moved—That the Senate, unless otherwise ordered, at its rising, adjourn till Tuesday, 20 August 1985 at 2 p.m., or such other day and/or hour as may be fixed by the President or, in the event of the President being unavailable, by the Deputy-President, and that the day and/or hour of meeting so determined shall be notified to each Senator.

The Leader of the Opposition in the Senate (Senator Chaney) moved an amendment, viz: At end of motion, add

“: Provided that the President, upon a request or requests by an absolute majority of the whole number of Senators that the Senate meet at a certain time, shall fix a day and hour of meeting in accordance with such request or requests, and such time of meeting shall be notified to each Senator.

For these purposes a request by the Leader or Deputy-Leader of the Opposition in the Senate shall be deemed to be a request by every Senator of the Opposition and a request by the Leader or Deputy-Leader of the Australian Democrats shall be deemed to be a request by every Australian Democrat Senator.

Provided further that the request or requests may be made to the President by leaving the same with, or delivering the same to, the Clerk of the Senate, who shall immediately notify the President.

In the event of the President being unavailable, the Clerk shall without delay notify the Deputy-President, or, should he be unavailable, any one of the Temporary Chairmen of Committees, who shall be deemed to be required by the Senate to summon the Senate on behalf of the President, in accordance with the terms of this Resolution”.

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

Main Question, as amended—put and passed.

- 21 **LEAVE OF ABSENCE TO ALL SENATORS:** The Leader of the Government (Senator Button), by leave, moved—That leave of absence be granted to every member of the Senate from the termination of the sitting this day to the day on which the Senate next meets.

Question—put and passed.

- 22 **PARLIAMENTARY COMMITTEE REPORTS—REPORT ON GOVERNMENT RESPONSES OUTSTANDING—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT:** The Leader of the Government (Senator Button), by leave, made a statement responding to the President's Report to the Senate on Government Responses outstanding to Parliamentary Committee Reports, as at 28 May 1985.
- 23 **PERSONAL EXPLANATION:** Senator Bjelke-Petersen, by leave, made a personal explanation relating to a matter raised during debate on 30 May 1985.
- 24 **PUBLICATIONS—STANDING COMMITTEE—4TH REPORT:** The Chairman of the Standing Committee on Publications (Senator Elstob) tabled the following Report:

FOURTH REPORT

The Publications Committee, having considered petitions and papers presented to the Senate since its last Report, and papers previously presented, recommends that the following be printed:

Australian Industrial Relations Law and Systems—Report (volume 2) of the Committee of Review, April 1985.

Australian Ionising Radiation Advisory Council—Annual Report 1983-84.

Australian Security Intelligence Organization Act—Australian Security Intelligence Organization—Annual Report 1983-84.

Commonwealth Schools Commission Amendment Act 1984—Curriculum Development Centre—Annual Report 1983-84.

Commonwealth Schools Commission Act—Commonwealth Schools Commission—Annual Report 1984.

Commonwealth Teaching Service Act—Commonwealth Teaching Service—Annual Report 1984.

Commonwealth Tertiary Education Commission Act—Commonwealth Tertiary Education Commission—Report for 1985-87 Triennium—Supplementary Report for 1986 and 1987, dated 20 March 1985.

Independent Schools (Loans Guarantee) Act—Annual Report 1983-84—Statement of guarantees and payments of guarantees made under the Act.

Sugar Agreement Act—Fruit Industry Sugar Concession Committee—Report (final) for period 1 July 1984 to 31 March 1985.

31 May 1985

RON ELSTOB,
Chairman

Senator Elstob, by leave, moved—That the Report be adopted.

Question—put and passed.

- 25 **PERSONAL EXPLANATION:** Senator Walters, by leave, made a personal explanation relating to a matter raised during Question Time this day concerning the release of the progress report of the Government's affirmative action program.
- Motion to take note:* The Leader of the Opposition in the Senate (Senator Chaney), by leave, moved—That the Senate take note of the personal explanation.
- 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.
- Statement, by leave:* The Minister for Education (Senator Ryan), by leave, made a statement relating thereto.
- 26 **CONSTITUTIONAL AND LEGAL AFFAIRS—REPORT—STATEMENT BY SENATOR:** Senator MacGibbon, by leave, made a statement relating to the Report of the Standing Committee on Constitutional and Legal Affairs on Conscientious Objection to Conscribed Military Service, tabled on 30 May 1985.

- 27 **ESTIMATES COMMITTEE D—ADDITIONAL INFORMATION:** The Chairman of Estimates Committee D (Senator Reynolds), by leave, tabled additional information received by the Committee.

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

- 28 **CONSTITUTIONAL AND LEGAL AFFAIRS—STANDING COMMITTEE—REPORT ON ANNUAL REPORTS REFERRED TO THE COMMITTEE:** Senator Hill, on behalf of the Standing Committee on Constitutional and Legal Affairs, tabled the following Report:

Annual Reports referred to the Committee, dated May 1985.

Ordered to be printed.

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

Question—put and passed.

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

Lands Acquisition Act—Land, etc., acquired for—Defence purposes—Bullsbrook, Western Australia.

Seat of Government (Administration) Act—

Ordinances 1985—No. 20—Electricity (Amendment).

Regulations 1985—No. 10—(Motor Traffic Ordinance).

States Grants (Petroleum Products) Act—Amendments of the Schedule to the Subsidy Scheme in relation to the States, dated 22 May 1985.

Wool Industry Act—Regulations—Statutory Rules 1985 No. 80.

- 30 **GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS:** Messages from His Excellency the Governor-General were reported, informing the Senate that His Excellency had, in the name of Her Majesty, assented to the following laws:

30 May 1985—Messages—

No. 20—

Customs and Excise Legislation Amendment Act 1985 (Act No. 40 of 1985)

Excise Tariff Amendment Act 1985 (Act No. 41 of 1985)

Customs Tariff Amendment Act 1985 (Act No. 42 of 1985)

Sales Tax Assessment Act (No. 10) 1985 (Act No. 43 of 1985)

Sales Tax Act (No. 10A) 1985 (Act No. 44 of 1985)

Sales Tax Act (No. 10B) 1985 (Act No. 45 of 1985)

Sales Tax Act (No. 10C) 1985 (Act No. 46 of 1985)

Sales Tax Laws Amendment Act 1985 (Act No. 47 of 1985)

Sales Tax (No. 5) Amendment Act 1985 (Act No. 48 of 1985)

Taxation Laws Amendment Act 1985 (Act No. 49 of 1985)

No. 21—

Conciliation and Arbitration (Electricity Industry) Act 1985 (Act No. 50 of 1985)

- 31 **AUSTRALIAN SPORTS COMMISSION 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.

The Senate divided—

AYES, 37

Senators—

Aulich
Black
Bolкус
Button
Childs
Chipp
Coates
Colston
Cook
Cooney

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

Hearn
McClelland
McIntosh
McKiernan
Macklin
Maguire
Mason
Primmer
Ray, Robert
Reynolds

Richardson
Robertson (Teller)
Ryan
Sibraa
Vigor
Walsh
Zakharov

NOES, 30

Senators—

Archer
Baume
Bjelke-Petersen
Boswell
Brownhill
Chaney
Collard
Crichton-Browne

Durack
Hamer
Hill
Jessop
Kilgariff
Knowles
Lajovic
Lewis

MacGibbon
Messner
Missen
Parer
Rae, Peter
Reid (Teller)
Scott
Sheil

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

32 ORDER OF BUSINESS—RE-ARRANGEMENT: The Minister for Education (Senator Ryan) moved—That, after consideration of Government Business, Order of the Day No. 6 (Bass Strait Freight Adjustment Levy Amendment Bill 1985 and Bass Strait Freight Adjustment Trust Fund Amendment Bill 1985), Government Business, Orders of the Day be considered in the following order—

- (a) No. 11 (Petroleum (Submerged Lands) Amendment Bill 1985, Petroleum (Submerged Lands) (Royalty) Amendment Bill 1985, Petroleum (Submerged Lands) (Registration Fees) Amendment Bill 1985 and Petroleum (Submerged Lands) (Retention Lease Fees) Bill 1985);
- (b) No. 7 (Dairy Legislation Amendment Bill 1985, Dairy Produce Market Support Bill 1985, Dairy Industry Stabilization Levy Amendment Bill 1985); and
- (c) No. 10 (Wool Industry Amendment Bill 1985 and Wool Tax (Nos 1 to 5) Amendment Bills 1985).

Debate ensued.

Question—put and passed.

33 SUSPENSION OF STANDING ORDERS—BASS STRAIT FREIGHT ADJUSTMENT LEVY AMENDMENT BILL 1985 AND ASSOCIATED BILLS: The Minister for Resources and Energy (Senator Gareth Evans) moved—That so much of the Standing Orders be suspended as would prevent the Questions with regard to the remaining stages for the

passage through the Senate of the following Bills, viz: Bass Strait Freight Adjustment Levy Amendment Bill 1985, Bass Strait Freight Adjustment Trust Fund Amendment Bill 1985, Petroleum (Submerged Lands) Amendment Bill 1985, Petroleum (Submerged Lands) (Royalty) Amendment Bill 1985, Petroleum (Submerged Lands) (Registration Fees) Amendment Bill 1985 and Petroleum (Submerged Lands) (Retention Lease Fees) Bill 1985, being put in one motion at each stage and the consideration of such Bills together in Committee of the Whole, and as would prevent the reading of the short titles only on every order for the reading of the Bills.

Question—put and passed.

- 34 **BASS STRAIT FREIGHT ADJUSTMENT LEVY AMENDMENT BILL 1985**
BASS STRAIT FREIGHT ADJUSTMENT TRUST FUND AMENDMENT BILL 1985
PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 1985
PETROLEUM (SUBMERGED LANDS) (ROYALTY) AMENDMENT BILL 1985
PETROLEUM (SUBMERGED LANDS) (REGISTRATION FEES) AMENDMENT BILL 1985

PETROLEUM (SUBMERGED LANDS) (RETENTION LEASE FEES) 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.

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

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

Bills to be reported without amendment or requests.

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

On the motion of the Minister for Resources and Energy (Senator Gareth Evans) the Report from the Committee was adopted, and the Bills read a third time.

- 35 **DAIRY LEGISLATION AMENDMENT BILL 1985**
DAIRY PRODUCE MARKET SUPPORT BILL 1985
DAIRY INDUSTRY STABILIZATION LEVY AMENDMENT BILL 1985:

The Senate, according to Order, resolved itself into Committee for the consideration of Messages Nos 135 to 137 of the House of Representatives.

In the Committee

Messages read.

DAIRY LEGISLATION AMENDMENT BILL 1985—

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

Page 5, clause 13, line 30, leave out "20AA and 20AB".

Page 5, after clause 13, insert the following new clause:

"13A. Sections 20AA and 20AB of the Principal Act are repealed and the following sections substituted:

Export of certain dairy products prohibited unless exporter party to arrangement

'20AA. (1) A person, other than the Corporation, shall not export, or cause to be exported, dairy products as specified in section 20AB from Australia unless the person

is a party to an arrangement with the Corporation entered into under section 20AB that relates to those dairy products.

Penalty: \$1,000.

‘(2) The regulations may provide that this section does not apply in relation to dairy products of a prescribed class.

Export sales pooling arrangements

‘20AB. (1) In this section—

“exporter”, for the purposes of this section, means a person, a partnership or a body corporate, accepted by the Corporation as being engaged in the sale of dairy products to overseas markets;

“principal markets” means markets or groups of markets prescribed for the purposes of this section by the regulations;

“pool” means a separate account set up and maintained by the Corporation in respect of the dairy products, and for the periods, specified in sub-section (2).

‘(2) The Corporation shall establish and maintain pools for the purpose of this section as follows—

- (a) butter and the commercial butter equivalent of butter oil exported between 1 July 1985 and 30 June 1986 but manufactured after 30 June 1985;
- (b) cheddar cheese and the natural equivalent of processed cheddar exported between 1 July 1985 and 30 June 1986 but manufactured after 30 June 1985;
- (c) butter and the commercial butter equivalent of butter oil exported between 1 July 1986 and 30 June 1987 but manufactured after 30 June 1985;
- (d) cheddar cheese and the natural equivalent of processed cheddar exported between 1 July 1986 and 30 June 1987 but manufactured after 30 June 1985.

‘(3) The Corporation shall, from time to time, for the purposes of this section, fix an average price for each of the dairy products in respect of which a pool is maintained by the Corporation under sub-section (2), being a price that the Corporation considers will be the average export price for those dairy products.

‘(4) The Corporation may, from time to time, for the purposes of this section, fix assessed export prices for each principal market for each of the dairy products in respect of which a pool is maintained by the Corporation under sub-section (2), being prices that the Corporation considers appropriate at the time and in the circumstances.

‘(5) The Corporation may, with the approval of the Minister, make to persons engaged in the production, storage, distribution, sale, export or promotion of dairy products payments to meet expenses incurred in the storage, distribution, sale, export or promotion of dairy products to which this section applies and, where any such payment is made, the amount of the payment shall be debited to the appropriate pool.

‘(6) Where an exporter makes sales of dairy products, in respect of which a pool is maintained by the Corporation under sub-section (2), to a principal market and the assessed price for the relevant principal market at the time of a sale is greater than the average price for the product determined under sub-section (3), the exporter shall be required to pay to the Corporation for the purposes of the relevant pool the difference between the average price for the product and the assessed price for the product in the relevant principal market.

‘(7) Where an exporter makes sales of dairy products, in respect of which a pool is maintained by the Corporation under sub-section (2), to a principal market and the assessed price for the relevant principal market at the time of a sale is less than the average price for the product determined under sub-section (3), the Corporation shall pay to the exporter from the funds available for the purposes of the relevant pool the difference between the average price for the product and the assessed price for the product in the relevant principal market.

‘(8) Where, at the end of each financial year, the Corporation is satisfied that no more amounts will be credited or debited to any of the pools established pursuant to sub-section (2), the Corporation may—

- (a) if the funds in the relevant pool are in credit, divide the amount of the credit amongst exporters who have contributed funds to the pool in accordance with

sub-section (6) in the year in question, in proportion to their respective contributions to the pool; or

- (b) if the funds in the relevant pool are in deficit, transfer an amount equal to the deficit from the Supplementary Market Support Trust Fund established under section 28 of the *Dairy Market Support Act 1985*.

“(9) Where the Corporation engages in the export of dairy products of the kinds specified and during the periods specified in sub-section (2) it shall, for the purposes of sub-sections (6), (7) and (8) be considered to be an exporter.”.

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

The Senate amendments are not acceptable because—

The amendments, which would have the effect of extending export pooling for butter and cheese for two years, are counter to the basic thrust and purpose of the Government's new marketing arrangements for the dairy industry. As export pooling is a major cause of the industry's present problems (including overproduction) it should be terminated as soon as possible.

The Government does not accept that the temporary continuation of export pooling is a necessary transitional arrangement as possible transitional difficulties associated with the termination of export pooling are covered by other Government decisions.

The amendments are not acceptable to the Government. It is the wish of the Government that clause 13 of the original Bill be restored.

DAIRY PRODUCE MARKET SUPPORT BILL 1985—

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

Page 9, sub-clause 19 (1), lines 2 to 11, leave out the sub-clause, insert the following sub-clauses:

“(1) Where dairy produce that is exported from Australia was, at the commencement of the marketing year during which it is so exported, dairy produce of a kind that was, in accordance with the provisions of sub-sections (1A) and (1B), prescribed dairy produce for the purposes of this Act, the rate at which market support payments are payable in respect of dairy produce of that kind is the amount per unit of that dairy produce that is equal to the difference between the export target price in relation to each such unit of dairy produce of that kind in respect of that marketing year and the estimated average price in force in relation to each such unit of dairy produce of that kind that is so exported during that marketing year at the time when that unit of dairy produce is so exported.

“(1A) For the purposes of this section, and notwithstanding anything contained elsewhere in this Act, ‘prescribed dairy produce’, unless otherwise determined in accordance with the provisions of sub-section (1B), means butter, cheddar cheese, skimmed milk powder and casein.

“(1B) The definition of ‘prescribed dairy produce’ for the purposes of this section provided in sub-section (1A) may only be varied by instrument in writing signed by the Minister.

“(1C) The Minister shall not sign an instrument under the provisions of sub-section (1B) unless it is fully in accordance with a recommendation, in writing, of the Corporation.

“(1D) The Corporation shall not make a recommendation under sub-section (1C) to the Minister unless it has consulted with the conference on the matter.”.

Page 11, sub-clause 19 (6), line 19, leave out “declared by the regulations”, insert “determined in accordance with sub-sections (1A) and (1B)”.

Pages 11 and 12, clause 20, line 39 (page 11) to line 3 (page 12), leave out the clause, insert the following clause:

“20. Where dairy produce that is exported from Australia was not, at the commencement of the marketing year during which it is so exported, dairy produce of a kind that was prescribed dairy produce for the purposes of section 19, the rate at

which market support payments are payable in respect of dairy produce of that kind is such amount per unit of dairy produce of that kind as the Corporation determines in writing, from time to time, to be appropriate having regard to the rates of market support payments that are applicable to dairy produce of kinds that were, at the commencement of that marketing year, so declared to be prescribed dairy produce.”

Page 16, after paragraph 29 (2) (e), insert the following new paragraph:

“(ea) money repaid to the Supplementary Fund, being money that was lent out of the Supplementary Fund to the Corporation for the purposes of the operation of the pools established pursuant to sub-section 20AB (2) of the *Dairy Produce Act 1924*.”

Page 18, after paragraph 32 (d), insert the following new paragraph:

“(da) in making loans out of the Supplementary Fund to the Corporation for the purposes of the operation of the pools established pursuant to sub-section 20AB (2) of the *Dairy Produce Act 1924*.”

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

The Senate amendments are not acceptable because—

The amendments seek to alter the basis on which market support payments for dairy produce will be paid under the legislation.

The Government considers that its mechanism for determining market support payments is preferable to that proposed by the amendments in that it takes into account market price relativities.

The amendments are not acceptable to the Government. It is the wish of the Government that clauses 19 and 20 of the original Bill be restored.

DAIRY INDUSTRY STABILIZATION LEVY AMENDMENT BILL 1985—

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN AMENDMENT

Pages 3 and 4, clause 7, proposed sub-sections 7 (2) to 7 (10), line 1 (page 3) to line 13 (page 4), leave out the proposed sub-sections, insert the following sub-sections:

“(2) The rate at which levy is imposed on dairy products of a particular kind being dairy products that are produced on or after 1 July 1985 and sold during the year commencing 1 July 1986 is equal to the rate determined by the Minister for the purpose on the day before the commencement of that year.

“(3) The rate at which levy is imposed on dairy products of a particular kind, being dairy products that are produced on or after 1 July 1985 and sold during the year commencing on 1 July 1987, is a rate that is calculated on a day determined by the Minister for the purpose, being a day occurring before the commencement of that year, by multiplying the rate of levy applicable to dairy products of that kind that are sold in the year ending 30 June 1987 by .75.

“(4) The rate at which levy is imposed on dairy products of a particular kind, being dairy products that are produced on or after 1 July 1985 and sold during the year commencing on 1 July 1988, is a rate that is calculated on a day determined by the Minister for the purpose, being a day occurring before the commencement of that year, by multiplying the rate of levy applicable to dairy products of that kind that are sold in the year ending 30 June 1987 by .5.

“(5) The rate at which levy is imposed on dairy products of a particular kind, being dairy products that are produced on or after 1 July 1985 and sold during the year commencing on 1 July 1989, is a rate that is calculated on a day determined by the Minister for the purpose, being a day occurring before the commencement of that year, by multiplying the rate of levy applicable to dairy products of that kind that are sold in the year ending 30 June 1987 by .25.

“(6) No levy under this section shall be payable in respect of dairy products that are produced after 30 June 1990.”

The Minister for Finance (Senator Walsh) moved—That the Committee—

- (a) does not insist on the Amendments made by the Senate in the Dairy Legislation Amendment Bill 1985 and the Dairy Produce Market Support Bill 1985 to which the House of Representatives has disagreed; and
- (b) that the Senate's request for an amendment to the Dairy Industry Stabilization Levy Amendment Bill 1985 be not pressed.

Debate ensued.

Question—That the motion be agreed to—put.

The Committee divided—

AYES, 29

Senators—

Aulich
Black
Button
Childs
Coates
Colston
Cook
Cooney

Crowley
Devlin
Elstob
Evans, Gareth
Foreman
Georges
Gietzelt
Giles

Hearn
McIntosh (Teller)
McKiernan
Maguire
Primmer
Ray, Robert
Reynolds
Richardson

Robertson
Ryan
Sibraa
Walsh
Zakharov

NOES, 36

Senators—

Archer
Baume
Bjelke-Petersen
Boswell
Brownhill
Chaney
Chipp
Collard
Crichton-Browne

Durack
Evans, Jack
Haines
Hamer
Harradine
Hill
Jessop
Kilgariff
Knowles

Lajovic
Lewis
MacGibbon
Macklin
Mason
Missen
Parer
Rae, Peter
Reid (Teller)

Scott
Sheil
Teague
Townley
Vanstone
Vigor
Walters
Watson
Withers

And so it was negatived.

Amendments to be insisted upon accordingly.

Request to be pressed accordingly.

Resolution to be reported.

The Acting Deputy-President (Senator MacGibbon) resumed the Chair; and the Chairman of Committees (Senator Hamer) reported that the Committee had considered—

- (a) Messages Nos 135 and 136 of the House of Representatives with reference to the Dairy Legislation Amendment Bill 1985 and the Dairy Produce Market Support Bill 1985, and had resolved to insist on the Amendments of the Senate to which the House of Representatives had disagreed; and
- (b) Message No. 137 of the House of Representatives with reference to the Senate's request on the Dairy Industry Stabilization Levy Amendment Bill 1985, and had resolved to press the request.

Senator Walsh moved—That the Report from the Committee be adopted.

Senator Macklin moved an amendment, viz: At end of motion, add “, and that the Message to the House of Representatives be despatched forthwith so that that House may consider the Message at its meeting this day”.

Debate ensued.

Question—That the words proposed to be added be added—put.

The Senate divided—

AYES, 36

Senators—

Archer
Baume
Bjelke-Petersen
Boswell
Brownhill
Chaney
Chipp
Collard
Crichton-Browne

Durack
Evans, Jack
Haines
Hamer
Harradine
Hill
Jessop
Kilgariff
Knowles

Lajovic
Lewis
MacGibbon
Macklin
Mason
Missen
Parer
Rae, Peter
Reid (Teller)

Scott
Sheil
Teague
Townley
Vanstone
Vigor
Walters
Watson
Withers

NOES, 30

Senators—

Aulich
Black
Bolkus
Button
Childs
Coates
Colston
Cook

Cooney
Crowley
Devlin
Elstob
Evans, Gareth
Foreman
Georges
Gietzelt

Giles
Hearn
McIntosh (Teller)
McKiernan
Maguire
Primmer
Ray, Robert
Reynolds

Richardson
Robertson
Ryan
Sibraa
Walsh
Zakharov

And so it was resolved in the affirmative.

Main Question, as amended—put and passed.

36 WOOL INDUSTRY AMENDMENT BILL 1985

WOOL TAX (NOS 1 TO 5) AMENDMENT BILLS 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

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

Bills to be reported without amendment or requests.

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 Bills read a third time.

37 ADJOURNMENT: The Leader of the Government (Senator Button) moved—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 4.44 p.m. till Tuesday, 20 August 1985, at 2 p.m., or such other day and/or hour as may be fixed in accordance with the Resolution agreed to this day.

38 ATTENDANCE: Present, all Senators except Senators Sir John Carrick, Coleman (on leave), Grimes, Dame Margaret Guilfoyle, Jones, Puplick, Short and Tate.

A. R. CUMMING THOM,
Clerk of the Senate