

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 41

FRIDAY, 23 AUGUST 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 39 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator MacGibbon, from 13 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 Harradine, from 30 petitioners praying that the Senate not legalise the possession, sale, hire or supply of any pornographic material.

Senator MacGibbon, from 55 petitioners praying that the Senate ensure that the concessional rate of duty on old cars and car parts be maintained.

Senators Peter Baume and Devlin, 2 petitions similar in wording, from 200 and 345 petitioners, respectively, praying that the Senate reject the Human Embryo Experimentation Bill 1985.

Senator Giles, from 483 petitioners praying that the decision to cut the Technical and Further Education Participation and Equity Program be reversed and that the program be guaranteed funding for 1987, and beyond.

Senator Crichton-Browne, from 33 petitioners praying that the assets test be repealed.

Senators Brownhill, Sir John Carrick, Crichton-Browne, Cooney, Crowley, Giles, Harradine, Messner and Puplick, from 2504, 4193, 300, 1064, 698, 35, 1662, 63 and 2869 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.

Senators Crowley and Messner, 2 petitions similar in wording, from 489 and 272 petitioners, respectively, praying that the proposed cut-back of funding for pre-school and child care services be reversed.

Senator Crowley, from 254 petitioners praying that the Senate request the Government to restore the review of the nursing home benefit rates in November 1985, provide nursing home care concessions for pensioner patients and to resolve its concerns over health care costs with the South Australian Government.

Senator Boswell, from 21 petitioners praying that the existing Australian National Flag be not changed.

Senators Boswell and Sanders, 2 petitions similar in wording, from 126 and 121 petitioners, respectively, praying that the Senate oppose any sections of the proposed Veterans' Entitlements Bill which would have the effect of reducing veterans' benefits, including that which seeks to change the onus of proof.

Senator Brownhill, from 140 petitioners praying that the Senate protect the rights of private enterprise and reject the introduction of any inequitable additional taxes such as capital gains taxes.

Senator Cooney, from 14 petitioners praying that the Senate reject the introduction of a broad-based consumption tax.

Senators Cooney and Zakharov, from 180 and 90 petitioners, respectively, praying that the Senate legislate to close the joint Australian-United States electronic communications facilities at the Watsonia Army Barracks, Victoria.

Senator Cooney, from 108 petitioners praying that the Senate request the Government to redirect foreign aid away from the Ethiopian Government towards the peoples of Tigre and Eritrea.

Senator Cooney, from 9 petitioners praying that the Senate ensure that no change be made to the funding of local government without the consent of representatives of local government.

Senator Cooney, from 603 petitioners praying that the freeze imposed on nursing home benefits be lifted.

Senators Boswell and Brownhill, from 25 and 48 petitioners, respectively, praying that the Senate reject certain tax proposals which are outlined in the Government's White Paper of May 1985.

Senator Robertson, from 32 petitioners praying that the Senate request the Government to introduce a Bill which would phase out the battery method of egg production and offer tax deductible incentives to producers.

Senator McKiernan, from 42 petitioners praying that the Senate legislate to make pharmaceutical companies liable for damage or death caused by their products.

Senator Giles, from 73 petitioners praying that child care facilities be included in the plans for the proposed new Customs House Building in Fremantle.

Senator Reid, from 127 petitioners praying that no reduction be made to teacher staffing levels without the consent of the people in a referendum.

Senator Kilgariff, from 7036 petitioners praying that the Senate oppose any action which would give ownership of Ayers Rock and Uluru National Park to any single group in the community.

Senator Ryan, from 229 petitioners praying that the Senate oppose the proposed teacher reductions in the Australian Capital Territory and ensure that current staffing levels are maintained.

Senator Boswell, from 20 petitioners praying that the Senate request the Government to legislate to ensure that nationally significant sporting events are given adequate coverage by television networks.

Senator Parer, from 113 petitioners praying that former legislation banning the entry into Australia and sale of hard-core pornographic and violent videos and publications be re-enacted.

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

From 1520 petitioners wishing to see a law introduced to prohibit any experimentation on frozen embryos from any in vitro fertilization program.

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

Senator Messner: To move on the next day of sitting—That the Senate notes with concern—

- (a) the rise of union-sponsored superannuation schemes, like the Building Union Superannuation Scheme, which are merely vehicles used to obtain deferred wage increases outside the Prices and Income Accord rather than genuine attempts at retirement saving;
- (b) the fact that such schemes are built upon a rights-based concept of welfare, with the age pension continuing to be the main source of income support rather than a safety-net for those who have been unable to practise self-provision during their working lives; and

- (c) that the spread of such schemes has far-reaching implications for future taxpayers and governments as well as future recipients of age pensions, and condemns the Hawke Government for its fiscal and moral irresponsibility in not attempting to discourage the spread of the alleged superannuation schemes.

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

- (a) deplores and renounces the statements of the Prime Minister, Mr Hawke, inferring that the people of East Timor are Indonesian citizens when no act of supervised self-determination has been permitted there;
- (b) regards the Indonesian occupation of East Timor as an act of unjustified conquest of a neighbouring state to which Indonesia has no historic, cultural or ethnic claim; and
- (c) urges the Government to promote in the United Nations and to specify in all public statements it might make, the requirement for Indonesia to permit an act of self-determination in East Timor.

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

- (a) calls on the Federal Government to acknowledge the precarious position of the sugar industry;
- (b) notes the fact that if the sugar industry collapses, tens of thousands of Queenslanders will lose their jobs, and many small towns which rely on the industry for their survival will collapse; and
- (c) acknowledges the reality that lending institutions will lose confidence in the industry unless prompt action is taken to assure the future of the industry by the State and Federal Governments.

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

- (a) notes that the proposed cutback in resources allocated to the Australian Capital Territory (ACT) education system will severely disadvantage students in educational institutions in the ACT at a time when the Government claims to be concerned about increasing participation and equity in education;
- (b) notes that the proposed cutbacks are not accompanied with any proposed reduction in functions required to be performed by the ACT education system;
- (c) notes that the proposed cutbacks in the ACT are symptomatic of the general reduction in real funding to government schools as detailed in Budget Paper No. 1, including a reduction after allowing for inflation of 3.4 per cent in grants to the States and the Northern Territory for government schools; of 4.8 per cent in grants for joint programs; of 47 per cent for the participation and equity program; and of 58 per cent for pre-schools; and
- (d) requests that the proposed cuts to education not be implemented in 1985.

Senator Jones: To move on the next day of sitting—That the Senate, noting that the Australian Budget, handed down on 20 August 1985 by the Federal Treasurer, Mr Keating, has won widespread community support from the business community, groups responsible for the training and employment of youth, financial interests, the building industry, the trade union movement, a wide section of employer organisations, and even from the former Liberal Treasurer, Mr Howard—

- (a) congratulates the Hawke Federal Australian Labor Party Government for its outstanding economic achievements since its first election to office in 1983;
- (b) further congratulates the Treasurer for reducing the financial deficit to \$4.9 billion; and
- (c) notes with satisfaction the continuing drop in unemployment, and the ever increasing job creation rate brought about by progressive and humane policies, initiated and carried out by the Hawke Government.

Senator Vigor: To move on the next day of sitting—That, pursuant to paragraph (1) of Standing Order 36AA, a Standing Committee on Transport and Communications be appointed to operate under that Standing Order.

5 ESTIMATES COMMITTEES—REFERENCE OF PARTICULARS OF PROPOSED EXPENDITURE 1985-86 AND DEPARTMENTAL EXPENDITURE UNDER ADVANCE TO THE MINISTER FOR FINANCE 1984-85: The Manager of Government Business (Senator Grimes), pursuant to Notice of Motion not objected to as a Formal Motion, moved—

- (1) That the Particulars of Proposed Expenditure for the Service of the year ending on 30 June 1986 in relation to the Parliamentary Departments, the Particulars of Proposed Expenditure for the Service of the year ending on 30 June 1986 and the Particulars of Certain Proposed Expenditure in Respect of the year ending on 30 June 1986 be referred to Estimates Committees for examination and report.
- (2) That expenditure under the Advance to the Minister for Finance for the year ended 30 June 1985 be referred to Estimates Committees for examination and report prior to its consideration in Committee of the Whole.
- (3) That the Committees consider Proposed Expenditure and Departmental Expenditure under the Advance to the Minister for Finance in the Estimates Committee groupings agreed to by Resolution of the Senate of 22 February 1985.
- (4) That the Committees report to the Senate on or before Friday, 11 October 1985.

Question—put and passed.

6 NEXT MEETING OF SENATE: The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered, the Senate, at its rising, adjourn till Tuesday, 10 September 1985 at 2 p.m.

Question—put and passed.

7 BUDGET STATEMENT AND PAPERS 1985-86: Order of the Day read for the adjourned debate on the motion of the Minister for Finance (Senator Walsh)—That the Senate take note of the Statement and Papers.

The Leader of the Opposition in the Senate (Senator Chaney) moved an amendment, viz: Leave out all words after “That”, insert “the Senate condemns the Budget because—

- (a) it is only half a Budget which fails to outline any approach to the urgent problem of tax reform and tax relief;
- (b) it fails to remove the threat of new taxes on investment and jobs, such as a capital gains tax which will include death duties and gift taxes;
- (c) it condemns 750 000 Australians to higher marginal tax brackets during the year;
- (d) it fails to remove the fundamental problems facing the Australian economy, particularly high inflation, the lack of international competitiveness and the need for further cuts in Government spending;
- (e) it fails to provide clear direction on the Government’s approach to discounting wage indexation for the effects of depreciation of the dollar, so potentially destroying its employment benefit;
- (f) it fails to move towards the deregulation of labour markets required to give all Australians a chance for a job; and
- (g) it burdens Australia with the threat of continued high interest rates which hurt not only home buyers but hit business investment and jobs”.

Debate ensued.

On the motion of Senator Robertson the debate was adjourned.

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

- 8 **BUILDING INDUSTRY BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Evans)—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 Jones) 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.

- 9 **ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1985**
NATIONAL PARKS AND WILDLIFE CONSERVATION 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—*And on the amendment moved thereto by Senator Peter Baume, viz:* Leave out all words after “That”, insert “the Bills be withdrawn and redrafted to provide for—

- (a) ownership of the Uluru National Park to be vested in the Northern Territory, subject to:
 - (i) an agreement ensuring effective Aboriginal involvement in management of the Park, and
 - (ii) adequate and appropriate portions of the Park being vested by freehold title in Aboriginals for the purposes of living areas;
- (b) a right of entry to all persons subject to protection of sacred sites and the Park; and
- (c) the Agreement to be entered into between the Director of National Parks and Wildlife and the Land Council not to come into effect until approved by the Parliament”.

Debate resumed.

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

The Senate divided—

AYES, 26

Senators—

| | | | |
|-------------------|---------------|---------------|----------|
| Archer | Durack | Knowles | Short |
| Baume, Peter | Guilfoyle, | MacGibbon | Teague |
| Bjelke-Petersen | Dame Margaret | Messner | Vanstone |
| Boswell | Hamer | Parer | Walters |
| Brownhill | Hill | Puplick | Watson |
| Carrick, Sir John | Jessop | Rae, Peter | Withers |
| Crichton-Browne | Kilgariff | Reid (Teller) | |

NOES, 34

Senators—

| | | | |
|---------|------------|--------------------|----------|
| Aulich | Evans | McIntosh | Ryan |
| Childs | Foreman | Macklin | Sanders |
| Chipp | Georges | Maguire | Siddons |
| Coates | Gietzelt | Mason | Tate |
| Cook | Giles | Morris | Vigor |
| Cooney | Grimes | Ray, Robert | Walsh |
| Crowley | Haines | Reynolds | Zakharov |
| Devlin | Jones | Richardson | |
| Elstob | McClelland | Robertson (Teller) | |

Amendment negatived accordingly.

Question—That these Bills be now read a second time—put.
The Senate divided—

AYES, 34

Senators—

| | | | |
|---------|------------|--------------------|----------|
| Aulich | Evans | McIntosh | Ryan |
| Childs | Foreman | Macklin | Sanders |
| Chipp | Georges | Maguire | Siddons |
| Coates | Gietzelt | Mason | Tate |
| Cook | Giles | Morris | Vigor |
| Cooney | Grimes | Ray, Robert | Walsh |
| Crowley | Haines | Reynolds | Zakharov |
| Devlin | Jones | Richardson | |
| Elstob | McClelland | Robertson (Teller) | |

NOES, 26

Senators—

| | | | |
|-------------------|---------------|---------------|----------|
| Archer | Durack | Knowles | Short |
| Baume, Peter | Guilfoyle, | Lewis | Teague |
| Bjelke-Petersen | Dame Margaret | Messner | Vanstone |
| Boswell | Hamer | Parer | Walters |
| Brownhill | Hill | Puplick | Watson |
| Carrick, Sir John | Jessop | Rae, Peter | Withers |
| Crichton-Browne | Kilgariff | Reid (Teller) | |

And so it was resolved in the affirmative.

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.

Senator Peter Baume moved an amendment in relation to the National Parks and Wildlife Conservation Amendment Bill 1985, viz: Page 12, Schedule, leave out the proposed amendment of sub-section 7 (11A).

Debate ensued.

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

Pursuant to Sessional Order, consideration of the Bill was interrupted.

And it being 2 p.m.—

- 10 **MINISTERIAL ARRANGEMENTS:** The Leader of the Government (Senator Button), by leave, informed the Senate that during the absence overseas of Mr Bowen, Mr Hayden and Mr Beazley, Senator Button would act as Vice-President of the Executive Council, Senator Evans would act as Attorney-General and Minister for Foreign Affairs and Mr Brown would act as Minister for Defence.

11 **QUESTIONS.**

- 12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE:** The President informed the Senate that Senator Lewis had proposed that a matter of public importance be submitted to the Senate for discussion, viz: "The failure of the Government to exercise proper control over the allocation of funds to the Community Housing Expansion Program and adequately safeguard the Commonwealth interests in properties purchased".

And at least 4 Senators having risen in support of the proposed discussion—The Deputy-President (Senator Hamer) called upon Senator Lewis to speak.

Discussion ensued.

Discussion concluded.

13 PUBLIC ACCOUNTS—JOINT STATUTORY COMMITTEE—235TH REPORT: The Chairman of the Joint Committee of Public Accounts (Senator Georges) tabled the following Report:

235th Report—Finance Minute on Report 204—Advance to the Minister for Finance (1981-82).

Ordered to be printed.

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

14 PAPERS: The following Papers were tabled:

Acts Interpretation Act—Correspondence and a statement relating to an extension of specified period for presentation of Part 2 of the Australian National University Annual Report 1984.

Radiocommunications Act—Regulations—Statutory Rules 1985 No. 196.

Radiocommunications (Frequency Reservation Certificate Tax) Act—Regulations—Statutory Rules 1985 No. 202.

Radiocommunications (Receiver Licence Tax) Act—Regulations—Statutory Rules 1985 No. 201.

Radiocommunications Taxes Collection Act—Regulations—Statutory Rules 1985 No. 200.

Radiocommunications (Temporary Permit Tax) Act—Regulations—Statutory Rules 1985 No. 199.

Radiocommunications (Test Permit Tax) Act—Regulations—Statutory Rules 1985 No. 198.

Radiocommunications (Transmitter Licence Tax) Act—Regulations—Statutory Rules 1985 No. 197.

Seat of Government (Administration) Act—

Ordinances 1985—

No. 34—Trustee Companies (Amendment).

No. 35—Motor Traffic (Amendment) (No. 4).

No. 37—Dog Control (Amendment) (No. 2).

No. 38—Co-operative Societies (Amendment) (No. 2).

No. 39—Credit (Amendment).

Regulations 1985—

No. 18—(Co-operative Societies Ordinance).

No. 19—(Court of Petty Sessions (Civil Jurisdiction) Ordinance).

No. 20—(Business Franchise (Tobacco and Petroleum Products) Ordinance).

**15 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1985
NATIONAL PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1985:**

The Senate, according to Order, resolved itself into Committee for the further consideration of the Bills.

In the Committee

Bills further considered and agreed to.

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

- 16 **ESTIMATES OF PROPOSED EXPENDITURE 1985-86—EXPLANATORY NOTES—PAPERS:** The Minister for Resources and Energy (Senator Evans) tabled the following Papers:
Estimates of Proposed Expenditure for year 1985-86—Explanatory Notes of a department and an authority—
Australian Bicentennial Authority
Territories.
- 17 **ADJOURNMENT:** The Minister for Education (Senator Ryan) moved—That the Senate do now adjourn.
Debate ensued.
Question—resolved in the affirmative.
The Senate adjourned at 4.10 p.m. till Tuesday, 10 September 1985 at 2 p.m.
- 18 **ATTENDANCE:** Present, all Senators except Senators Black, Coleman (on leave), McKiernan and Sibraa.

A. R. CUMMING THOM,
Clerk of the Senate