

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 50

TUESDAY, 8 OCTOBER 1985

1 **MEETING OF SENATE:** The Senate met at 2 p.m., pursuant to adjournment. The President (Senator the Honourable Douglas McClelland) took the Chair.

2 **PRAYERS.**

3 **PETITIONS:** The following 9 petitions, lodged with the Clerk by the Senators indicated, were received:

Senators Bolkus and Vanstone, from 113 and 155 petitioners, respectively, 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 Peter Baume, from 75 petitioners praying that the Senate pass Senator Harradine's Bill to prohibit experiments involving the use of human embryos created by in vitro fertilization.

Senator Peter Baume, from 79 petitioners praying that the Senate not support the passage of the Human Embryo Experimentation Bill 1985.

Senator Walsh, from 100 petitioners praying that no further action be taken towards self-government in the Australian Capital Territory (ACT) until after the holding of a referendum of voters of the ACT.

Senator Messner, from 27 petitioners praying that the Australian flag be not changed without the consent of the people in a referendum.

Senator Zakharov, from 41 petitioners praying that legislation for any plant variety rights system which gives exclusive ownership rights over seeds to individuals, organisations or enterprises be not passed.

Senator Crowley, from 5 petitioners praying that the proposed cut-back of funding for pre-school and child care services be reversed.

Senator Chaney, from 109 petitioners praying that the Senate request the Government to continue to support the Western Alliance and the ANZUS Treaty and pursue mutual and verifiable nuclear disarmament.

4 **NOTICES:**

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

Senator Mason: To move on the next day of sitting—That the following matters be referred to the Standing Committee on Foreign Affairs and Defence for report by 31 March 1986—

- (a) the need for an area of land for the purposes of the relocation and co-location of the Army's School of Infantry and Infantry Centre, Artillery Training and for Army manoeuvres, having regard to strategic and training requirements appropriate to the Australian Defence Force, existing defence facilities and training practices in comparable countries;

- (b) the availability of sites including existing Army training areas suitable for these purposes, whether in New South Wales or elsewhere, having particular regard to the availability of Crown Land, and having regard to the Army's needs and any countervailing public interest; and
- (c) the adequacy and appropriateness of current procedures in protecting the rights of individual landholders and communities in areas where acquisition is contemplated, in providing for fair and prompt compensation, and in providing for appeal procedures.

The Chairman of the Standing Committee on National Resources (Senator Zakharov): To move on the next day of sitting—That the following matter be referred to the Standing Committee on National Resources: The potential of the Kakadu National Park region with particular reference to—

- (a) the nature of the resources available for exploitation; and
- (b) the impact of utilisation of these resources, particularly mining and tourism.

Senator Missen:

No. 1—To move on the next day of sitting—That the Freedom of Information (Miscellaneous Provisions) Regulations (Amendment), as contained in Statutory Rules 1985 No. 106 and made under the *Freedom of Information Act 1982*, be disallowed.

No. 2—To move on the next day of sitting—That the Freedom of Information (Charges) Regulations (Amendment), as contained in Statutory Rules 1985 No. 113 and made under the *Freedom of Information Act 1982*, be disallowed.

Notice of Motion withdrawn: Senator Mason withdrew General Business, Notice of Motion No. 69 standing in his name, relating to the appointment of a select committee.

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

Aboriginal Employment and Training Programs Review—Report of Committee (Chairman: Mr M. Miller), dated 27 August 1985.

Australian Agricultural Council—Resolutions of 122nd Meeting of Council, held in Darwin, 21 July 1985.

Australian Fisheries Council—Resolutions of 15th Meeting of Council, held in Darwin, 21 July 1985.

Industries Assistance Commission—Interim Report on Outboard Engines, dated 3 September 1985 (No. 370).

National Debt Sinking Fund Act—National Debt Commission—Annual Report (62nd) 1984-85, together with financial statements and the Auditor-General's Report thereon.

National Research Fellowships Advisory Committee—Report (1st) on Fellowships awarded for 1984 and 1985.

Outlook for the Aviation Industry—Information Paper by the Department of Aviation, dated September 1985.

Remuneration Tribunals Act—Remuneration Tribunal—1985 Review—Determinations 1985—

No. 6—Ministers of State

No. 7—Office Holders of the Parliament

No. 8—Members of the Parliament

No. 9—Parliamentary Secretaries to Ministers of State

No. 10—Travelling Allowances within Australia—Ministers and others

No. 11—Entitlements of Members of the Parliament

No. 12—Secretaries of Departments and Holders of Public Offices

No. 13—Members of Aboriginal Land Councils

No. 14—Members of the Australian Capital Territory House of Assembly

No. 15—Members of the Norfolk Island Legislative Assembly

Reports 1985—

No. 1—Ministers of State

No. 2—Judges

No. 3—President and Members of the Inter-State Commission

Statement by the Tribunal.

Telecommunications Act—Australian Telecommunications Commission—Annual Report (10th) 1984-85, together with financial statements and the Auditor-General's Report thereon.

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

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

Tasmania—Background paper relating to fishing for scallops in the Banks Strait area.

Further Questions without Notice were answered.

7 **TAXATION SYSTEM REVIEW—MINISTERIAL STATEMENT:** The Leader of the Government (Senator Button), by leave, made a statement concerning the reform of the Australian taxation system and moved—That the Senate take note of the Statement.

On the motion of the Leader of the Opposition in the Senate (Senator Chaney) the debate was adjourned.

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

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

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

Outlook for the Aviation Industry—Information Paper—Motion to take note of Paper moved by Senator Maguire and debated.

Ordered—That the debate be adjourned till Thursday at General Business.

Australian Telecommunications Commission—Annual Report 1984-85—Motion to take note of Paper moved by Senator Tate, debated and agreed to.

National Debt Commission—Annual Report 1984-85—Motion to take note of Paper moved by Senator Watson and debated.

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

9 **ABORIGINAL EMPLOYMENT AND TRAINING PROGRAMS REVIEW—REPORT—PAPER:** Senator Peter Baume, by leave, moved—That the Senate take note of the following Paper:

Aboriginal Employment and Training Programs Review—Report of Committee.

Ordered—That the debate be adjourned till Thursday at General Business, and that Senator Peter Baume have leave to continue his speech on the resumption of the debate.

10 **AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE—REPORT:** Senator Reid, on behalf of the Joint Committee on the Australian Capital Territory, tabled the following Report:

Report on Proposals for Variations of the Plan of Layout of the City of Canberra and its Environs (86th Series—1st Report), dated October 1985, together with minutes of proceedings.

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

11 **PAPERS:** The following Papers were tabled:

Australian National Railways Commission Act—Regulations—Statutory Rules 1985 No. 231.

Commonwealth Employees (Redeployment and Retirement) Act—Regulations—Statutory Rules 1985 No. 232.

Commonwealth Teaching Service Act—Determination 1985 No. 3.

Defence Act—

Defence Force Remuneration Tribunal—

Determinations 1985 Nos 1, 2, 3.

Reasons for Determinations, dated 2 September 1985.

Determinations 1985—

No. 59—Travelling Allowance and others.

No. 60—Recreation Leave.

No. 61—Travelling Allowance and others.

No. 62—Service with a Foreign Defence Force (Allowances Not Payable).

No. 63—Travelling Allowance and others.

Fisheries Act—Fisheries Notices—

No. 146—Prohibition relating to the taking of southern rock lobsters from south-eastern Australian waters, dated 22 August 1985.

No. 148A—Variation of Fisheries Notice No. 148—Prohibition relating to the taking of scallops from proclaimed waters in Bass Strait, dated 18 September 1985.

Health Insurance Act—Regulations—Statutory Rules 1985 No. 229.

Industrial Research and Development Incentives Act—Regulation—Statutory Rules 1985 No. 230.

Lands Acquisition Act—Statement of Land, etc., acquired for Defence purposes—Jennings, New South Wales.

Liquefied Petroleum Gas (Grants) Act—Price Determination, dated 27 September 1985.

National Health Act—Determinations (3) under sub-section 4 (1), dated 26 August 1985.

Navigation Act—Marine Order 1985 No. 3—Part 19 (Tonnage Measurement—1969 Convention).

Public Service Act—

Appointments—

Department of Primary Industry—R. J. Hassett.

Department of Social Security—A. P. Calgaret, D. J. Creighton.

Department of Sport, Recreation and Tourism—L. W. Tighe.

Determinations 1985 Nos 74, 75, 76, 78, 79, 81.

Seat of Government (Administration) Act—

Declaration made under the Rates Ordinance, dated 11 September 1985.

Determinations made under the following Ordinances—

Adoption of Children, dated 18 September 1985.

Betting (Totalizator Agency), dated 13 September 1985.

Bookmakers, dated 13 September 1985.

Building and Services, dated 18 September 1985.

Credit, dated 2 September 1985.

Dangerous Goods, dated 18 September 1985.

Lakes, dated 18 September 1985.

Machinery, dated 18 September 1985.

Motor Traffic, dated 18 September 1985.

Real Property, dated 18 September 1985.

Registration of Births, Deaths and Marriages, dated 18 September 1985.

Sewerage Rates, dated 11 September 1985.

Water Rates, dated 11 September 1985.

Ordinances 1985—

No. 46—World Cup Athletics (Security Arrangements).

- No. 47—Seat of Government (Administration) (Amendment).
- No. 48—Statistics (Repeal).
- No. 49—Motor Traffic (Amendment) (No. 5).
- No. 50—Motor Traffic (Amendment) (No. 6).
- No. 51—Motor Traffic (Alcohol and Drugs) (Amendment).
- Regulation 1985—No. 24—(Bookmakers Ordinance).
- Trade Commissioners Act—Determination 1985 No. 1.

12 ADMINISTRATOR'S PROCLAMATIONS—COMMENCEMENT OF ACTS: Proclamations by His Excellency the Administrator of the Government of the Commonwealth of Australia were tabled, notifying that His Excellency had proclaimed the following Acts and sections of Acts to come into operation on the dates specified:

Defence Act 1903—Amendment to section 120B, pursuant to the provisions of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*—1 October 1985 (*Gazette* No. S 400, 30 September 1985).

Shipping Registration Amendment Act 1984—Sections 3 to 7 and 9 to 29—1 October 1985 (*Gazette* No. S 394, 26 September 1985).

Trade Commissioners Act 1933—Amendments to the Act, pursuant to the provisions of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*—1 October 1985 (*Gazette* No. S 383, 20 September 1985).

13 SOCIAL SECURITY (REPARATION FOR PERSECUTION) AMENDMENT BILL 1985:

Senator Haines, 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 amend the *Social Security Act 1947* to ensure that payments made under the Federal Restitution Act of the Federal Republic of Germany as compensation, restitution or reparation for persecution inflicted by the Nazi regime do not affect social security entitlements.

Question—put and passed.

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

Senator Haines, by leave, moved—That this Bill be now read a second time.

On the motion of Senator McIntosh the debate was adjourned.

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

14 ADMINISTRATOR'S MESSAGE—ASSENT TO LAWS: A Message from His Excellency the Administrator of the Government of the Commonwealth of Australia was reported, informing the Senate that His Excellency had, in the name of Her Majesty, assented to the following laws:

26 September 1985—Message No. 30—

Poultry Industry Assistance Amendment Act 1985 (Act No. 100 of 1985)

Poultry Industry Levy Amendment Act 1985 (Act No. 99 of 1985)

Tobacco Charge (No. 1) Amendment Act 1985 (Act No. 96 of 1985)

Tobacco Charge (No. 2) Amendment Act 1985 (Act No. 97 of 1985)

Tobacco Charge (No. 3) Amendment Act 1985 (Act No. 98 of 1985)

15 FOREIGN STATES IMMUNITIES BILL 1985—Message from the House of Representatives: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 162

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to foreign State immunity*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 18 September 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 Finance (Senator Walsh) the Bill was read a first time.

Senator Walsh moved—That this Bill be now read a second time.

On the motion of Senator Sheil the debate was adjourned.

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

16 INTERSTATE ROAD TRANSPORT BILL 1985

INTERSTATE ROAD TRANSPORT CHARGE BILL 1985—

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

MR PRESIDENT,

Message No. 163

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

House of Representatives,
Canberra, 18 September 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 164

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to impose a charge by way of or in the nature of a tax in respect of the registration of a motor vehicle or trailer under the 'Interstate Road Transport Act 1985'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 18 September 1985

H. A. JENKINS,
Speaker

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

Senator Walsh moved—That these Bills 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.

17 CENSUS AND STATISTICS AMENDMENT BILL 1985—*Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 165

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Census and Statistics Act 1905'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 18 September 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 Finance (Senator Walsh) the Bill was read a first time.

Senator Walsh 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.

18 GRAIN LEGUMES LEVY BILL 1985

GRAIN LEGUMES LEVY COLLECTION BILL 1985—

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

MR PRESIDENT,

Message No. 169

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to impose a levy on certain grain legumes produced in Australia*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 19 September 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 170

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to make provision for the collection of levy imposed by the 'Grain Legumes Levy Act 1985'*", in which it desires the concurrence of the Senate.

House of Representatives,

H. A. JENKINS,

Canberra, 19 September 1985

Speaker

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

Senator Walsh moved—That these Bills 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.

19 RURAL INDUSTRIES RESEARCH BILL 1985

RURAL INDUSTRIES RESEARCH (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1985—

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

MR PRESIDENT,

Message No. 166

The House of Representatives acquaints the Senate that it has agreed to the amendments made by the Senate in the Bill intituled "*A Bill for an Act to provide for the undertaking of research and development in relation to certain goods, and for related purposes*".

House of Representatives,

H. A. JENKINS,

Canberra, 19 September 1985

Speaker

MR PRESIDENT,

Message No. 167

The House of Representatives acquaints the Senate that it has agreed to the amendments made by the Senate in the Bill intituled "*A Bill for an Act to enact certain transitional provisions and effect certain amendments and repeals in consequence of the enactment of the 'Rural Industries Research Act 1985'*".

House of Representatives,

H. A. JENKINS,

Canberra, 19 September 1985

Speaker

20 SNOWY MOUNTAINS ENGINEERING CORPORATION AMENDMENT BILL 1985—

Message from the House of Representatives: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 171

The House of Representatives acquaints the Senate that it has agreed to the amendment made by the Senate in the Bill intituled "*A Bill for an Act to reconstitute the Snowy Mountains Engineering Corporation, and for related purposes*".

House of Representatives,

H. A. JENKINS,

Canberra, 19 September 1985

Speaker

21 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Minister for Finance (Senator Walsh) moved—That Government Business, Order of the Day No. 1 (Superannuation Legislation Amendment Bill 1985) be postponed till after consideration of Government Business, Order of the Day No. 2 (National Crime Authority (Miscellaneous Amendments) Bill 1985).

Question—put and passed.

- 22 **ORDER OF BUSINESS—POSTPONEMENT:** Senator Puplick moved—That Business of the Senate, Notice of Motion No. 1 standing in his name for the disallowance of certain regulations, be postponed till Monday, 14 October 1985.
Question—put and passed.
- 23 **NATIONAL CRIME AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL 1985:** The Senate, according to Order, resolved itself into Committee for the consideration of Message No. 150 of the House of Representatives.

In the Committee

Message read.

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

After clause 4, insert the following new clause:

Co-operation with law enforcement agencies and co-ordination with overseas authorities

“4A. Section 17 of the Principal Act is amended by adding at the end the following sub-section:

‘(2) In performing its functions under this Act, the Authority may co-ordinate its activities with the activities of authorities and persons in other countries performing functions similar to functions of the Authority.’”

The Minister for Resources and Energy (Senator Evans) moved—That the Committee does not insist upon the Amendment disagreed to by the House of Representatives, and agrees to the Amendment made by the House of Representatives in place thereof.

Debate ensued.

Question—put and passed.

Resolution to be reported.

The Deputy-President (Senator Hamer) resumed the Chair; and the Temporary Chairman of Committees (Senator Jones) reported that the Committee had considered Message No. 150 of the House of Representatives, had resolved not to insist upon the Amendment disagreed to by the House, and had agreed to the Amendment made by the House in place thereof.

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

- 24 **SUPERANNUATION LEGISLATION AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Industry, Technology and Commerce (Senator Button)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

Bill, by leave, taken as a whole.

Senator Siddons, by leave, moved the following amendments together:

Page 2, paragraph 4 (b), line 9, leave out “fortnightly rate of salary”, insert “‘Trust’ or ‘Investment Trust’”.

Page 2, paragraph 4 (b), line 11, leave out “full-time”.

Pages 4 and 5, paragraph 7 (1) (a), proposed new sub-section 30 (1), paragraphs (a), (b), (c) and (d), line 38 (page 4) to line 3 (page 5), leave out the paragraphs, insert the following new paragraphs:

- “(a) a full-time principal member nominated by the Minister;
- (b) a full-time member nominated, in accordance with sub-section (4), by the Australian Council of Trade Unions; and
- (c) 3 part-time members elected, in accordance with the regulations, by all eligible employees by secret ballot conducted by the Australian Electoral Commission.”.

Page 5, paragraph 7 (1) (a), after proposed new sub-section 30 (1), add the following new sub-section:

“(1A) The regulations made for the purpose of paragraph (1) (c) shall prescribe for elections held under that paragraph a system of election which is, as near as is practicable, the same as the Hare-Clark proportional representation system set out in Schedule 4 of the *Electoral Act 1907* of Tasmania.”.

Page 5, paragraph 7 (1) (b), proposed new sub-section 30 (3), lines 6 to 8, leave out the sub-section, insert the following new sub-sections:

“(3) The members nominated under paragraphs (1) (a) and (b) shall be persons with knowledge and expertise in finance, industrial relations, superannuation and investment.

“(3A) The persons elected under paragraph (1) (c)—

- (a) shall be nominated by no less than 200 eligible employees; and
- (b) shall provide, at the time of their nomination, a written statement of their knowledge and expertise in the matters referred to in sub-section (3).”.

Page 5, proposed new paragraphs 7 (1) (c) and 7 (1) (d), lines 13 to 17, leave out the paragraphs, insert the following new paragraph:

“(c) by omitting sub-section (6) and substituting the following sub-section:

“(6) Each member of the Trust shall hold office for 5 years.”.

Page 5, paragraph 7 (1) (e), line 19, leave out “full-time”.

Page 5, sub-clause 7 (4), line 44, leave out “the member of the Trust referred to in paragraph 30 (1) (d)”, insert “a member of the Trust referred to in paragraph 30 (1) (c)”.

Page 6, after sub-clause 7 (4), insert the following new sub-clause:

“(4A) Sub-section 30 (6) of the Principal Act as amended by this section shall have effect in respect of each member of the Trust appointed after the commencement of this Act.”.

Page 6, clause 8, proposed new sub-section 30B (1), line 18, leave out “full-time”.

Page 7, clause 8, proposed new paragraph 30B (8) (b), line 10, leave out “full-time”.

Page 7, paragraph 9 (a), line 14, leave out “full-time”.

Page 7, clause 10, lines 19 and 21, leave out “full-time” (twice occurring).

Page 9, paragraph 13 (d), line 20, leave out “full-time”.

Page 10, clause 14, proposed new sub-sections 36 (2) and (3), leave out “full-time” (wherever occurring).

Page 10, clause 14, proposed new sub-section 36 (4), lines 20 to 23, leave out “the full-time union-nominated member, or as a part-time member referred to in paragraph 30 (1) (c)”, insert “the union-nominated member”.

Page 10, clause 14, proposed new sub-section 36 (9), lines 39 and 42, leave out “full-time” (twice occurring).

Debate ensued.

Question—That the amendments be agreed to—put.

The Committee divided—

AYES, 5

Senators—

Chipp
Haines (Teller)

Mason

Siddons

Vigor

NOES, 54

Senators—

Aulich	Crichton-Browne	Jones	Ryan
Baume, Michael	Crowley	Lewis	Sheil
Baume, Peter	Devlin	McClelland	Short
Black	Durack	MacGibbon	Sibraa
Bolkus	Foreman	McIntosh	Tate
Brownhill	Georges	Maguire	Teague
Carrick, Sir John	Gietzelt	Messner	Townley
Chaney	Giles	Missen	Vanstone
Childs	Grimes	Morris	Walsh
Coates	Guilfoyle,	Parer	Walters
Collard	Dame Margaret	Puplick	Watson
Colston	Hamer	Rae, Peter	Withers
Cook	Hill	Reid (Teller)	Zakharov
Cooney	Jessop	Robertson	

Amendments negated accordingly.

Senator Messner, by leave, moved the following amendments together:

Page 2, clause 4, leave out paragraph (b).

Page 2, clause 4, leave out paragraph (e).

Pages 4 and 5, paragraph 7 (1) (a), proposed new sub-section 30 (1), paragraphs (a), (b), (c) and (d), line 38 (page 4) to line 3 (page 5), leave out the paragraphs, insert the following new paragraphs:

“(a) a full-time principal member nominated by the Minister;

(b) 1 part-time member nominated by the Minister after consultation with employees' associations representative of contributors of the Fund; and

(c) 3 part-time members nominated by the Minister after consultation with the Securities Institute of Australia, the Life Insurance Federation of Australia, the Australian Bankers' Association, the Australian Merchant Bankers' Association and the Actuaries Institute of Australia.”

Page 5, paragraph 7 (1) (b), proposed new sub-sections 30 (3) and (4), leave out the sub-sections, insert the following new sub-section:

“(3) In making appointments of persons as members of the Trust, the Governor-General shall ensure that, so far as is practicable, a person is not appointed unless that person has experience and expertise in finance, industrial relations, superannuation and investment.”

Page 5, paragraph 7 (1) (c), lines 14 and 15, leave out “and the full-time union-nominated member”.

Page 5, paragraph 7 (1) (e), lines 19 and 20, leave out “or as the full-time union-nominated member”.

Page 5, sub-clause 7 (4), line 44, leave out “the member of the Trust referred to in paragraph 30 (1) (d)”, insert “a member of the Trust referred to in paragraph 30 (1) (c)”.

Page 6, clause 8, proposed new sub-section 30B (1), line 18, leave out “the full-time union-nominated member”, insert “a part-time member”.

Page 6, clause 8, proposed new sub-sections 30B (4) and (5), leave out the sub-sections.

Page 7, clause 8, proposed new sub-section 30B (7), leave out the sub-section.

Page 7, clause 8, proposed new paragraph 30B (8) (b), line 10, leave out “the full-time union-nominated member”, insert “a member”.

Page 7, paragraph 9 (a), lines 13 and 14, leave out “and the full-time union-nominated member”.

Page 7, clause 10, lines 19 and 21, leave out “the full-time union-nominated member” (twice occurring).

Page 9, paragraph 13 (d), lines 19 and 20, leave out “or the full-time union-nominated member”.

Page 10, clause 14, proposed new sub-section 36 (2), leave out the sub-section.

Page 10, clause 14, proposed new sub-section 36 (3), lines 17 and 18, leave out “or as the full-time union-nominated member”.

Page 10, clause 14, proposed new sub-sections 36 (4) and (5), leave out the sub-sections.

Page 10, clause 14, proposed new sub-section 36 (9), lines 39 and 40, leave out “, as the full-time union-nominated member”.

Page 10, clause 14, proposed new sub-section 36 (9), line 42, leave out “, the full-time union-nominated member”.

Page 18, clause 25, proposed new sub-section 161 (6), leave out the sub-section.

Debate ensued.

Question—That the amendments be agreed to—put.

The Committee divided—

AYES, 26

Senators—

Baume, Peter	Hamer	Parer	Townley
Brownhill	Hill	Puplick	Vanstone
Carrick, Sir John	Jessop	Rae, Peter	Walters
Chaney	Lewis	Reid	Watson
Collard	MacGibbon	Sheil (Teller)	Withers
Durack	Messner	Short	
Guilfoyle,	Missen	Teague	
Dame Margaret			

NOES, 33

Senators—

Aulich	Cooney	Haines	Sibraa
Black	Crowley	Jones	Siddons
Bolkus	Devlin	McClelland	Tate
Button	Evans	McIntosh	Vigor
Childs	Foreman	Maguire	Walsh
Chipp	Georges	Mason	Zakharov
Coates	Gietzelt	Morris	
Colston	Giles	Robertson (Teller)	
Cook	Grimes	Ryan	

Amendments negated accordingly.

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

Page 1, clause 2, leave out the clause, insert the following new clause:

“2. This Act shall come into operation on the day on which it receives the Royal Assent.”.

Page 5, clause 7, proposed new sub-section 30 (4), leave out the sub-section, insert the following new sub-section:

“(4) The Australian Council of Trade Unions shall not nominate a person for appointment under sub-section (1) unless—

- (a) the person is a person whose name is among the names of persons submitted to the Australian Council of Trade Unions by relevant industrial organizations as persons appropriate for the nomination; and
- (b) the Australian Council of Trade Unions has consulted the relevant industrial organizations in relation to the nomination.”.

Page 14, clause 22, proposed new paragraph 44B (4) (a), line 25, after “(other than sections 50E, 50EA and 52)”, insert “and of the *Merit Protection (Australian Government Employees) Act 1984*”.

Page 16, clause 23, leave out the clause.

Page 18, clause 25, proposed new sub-section 161 (6), leave out the proposed sub-section, insert the following new sub-sections:

“(6) Where the Trust furnishes a report and financial statements to the Minister under sub-section (4), the Minister shall—

- (a) cause a copy of the report and a copy of the financial statements to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister; and
- (b) furnish a copy of the report and a copy of the financial statements to the Australian Council of Trade Unions and, upon request made by a relevant industrial organization, to the relevant industrial organization.

“(7) A report furnished by the Trust under this section in relation to a year shall include particulars of any statement of policy furnished to the

principal member of the Trust by the Minister during that year under subsection 29A (6), the consideration given by the Trust to that policy and the action (if any) taken by the Trust as a result of that consideration.'".

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

Senator Walsh moved—That this Bill be now read a third time.

Leave refused: Senator Siddons sought leave to move an amendment to the motion for the third reading.

Objection being raised, leave not granted.

Senator Siddons, pursuant to Standing Order 217, moved—Leave out "now", insert "this day 6 months".

Debate ensued.

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

The Senate divided—

AYES, 32

Senators—

Baume, Michael	Haines	Parer	Vanstone
Baume, Peter	Hamer	Puplick	Vigor
Brownhill	Hill	Rae, Peter	Walters
Carrick, Sir John	Jessop	Reid (Teller)	Watson
Chaney	Lewis	Sheil	Withers
Chipp	MacGibbon	Short	
Collard	Mason	Siddons	
Durack	Messner	Teague	
Guilfoyle,	Missen	Townley	
Dame Margaret			

NOES, 27

Senators—

Aulich	Cook	Gietzelt	Morris
Black	Cooney	Giles	Robertson
Bolkus	Crowley	Grimes	Ryan
Button	Devlin	Jones	Sibraa
Childs	Evans	McClelland	Tate
Coates	Foreman	McIntosh (Teller)	Zakharov
Colston	Georges	Maguire	

And so it was resolved in the affirmative.

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

Main Question, as amended—put and passed.

25 STUDENT ASSISTANCE (LOANS GUARANTEE AND SUBSIDY) REPEAL BILL 1985 STUDENT ASSISTANCE 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 each Bill be put separately.

STUDENT ASSISTANCE (LOANS GUARANTEE AND SUBSIDY) REPEAL BILL 1985—

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

The Senate divided—

AYES, 33

Senators—

Aulich	Cooney	Haines	Sibraa
Black	Crowley	Jones	Siddons
Bolkus	Devlin	McClelland	Tate
Button	Evans	McIntosh	Vigor
Childs	Foreman	Maguire	Walsh
Chipp	Georges	Mason	Zakharov
Coates	Gietzelt	Morris	
Colston	Giles	Robertson (Teller)	
Cook	Grimes	Ryan	

NOES, 26

Senators—

Baume, Michael	Durack	MacGibbon	Teague
Baume, Peter	Guilfoyle,	Messner	Townley
Brownhill	Dame Margaret	Missen	Vanstone
Carrick, Sir John	Hamer	Parer	Walters
Chaney	Hill	Rae, Peter	Watson
Collard	Jessop	Reid (Teller)	Withers
Crichton-Browne	Lewis	Short	

And so it was resolved in the affirmative.

STUDENT ASSISTANCE AMENDMENT BILL 1985—

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, debated and agreed to.

Bills to be reported without amendment.

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

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

26 BOUNTY (METAL WORKING MACHINES AND ROBOTS) BILL 1985

BOUNTY (AGRICULTURAL TRACTORS AND EQUIPMENT) 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 these Bills be now read a second time.

Debate resumed.

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

27 WHEAT TAX AMENDMENT BILL 1985—*Message from the House of Representatives:*

The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 168

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Wheat Tax Act 1957'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 19 September 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 Resources and Energy (Senator Evans) the Bill was read a first time.

Senator Evans 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.

- 28 **STATES GRANTS (PETROLEUM PRODUCTS) AMENDMENT BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 172

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'States Grants (Petroleum Products) Act 1965', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,

H. A. JENKINS,

Canberra, 27 September 1985

Speaker

Ordered—That the Bill may be taken through all its stages without delay.

On the motion of the Minister for Resources and Energy (Senator Evans) the Bill was read a first time.

Senator Evans 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.

- 29 **PETERMANN ABORIGINAL LAND TRUST (BOUNDARIES) BILL 1985**—*Message from the House of Representatives*: The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 173

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to the boundaries of the land held by the Petermann Aboriginal Land Trust established under the 'Aboriginal Land Rights (Northern Territory) Act 1976', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,

H. A. JENKINS,

Canberra, 8 October 1985

Speaker

Ordered—That the Bill may be taken through all its stages without delay.

On the motion of the Minister for Resources and Energy (Senator Evans) the Bill was read a first time.

Senator Evans 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.

And it being 10.30 p.m.—

- 30 **ADJOURNMENT**: The President, under Sessional Order, put the Question—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 11.16 p.m. till tomorrow at 10 a.m.

- 31 **ATTENDANCE**: Present, all Senators except Senators Archer, Bjelke-Petersen, Coleman (on leave), Elstob, Harradine, Kilgariff, Knowles, McKiernan, Macklin, Robert Ray, Reynolds, Richardson and Sanders.

A. R. CUMMING THOM,
Clerk of the Senate