

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 52

THURSDAY, 10 OCTOBER 1985

1 **MEETING OF SENATE:** The Senate met at 10 a.m., pursuant to adjournment. The President (Senator the Honourable Douglas McClelland) took the Chair.

2 **PRAYERS.**

3 **PETITIONS:** The following 11 petitions, lodged with the Clerk by the Senators indicated, were received:

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

Senator Walters, from 301 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 Haines, from 195 petitioners praying that the Senate support the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senators Messner and Teague, from 132 and 102 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 Messner, from 51 petitioners praying that the Australian flag be not changed without the consent of the people in a referendum.

Senator Missen, from 53 petitioners praying that the Senate include communication aids on the equipment list funded through the Provision of Aids for Disabled People program.

Senator Peter Rae, from 29 petitioners praying that the proposed introduction of compulsory identification cards be reconsidered and rejected.

Senator Zakharov, from 10 petitioners praying that the Senate urge the Government to propose to the United Nations General Assembly that 1989 be declared International Year for Repairing the Earth and implement related action programs.

Senator Messner, from 44 petitioners praying that the proposed cut-back of funding for pre-school and child care services be reversed.

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

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coates): To move 13 sitting days after today—That the *Electricity (Amendment) Ordinance 1985*, as contained in Australian Capital Territory Ordinance No. 20 of 1985 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

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

Senator Siddons: To move on the next day of sitting—That leave be given to introduce a Bill for an Act to encourage the introduction of employee participation in Australian enterprises through reductions in company tax for enterprises classified as employee participation enterprises.

- 5 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered, the order of General Business for consideration this day pursuant to Sessional Order be as follows—
 (a) consideration of Government Papers; and
 (b) General Business, Order of the Day No. 4 (Horticultural-Plant Variety Rights Bill 1984 [1985]).

Question—put and passed.

- 6 **ORDER OF BUSINESS—POSTPONEMENT:** Senator Missen moved—That Business of the Senate, Notices of Motion Nos 1 and 2 standing in his name for the disallowance of certain regulations, be postponed till Wednesday, 16 October 1985.

Question—put and passed.

- 7 **LIQUEFIED PETROLEUM GAS (GRANTS) 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.

Cognate debate: The following Bill was, by leave, considered together with the above-mentioned Bill during the second reading debate: States Grants (Petroleum Products) Amendment 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 Acting Deputy-President (Senator Colston) resumed the Chair; and the Temporary Chairman of Committees (Senator Haines) reported accordingly.

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

- 8 **STATES GRANTS (PETROLEUM PRODUCTS) AMENDMENT 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.

Question—put and passed.

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

The Acting Deputy-President (Senator Colston) resumed the Chair; and the Temporary Chairman of Committees (Senator Haines) reported accordingly.
On the motion of the Minister for Community Services (Senator Grimes) the Report from the Committee was adopted, and the Bill read a third time.

9 GRAIN LEGUMES LEVY BILL 1985

GRAIN LEGUMES LEVY COLLECTION BILL 1985:

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

Cognate debate: The following Bill was, by leave, considered together with the above-mentioned Bills during the second reading debate: Wheat Tax Amendment Bill 1985.

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

On the motion of the Minister for Community Services (Senator Grimes) the Report from the Committee was adopted, and the Bills read a third time.

10 WHEAT TAX AMENDMENT 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.

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 requests.

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

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

11 PETERMANN ABORIGINAL LAND TRUST (BOUNDARIES) 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.

Senator Peter Baume moved an amendment, viz: Leave out all words after "That", insert "the Senate declines to give this Bill a second reading because of its

concern that the Northern Territory Government was not consulted in relation to the alterations to the boundaries of the Petermann Land Trust or its effect on the Uluru National Park at any stage prior to the introduction of the Bill into the Parliament”.

Debate ensued.

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

The Senate divided—

AYES, 25

Senators—

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

NOES, 30

Senators—

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

Amendment negated accordingly.

Question—That this Bill be now read a second time—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 and 2, by leave, taken together and agreed to.

Clause 3 debated.

Question—That the clause stand as printed—put.

The Committee divided—

AYES, 31

Senators—

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

NOES, 25

Senators—

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

And so it was resolved in the affirmative.

Clause 3 agreed to accordingly.

Remainder of Bill, by leave, taken as a whole 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 Veterans' Affairs (Senator Gietzelt) the Report from the Committee was adopted.

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

Debate ensued.

Question—put.

The Senate divided—

AYES, 31

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

NOES, 25

Senators—			
Baume, Michael	Durack	Messner	Townley
Baume, Peter	Guilfoyle	Missen	Vanstone
Boswell	Dame Margaret	Puplick	Walters
Carrick, Sir John	Hamer	Rae, Peter	Watson
Chaney	Hill	Sheil (Teller)	Withers
Collard	Jessop	Short	
Crichton-Browne	MacGibbon	Teague	

And so it was resolved in the affirmative.

Bill read a third time.

12 EXPORT MARKET DEVELOPMENT GRANTS 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.

Senator Durack moved an amendment, viz: At end of motion, add “, but the Senate condemns the Government for—

- (a) its lack of notice to and consultations with exporters in bringing in the legislation and making it effective 6 days after the announcement;
- (b) its failure to recognise the commitment of the original scheme to provide grants on the original basis to 30 June 1987;
- (c) the uncertainty caused by dividing a year into parts and not recognising the normal financial year ending at 30 June; and
- (d) its lack of understanding in disadvantaging small business from competing for grants”.

Debate ensued.

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

13 MATTERS OF PUBLIC INTEREST: The Minister for Finance (Senator Walsh) moved—That, unless otherwise ordered, till 2 p.m. this day, matters of public interest may be discussed by Senators, provided that no Senator shall speak for more than 15 minutes.

Question—put and passed.

Discussion of matters of public interest ensued accordingly.

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

Bronze—Bas Relief Sculptures—Background notes by sculptress (Annemieke Mein) relating to the bronzes.

And it being 2 p.m.—

- 14 **MINISTERIAL ARRANGEMENTS:** The Leader of the Government (Senator Button), by leave, made a statement informing the Senate of the absence, on Government Business, of the Minister for Education (Senator Ryan).

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

Paper: The Minister for Industry, Technology and Commerce (Senator Button) tabled the following Paper from which he had quoted:

Unemployment—Background paper relating to the effect of the Government's economic policies on unemployment rates.

Further Questions without Notice were answered.

- 16 **PERSONAL EXPLANATION:** Senator Messner, by leave, made a personal explanation relating to an article in the newspaper, *The Australian Financial Review*, dated 8 October 1985.

Motion to take note: The Leader of the Government (Senator Button), 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 Button have leave to continue his speech on the resumption of the debate.

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

Public Service Act—Determination 1985 No. 80.

Seat of Government (Administration) Act—Notice of Variation to the Plan of Layout of the City of Canberra and its Environs (86th Series), dated 9 October 1985.

Pursuant to Sessional Order, consideration of General Business was called on.

- 18 **GOVERNMENT PAPERS—CONSIDERATION:** The following Government Papers were considered pursuant to Sessional Order:

Outlook for the Aviation Industry—Information Paper—Debate resumed on the motion of Senator Maguire to take note of Paper—Motion agreed to.

Aboriginal Employment and Training Programs Review—Report of Committee—Debate resumed on the motion of Senator Peter Baume to take note of Paper—Motion agreed to.

Australian Industry Development Corporation—Annual Report 1984-85—Debate resumed on the motion of Senator Coates to take note of Paper—Motion agreed to.

Australian Bicentennial Authority—Opinion by Solicitor-General—Debate resumed on the motion of the Leader of the Opposition in the Senate (Senator Chaney) to take note of Paper—Motion agreed to.

National Debt Commission—Annual Report 1984-85—Debate resumed on the motion of Senator Watson to take note of Paper—Motion agreed to.

Industries Assistance Commission—Interim Report—Outboard Engines—Motion to take note of Paper moved by the Leader of the Opposition in the Senate (Senator Chaney).

Ordered—That the debate be adjourned till the next day of sitting.

- 19 **HORTICULTURAL-PLANT VARIETY RIGHTS BILL 1984 [1985]:** Order of the Day read for the adjourned debate on the motion of Senator Hill—That this Bill be now read a second time.

Debate resumed.

Question—put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 25

Senators—

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

And so it was resolved in the affirmative.

Bill read a second time.

Pursuant to Sessional Order, consideration of General Business was interrupted.

- 20 **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:

3 October 1985—Message No. 31—

Rural Industries Research Act 1985 (Act No. 102 of 1985)

Rural Industries Research (Transitional Provisions and Consequential Amendments) Act 1985 (Act No. 103 of 1985)

Snowy Mountains Engineering Corporation Amendment Act 1985 (Act No. 101 of 1985)

- 21 **EXPORT MARKET DEVELOPMENT GRANTS 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—*And on the amendment moved thereto by Senator Durack, viz:* At end of motion, add “, but the Senate condemns the Government for—
- its lack of notice to and consultations with exporters in bringing in the legislation and making it effective 6 days after the announcement;
 - its failure to recognise the commitment of the original scheme to provide grants on the original basis to 30 June 1987;
 - the uncertainty caused by dividing a year into parts and not recognising the normal financial year ending at 30 June; and
 - its lack of understanding in disadvantaging small business from competing for grants”.

Debate ensued.

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

The Senate divided—

AYES, 25

Senators—

Baume, Michael
Baume, Peter
Boswell
Brownhill
Carrick, Sir John
Collard
Durack

Guilfoyle,
Dame Margaret
Hamer
Hill
Lewis
MacGibbon
Messner

Missen
Parer
Puplick
Rae, Peter
Reid (Teller)
Short
Teague

Townley
Vanstone
Walters
Watson
Withers

NOES, 31

Senators—

Aulich
Black
Bolkus
Button
Childs
Chipp
Coates
Colston

Cooney
Crowley
Devlin
Evans
Foreman
Georges
Gietzelt
Giles

Grimes
Haines
Jones
McClelland
McIntosh (Teller)
Mason
Richardson
Robertson

Sanders
Sibbra
Siddons
Tate
Vigor
Walsh
Zakharov

Amendment negatived accordingly.

Question—That this Bill be now read a second time—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 Vigor, by leave, moved the following amendments together:

Page 10, clause 12, proposed new paragraph 14 (4) (a), lines 1 and 2, leave out the proposed paragraph, insert

“the export earnings of that person—

(i) in that grant year exceed \$20,000,000 or

(ii) in the 3 grant years immediately preceding that grant year exceeded \$60,000,000.”.

Page 10, clause 12, after proposed new sub-section 14 (4), insert the following new sub-sections:

“(4A) Where a person first submits a claim under section 13, that person shall elect, in that claim, to have that claim determined by the application of sub-paragraph (4) (a) (i) or by the application of sub-paragraph (4) (a) (ii).

“(4B) Where a person makes an election under sub-section (4A), any claim submitted under section 13 by that person shall be determined in accordance with that election.”.

Debate ensued.

Question—That the amendments be agreed to—put.

The Committee divided—

AYES, 6

Senators—

Chipp
Haines (Teller)

Mason
Sanders

Siddons
Vigor

NOES, 48

Senators—

Aulich	Cooney	Jones	Short
Baume, Michael	Crowley	Lewis	Sibraa
Baume, Peter	Devlin	MacGibbon	Tate
Black	Evans	McIntosh	Teague
Bolkus	Foreman	Messner	Townley
Boswell	Georges	Missen	Vanstone
Brownhill	Gietzelt	Morris	Walters
Button	Giles	Parer	Watson
Carrick, Sir John	Grimes	Puplick	Withers
Childs	Guilfoyle,	Rae, Peter	Zakharov
Coates	Dame Margaret	Reid (Teller)	
Collard	Hamer	Richardson	
Colston	Hill	Robertson	

Amendments negated accordingly.

Senator Vigor moved a further amendment, viz: Page 11, after clause 15, insert the following new clause:

“15A. The Principal Act is amended by adding after Part II the following Part:

‘PART IIA—SMALL EXPORTERS GRANTS

Grants to small exporters

‘20A. (1) A person may submit to the Board a plan of proposed eligible expenditure, not exceeding \$10,000 in any year, to be incurred by that person during one or more years.

‘(2) The Board may approve a plan submitted under sub-section (1), or may approve that plan subject to such modifications of the plan as the Board considers desirable after consultation with the person who submitted the plan.

‘(3) Where a person submits a claim under sub-section 13 (1), and the Board has, under sub-section (2), approved, or approved with modifications, a plan relating to the eligible expenditure which is the subject of that claim, this Act has application to that claim as if paragraph 14 (4) (b) were omitted.

‘(4) Where a claim to which sub-section (3) applies is submitted after 1 July 1986, notwithstanding any other provision of this Act payment of grant in respect of that claim may be made by quarterly instalments.

‘(5) Where the Board has, under sub-section (2) approved, or approved with modifications, a plan submitted under sub-section (1), the person who submitted that plan shall provide to the Board, not later than 12 months after the Board approved, or approved with modifications, that plan, a statement of progress made by that person in exporting eligible goods.’”

Debate ensued.

Question—That the amendment be agreed to—put and negated.

Bill agreed to.

Bill to be reported without amendment.

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

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

- 22 **NORTHERN PRAWN FISHERY VOLUNTARY ADJUSTMENT SCHEME LOAN GUARANTEE BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Veterans' Affairs (Senator Gietzelt)—That this Bill be now read a second time.

Cognate debate: The following Bills were, by leave, considered together with the above-mentioned Bill during the second reading debate:

Foreign Fishing Boats Levy Amendment Bill 1985

Fisheries Agreements (Payments) Amendment Bill 1985

Debate resumed.

Senator Boswell addressing the Chair—

And it being 10.30 p.m.—

- 23 **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 10.46 p.m. till tomorrow at 9 a.m.

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

A. R. CUMMING THOM,
Clerk of the Senate