

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## JOURNALS OF THE SENATE

No. 56

WEDNESDAY, 16 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 7 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Reid, from 16 petitioners praying that the Senate reject the recommendation of the Vinson inquiry that an abortion clinic be established in Canberra.

Senator Chaney, from 88 petitioners praying that the assets test be repealed.

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

Senator Sheil, from 75 petitioners praying that the Senate reject certain tax proposals which are outlined in the Government's White Paper of May 1985.

Senator Harradine, from 2362 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 Vallentine, from 50 petitioners praying that the Senate take action to remove dangers to the earth's ecology imposed by uranium mining and processing and that Government policies be altered to ensure that Australia is not subject to a nuclear threat.

Senator Zakharov, from 28 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.

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

The Leader of the Opposition in the Senate (Senator Chaney), at the request of Senator Durack—Senator Durack: To move on the next day of sitting—

(1) That the Human Embryo Experimentation Bill 1985 be referred to a select committee, and that the committee inquire into and report upon—

(a) for the purposes of the in vitro fertilization (IVF) program, whether it is: (i) necessary, or (ii) desirable to carry out research on relevant human embryos by manipulation, dissection or administration of drugs;

(b) if it is necessary or desirable to carry out such research, whether any guidelines can be formulated to govern such research;

(c) for the purposes of the IVF program, whether it is: (i) necessary, or (ii) desirable to freeze relevant human embryos;

(d) whether it is: (i) necessary, or (ii) justified to discard relevant human embryos which do not appear to be satisfactory, and if so, whether any rules should be established to govern this procedure;

(e) whether the Bill can be amended to preserve its general prohibition of research on relevant human embryos without halting the IVF program, and if so, what amendments should be made;

- (f) what sanctions, if any, should be imposed for the breach of any prohibitions contained in the Bill; and
  - (g) whether legislation is desirable to control research on relevant human embryos, or whether that can be achieved by self-regulation, such as under the existing National Health and Medical Research Council ethical codes.
- (2) That the committee consist of 7 Senators, as follows—
    - (a) 3 to be nominated by the Leader of the Government;
    - (b) 2 to be nominated by the Leader of the Opposition in the Senate;
    - (c) 1 to be nominated by the Leader of the Australian Democrats; and
    - (d) Senator Harradine.
  - (3) That provisions relating to the powers and procedures of the committee be contained in a subsequent resolution.

The Chairman of the Standing Committee on Education and the Arts (Senator Colston): To move on the next day of sitting—That the following matter be referred to the Standing Committee on Education and the Arts: The education of gifted and talented children.

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

- (a) supports Australia's position as a sovereign and independent nation;
- (b) deplores the Government's lack of independence in stating that its policy on United States (US) nuclear warship visits to this country is determined by the operational requirements of the US Pacific Fleet; and
- (c) calls upon the Government to follow the McMahon Liberal Government and the Whitlam Labor Government from 1971 to 1975, in refusing entry into Australia of nuclear-powered warships.

Senator Tate, at the request of Senator Robertson—Senator Robertson: To move on the next day of sitting—That the Senate—

- (a) condemns the illegal, dangerous and improper actions of the Northern Territory (NT) Chief Minister, Mr Tuxworth, the NT Public Service Commissioner, Dr K. Fleming, and the NT Police, in the circumstances surrounding the raiding of offices of the *Northern Territory News* and rifling the desk of a NT reporter in an attempt to seize a document from that reporter, especially since all such actions were taken without warrant;
- (b) is concerned that such actions were motivated by purely political considerations, in that the raid was supposed to retrieve a document which clearly showed the NT Government as grossly hypocritical in that it recently supported the handover of Ayers Rock to its traditional owners, but is now conducting a cynical political campaign costing over \$300 000 against such a handover; and
- (c) condemns this action as being a gross and unprecedented invasion of the freedom of the press in this country.

Senator Brownhill: To move on the next day of sitting—That the Senate, noting that youth unemployment is 3 times higher than the adult rate with 1 in 5 youths under the age of 19 looking for work—

- (a) notes the criticisms of the President of the Federated Clerks' Union, Mr John Maynes, that the Federal Government's approach to youth unemployment would not solve the nation's unemployment problem; and
- (b) calls on the Government to actively investigate more appropriate rates of pay for youth workers and schemes to encourage employers to take on more apprentices.

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

- (a) notes with concern the fact that the Federal Government's decision to outlaw legitimate business entertainment expenses has already cost 1 000 jobs in the restaurant industry alone, and is expected to cost another 3 000 jobs in Queensland before the end of the year;

- (b) notes that this action makes a mockery of the Federal Government's stated priority to reduce youth unemployment as the majority of the jobs lost are those of young and unskilled workers;
- (c) condemns the Federal Government for its hostile and uncaring attitude towards the plight of the restaurant industry; and
- (d) calls upon the Federal Government to abandon its total ban on entertainment expenses and allow tax deductibility for legitimate and necessary business expenses.

**5 GOVERNMENT PAPERS:** The Minister for Education (Senator Ryan) tabled the following Papers:

Economic Planning Advisory Council Act—Economic Planning Advisory Council—Annual Report 1984-85.

Governor-General Act—Office of the Official Secretary to the Governor-General—Report (1st) for period 24 December 1984 to 30 June 1985.

**6 PUBLIC SERVICE AND STATUTORY AUTHORITIES AMENDMENT BILL 1985:** The Minister for Education (Senator Ryan), at the request of the Minister for Finance (Senator Walsh) and pursuant to Notice of Motion not objected to as a Formal Motion, moved—That leave be given to introduce a Bill for an Act relating to employees of the Commonwealth.

Question—put and passed.

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

*Suspension of Standing Orders to prevent delay:* Senator Ryan, pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bill being passed through its remaining stages without delay.

Question—put and passed.

Senator Ryan 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.

**7 PIPELINE AUTHORITY AMENDMENT BILL 1985:** The Minister for Education (Senator Ryan), at the request of the Minister for Resources and Energy (Senator Evans) and 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 *Pipeline Authority Act 1973*.

Question—put and passed.

**8 ORDER OF BUSINESS—POSTPONEMENT:** Senator Puplick, at the request of Senator Missen, moved—That Business of the Senate, Notices of Motion Nos 2 and 3 standing in the name of Senator Missen for the disallowance of certain regulations, be postponed till Wednesday, 6 November 1985.

Question—put and passed.

**9 CUSTOMS REGULATIONS (AMENDMENT)—MOTION FOR DISALLOWANCE:** Senator Puplick, pursuant to notice, moved—That the Customs Regulations (Amendment), as contained in Statutory Rules 1985 No. 71 and made under the *Customs Act 1901*, be disallowed.

Debate ensued.

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

**10 ORDER OF BUSINESS—RE-ARRANGEMENT:** The Minister for Education (Senator Ryan) moved—That intervening Government Business be postponed till after consideration of Government Business, Order of the Day No. 17 (Budget Statement and Papers 1985-86).

Question—put and passed.

- 11 **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—*And on the amendment moved thereto by the Leader of the Opposition in the Senate (Senator Chaney), 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 resumed.

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.

- 12 **CUSTOMS REGULATIONS\* (AMENDMENT)—MOTION FOR DISALLOWANCE:** Order of the Day read for the adjourned debate on the motion of Senator Puplick—That the Customs Regulations (Amendment), as contained in Statutory Rules 1985 No. 71 and made under the *Customs Act 1901*, be disallowed.

Debate resumed.

Question—put.

The Senate divided—

AYES, 25

Senators—

Archer  
Baume, Michael  
Baume, Peter  
Boswell  
Brownhill  
Carrick, Sir John  
Chaney

Collard  
Guilfoyle, Dame  
Margaret  
Hamer  
Hill  
Jessop  
Lewis

MacGibbon  
Messner  
Parer  
Puplick  
Rae, Peter  
Reid  
Sheil (Teller)

Teague  
Vanstone  
Walters  
Watson  
Withers

NOES, 33

Senators—

Aulich  
Black  
Bolkus  
Button  
Childs  
Chipp  
Coates  
Colston  
Cook

Cooney  
Crowley  
Devlin  
Evans  
Foreman  
Georges  
Gietzelt  
Giles  
Haines

Jones  
McClelland  
McIntosh (Teller)  
Maguire  
Mason  
Morris  
Robertson  
Ryan  
Sanders

Sibraa  
Siddons  
Tate  
Vigor  
Walsh  
Zakharov

And so it was negatived.

- 13 **TAXATION LAWS AMENDMENT BILL (NO. 2) 1985**

**INCOME TAX (INDIVIDUALS) BILL 1985**

**INCOME TAX (COMPANIES, CORPORATE UNIT TRUSTS AND SUPERANNUATION FUNDS) BILL 1985**

**MEDICARE LEVY 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.

Question—put and passed.

Bills read a second time.

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

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*In the Committee*

Bills, by leave, taken as a whole.

Senator Siddons moved an amendment to the Taxation Laws Amendment Bill (No. 2) 1985, viz: Page 37, paragraph 29 (b), proposed new sub-section 159P (3A), paragraph (b), line 41, leave out "\$1,000", insert "\$500".

Debate ensued.

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

The Committee divided—

AYES, 6

Senators—			
Chipp	Harradine	Sanders	Siddons
Haines (Teller)	Mason		

NOES, 54

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

Amendment negatived accordingly.

Bills further debated and agreed to.

Bills to be reported without amendment or requests.

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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 Finance (Senator Walsh) the Report from the Committee was adopted, and the Bills read a third time.

**14 SOCIAL SECURITY AND REPATRIATION (BUDGET MEASURES) AMENDMENT 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.

Debate resumed.

Senator Coates addressing the Chair—

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*And it being 2 p.m.—*

15 QUESTIONS.

- 16 **STATEMENT BY SENATOR**—*Leave refused*: Senator Boswell sought leave to make a statement relating to a matter raised during Question Time this day.

Objection being raised, leave not granted.

*Suspension of Standing Orders*: The Leader of the Opposition in the Senate (Senator Chaney) moved—That so much of the Standing Orders be suspended as would prevent Senator Boswell from making a statement.

Question—put and passed.

Senator Boswell thereupon made a statement.

- 17 **PERSONAL EXPLANATION**: Senator MacGibbon, by leave, made a personal explanation relating to press reports concerning a matter raised during debate on 15 October 1985.

18 **STATEMENTS BY SENATORS**:

The Leader of the Government (Senator Button) and the Leader of the Opposition in the Senate (Senator Chaney), by leave, made statements relating to certain proceedings in the Senate this day.

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*Leave refused*: Senator Vallentine sought leave to make a statement relating to a matter raised during debate this day.

Objection being raised, leave not granted.

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*Suspension of Standing Orders*: Senator Vallentine moved—That so much of the Standing Orders be suspended as would prevent Senator Vallentine from making a statement.

Question—put and passed.

Senator Vallentine thereupon made a statement.

- 19 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE**: The Deputy-President (Senator Hamer) informed the Senate that Senator Vanstone had proposed that a matter of public importance be submitted to the Senate for discussion, viz: "The failure of the Government to give real priority to the issue of youth unemployment".

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

The Deputy-President called upon Senator Vanstone to speak.

Discussion ensued.

Discussion concluded.

- 20 **PIPELINE AUTHORITY AMENDMENT BILL 1985**: The Minister for Resources and Energy (Senator Evans), pursuant to leave granted this day, presented a Bill for an Act to amend the *Pipeline Authority Act 1973*.

On the motion of Senator Evans the Bill was read a first time.

*Suspension of Standing Orders to prevent delay*: Senator Evans, pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bill being passed through its remaining stages without delay.

Question—put and passed.

Senator Evans 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.

- 21 **YOUTH UNEMPLOYMENT—PLAN FOR A BILL—Leave refused:** Senator Siddons sought leave to table a plan for a Bill on youth unemployment and to move a motion in relation thereto.

Objection being raised, leave not granted.

The Leader of the Australian Democrats (Senator Chipp) and the Leader of the Opposition in the Senate (Senator Chaney), by leave, made statements.

*Standing Orders Committee—Reference:* Senator Chaney, by leave, moved—That the following matter be referred to the Standing Orders Committee for inquiry and report as soon as possible: The procedure proposed by Senator Siddons with respect to the introduction of Bills in the Senate.

Debate ensued.

Question—put and passed.

- 22 **ADMINISTRATOR'S MESSAGES—ASSENT TO LAWS:** Messages from His Excellency the Administrator of the Government of the Commonwealth of Australia were reported, informing the Senate that His Excellency had, in the name of Her Majesty, assented to the following laws:

16 October 1985—

Message No. 32—

*National Crime Authority (Miscellaneous Amendments) Act 1985 (Act No. 104 of 1985)*

Message No. 33—

*Grain Legumes Levy Act 1985 (Act No. 106 of 1985)*

*Grain Legumes Levy Collection Act 1985 (Act No. 107 of 1985)*

*Petermann Aboriginal Land Trust (Boundaries) Act 1985 (Act No. 109 of 1985)*

*States Grants (Petroleum Products) Amendment Act 1985 (Act No. 105 of 1985)*

*Wheat Tax Amendment Act 1985 (Act No. 108 of 1985)*

Message No. 34—

*Export Market Development Grants Amendment Act 1985 (Act No. 110 of 1985)*

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

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

Economic Planning Advisory Council—Annual Report 1984-85—Motion to take note of Paper moved by Senator Lewis and debated.

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

- 24 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Leader of the Government (Senator Button) moved—That consideration of Committee Reports pursuant to Sessional Order be not proceeded with this day.

Question—put and passed.

- 25 **FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—ALTERATIONS TO THE LIST OF STATUTORY AUTHORITIES BETWEEN 1 OCTOBER 1984 AND 30 SEPTEMBER 1985—REPORT:** The Chairman of the Standing Committee on Finance and Government Operations (Senator Coates) tabled the following Report:

Alterations to the List of Statutory Authorities between 1 October 1984 and 30 September 1985, dated October 1985.

Ordered to be printed.

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

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

**26 SCRUTINY OF BILLS—STANDING COMMITTEE— 13TH REPORT AND 12TH ALERT DIGEST:** The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Tate) tabled the following Report and Paper:

13th Report, dated 16 October 1985.

Alert Digest No. 12, dated 16 October 1985.

Ordered—That the Report be printed.

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

Navigation Act—Marine Orders 1985—No. 4—Part 2 (Fees).

Seat of Government (Administration) Act—Determinations 1985, made under the following Ordinances—

Motor Omnibus Services.

Motor Traffic.

States Grants (Petroleum Products) Act—Amendments of the schedules to the subsidy schemes in relation to the Northern Territory, dated 10 October 1985.

**28 ADMINISTRATOR'S PROCLAMATION—COMMENCEMENT OF ACT:** A Proclamation by His Excellency the Administrator of the Government of the Commonwealth of Australia was tabled, notifying that His Excellency had proclaimed the following Act to come into operation on the date specified:

*Extradition (Commonwealth Countries) Amendment Act 1985—16 October 1985 (Gazette No. S 423, 15 October 1985).*

**29 SOCIAL SECURITY AND REPATRIATION (BUDGET MEASURES) AMENDMENT 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.

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.

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*In the Committee*

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

Bill to be reported without amendment.

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The Acting Deputy-President (Senator Haines) 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.

**30 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 6.56 p.m. till tomorrow at 10 a.m.



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

**A. R. CUMMING THOM,**  
Clerk of the Senate