

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 57

THURSDAY, 17 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 4 petitions, lodged with the Clerk by the Senators indicated, were received:

Senators Puplick and Peter Rae, from 15 and 22 petitioners, respectively, praying that the proposed introduction of compulsory identification cards be reconsidered and rejected.

Senator Zakharov, from 26 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 Durack, from 942 petitioners praying that the Senate pass a motion that the existing Australian National Flag be changed only with the approval of the nation as expressed in a referendum.

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

The Leader of the Australian Democrats (Senator Chipp): To move on the next day of sitting—That the Senate—

- (a) censures Liberal Senator MacGibbon for his outrageous, ill-informed attack on the peace movement in Australia;
- (b) disassociates itself from that Senator's stated view that the peace movement in Australia has the aim of the loss of freedom in our society, is irresponsible, dishonest, spreads nihilism and is thus some way responsible for unemployment, lack of scholastic achievement, drug taking and suicide;
- (c) condemns the view that church groups and teachers' unions are agents in an "attack on youth" of the peace movement; and
- (d) expresses its firm belief that the Parliament of Australia should not be used as a vehicle for extremist, uninformed and inflammatory views on matters of such overwhelming importance as world peace and the survival of humanity.

Senator Messner: To move on the next day of sitting—That the Senate notes that the Government's tax package was announced 4 weeks ago and that there is growing community concern at its impact and confusion as to its detailed provisions, especially with respect to—

- (a) the capital gains tax and its destructive effect on small business;
 - (b) the non-deductible payroll tax on fringe benefits and its destructive effect on jobs;
 - (c) the disallowance of entertainment expenses and its destructive effect on jobs in the tourist and hospitality industries;
 - (d) the disallowance of excess expenses under so-called negative gearing arrangements and its destructive effect upon the supply of new housing for low and middle income earners; and
 - (e) the introduction of a foreign tax credit system and its disincentives to legitimate investment in countries in our part of the world,
- and calls on the Government to urgently introduce the legislation implementing the package to allow full and proper debate by the Senate.

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

- (a) expresses its concern at Australia's worsening balance of payments position, evident from the 18 per cent rise in the current account deficit for the September quarter to \$3345m;
- (b) requests the Treasurer, Mr Keating, to make available any advice from the Treasury on which he relied for his forecast to an Economics Society meeting on 16 October 1985, that the current account deficit would fall to 41 per cent of Gross Domestic Product by June next year and then continue the trend downwards; and
- (c) regrets that the Treasurer intends to try to defend the Australian dollar, that is being weakened largely as a result of inappropriate Government fiscal policy, by maintaining a high interest rate policy that will inevitably damage economic growth.

5 EDUCATION AND THE ARTS—STANDING COMMITTEE—REFERENCE: The Chairman of the Standing Committee on Education and the Arts (Senator Colston), pursuant to Notice of Motion not objected to as a Formal Motion, moved—That the following matter be referred to the Standing Committee on Education and the Arts: The education of gifted and talented children.

Question—put and passed.

6 SALES TAX LAWS AMENDMENT BILL (NO. 2) 1985

SALES TAX (NOS 1 TO 4) AMENDMENT BILLS 1985

SALES TAX (NO. 5) AMENDMENT BILL (NO. 2) 1985

SALES TAX (NOS 6 TO 9) AMENDMENT BILLS 1985

SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) AMENDMENT BILL 1985—

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

MR PRESIDENT,

Message No. 182

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend various laws related to sales tax, and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 16 October 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 181

The House of Representatives transmits to the Senate Bills intituled:

"*A Bill for an Act to amend the 'Sales Tax Act (No. 1) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 2) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 3) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 4) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 5) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 6) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 7) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 8) 1930', and for related purposes*";

"*A Bill for an Act to amend the 'Sales Tax Act (No. 9) 1930', and for related purposes*";

in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 16 October 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 180

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the Sales Tax (Exemptions and Classifications) Act 1935, and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 16 October 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 all or several of the Bills being put in one motion at each stage, and the consideration of all or several of such Bills together in Committee of the Whole, and as would prevent the reading of the short titles only on every order for the reading of the Bills.

Question—put and passed.

Ordered—That the Bills may be taken through all their stages without delay.

Senator Walsh moved—That these Bills be now read a first 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 NEXT MEETING OF SENATE AND ORDER OF BUSINESS: The Minister for Finance (Senator Walsh) moved—That, unless otherwise ordered and notwithstanding anything contained in the Sessional Orders—

- (a) the Senate, at its rising, adjourn till Tuesday, 5 November 1985 at 11.30 a.m.;
- (b) the hours of meeting of the Senate for that day be—
 - 11.30 a.m.—12.45 p.m.
 - 2 p.m.—6.30 p.m.
 - 8 p.m.—10.30 p.m.; and
- (c) the Order of Business, for that day, be as follows:
 - (i) Petitions,
 - (ii) Notices of Motion,
 - (iii) Formal Motions—Discovery of Formal Business,
 - (iv) Postponement and re-arrangement of Business,
 - (v) Government Business, Notices of Motion and Orders of the Day, or *vice versa*, as set down on the Notice Paper,
 - (vi) At 2 p.m., Questions,
 - (vii) Any proposal pursuant to Standing Order 64,
 - (viii) Consideration of Government Papers pursuant to Sessional Order, and
 - (ix) Further consideration of Government Business, Notices of Motion and Orders of the Day, or *vice versa*, as set down on the Notice Paper.

Debate ensued.

Question—put and passed.

8 ORDER OF BUSINESS—RE-ARRANGEMENT: The Minister for Finance (Senator Walsh) 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, Notice of Motion No. 91 standing in the name of Senator Durack, relating to the reference of the Human Embryo Experimentation Bill 1985 to a select committee.

Question—put and passed.

- 9 LOANS 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.

In the Committee

Bill, by leave, taken as a whole.

Senator Messner moved an amendment, viz: Page 1, clause 1, line 5, leave out "Loans", insert "Loan".

Debate ensued.

Paper: The Minister for Finance (Senator Walsh) tabled the following Paper:

Loans Bill 1985—Copy of a letter to the Chairman of the Joint Committee of Public Accounts (Senator Georges) from the Minister for Finance (Senator Walsh), dated 19 June 1985, relating to the Loans Bill 1985.

Debate continued.

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

The Committee divided—

AYES, 35

Senators—

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

NOES, 28

Senators—

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

And so it was resolved in the affirmative.

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

Amendment agreed to accordingly.

On the motion of Senator Siddons the following amendment was debated and agreed to: Page 1, clause 3, definition of "prescribed year", paragraph (b), line 13, leave out the paragraph.

On the motion of Senator Messner the following amendments were, by leave, taken together, debated and agreed to:

Page 2, clause 3, definition of "relevant Act", line 1, leave out "a prescribed year", insert "the prescribed year".

Page 2, clause 3, definition of "relevant Act", paragraph (a), line 2, leave out "(a) in the case of the prescribed year ending on 30 June 1986—".

Page 2, clause 3, definition of "relevant Act", paragraph (b), lines 9 to 12, leave out the paragraph.

Page 2, clause 3, definition of "relevant service", line 13, leave out "a prescribed year", insert "the prescribed year".

Page 2, clause 4, line 19, leave out "a prescribed year", insert "the prescribed year".

Page 2, clause 4, lines 19 to 27, leave out "that prescribed year" (wherever occurring), insert "the prescribed year".

Page 2, clause 5, line 29, leave out "a prescribed year", insert "the prescribed year".

Page 2, clause 5, line 31, leave out "that prescribed year", insert "the prescribed year".

Page 2, clause 6, line 37, leave out "a prescribed year", insert "the prescribed year".

Pages 2 and 3, clause 6, line 37 (page 2) to line 11 (page 3), leave out "that prescribed year" (wherever occurring), insert "the prescribed year".

Page 3, sub-clause 9 (1), lines 23 to 29, leave out "that prescribed year" (wherever occurring), insert "the prescribed year".

Page 3, clause 9, lines 23 to 32, leave out "a prescribed year" (wherever occurring), insert "the prescribed year".

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

10 INTERSTATE ROAD TRANSPORT BILL 1985

INTERSTATE ROAD TRANSPORT CHARGE 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.

Senator Archer moved an amendment, viz: Leave out all words after "That", insert "these Bills be withdrawn and redrafted, to remove the current excessive reliance on regulation, for presentation in redrafted form at the commencement of the 1986 Autumn sittings".

On the motion of Senator Colston the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

- 11 **MATTERS OF PUBLIC INTEREST:** The Minister for Veterans' Affairs (Senator Gietzelt) 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.

And it being 2 p.m.—

12 QUESTIONS.

- 13 **ESTIMATES COMMITTEES A, C, D, E AND F—ADDITIONAL INFORMATION:** The Chairmen of Estimates Committees A, C, D, E and F (Senators Richardson, Childs, Colston, Zakharov and Georges), by leave, tabled additional information received by Estimates Committees A, C, D, E and F, respectively.

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

- 14 **PUBLICATIONS—STANDING COMMITTEE—6TH REPORT:** Senator Archer, on behalf of the Publications Committee of the Senate, tabled the following Report:

SIXTH REPORT

The Publications Committee has the honour to report that it has met in conference with the Publications Committee of the House of Representatives.

The Joint Committee, having considered petitions and papers presented to Parliament since the last meeting of the Committee, and papers previously presented, recommends that the following be printed.

Aboriginal employment and training programs—Report of Committee of Review (Chairman: Mr M. Miller), dated 27 August 1985.

Aboriginal Land Rights (Northern Territory) Act—Reports by the Aboriginal Land Commissioner—

Gurindji Land Claim to Daguragu Station, dated April 1985.

Mount Allan Land Claim, dated 4 March 1985.

Australian Industry Development Corporation Act—Australian Industry Development Corporation—Annual Report 1984-85.

Commonwealth Banks Act—Commonwealth Banking Corporation—Commonwealth Bank of Australia, Commonwealth Savings Bank of Australia and Commonwealth Development Bank of Australia—Annual Reports 1984-85.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Report (52nd) 1985.

Commonwealth Schools Commission Act—Commonwealth Schools Commission—Report for 1986: Response to Government Guidelines, dated September 1985.

Department of the Treasury—Annual Report (7th) 1984-85.

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

Film Censorship Board—Report of activities, for 1984.

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

Human Rights Commission Act—Human Rights Commission—Report No. 15—The human rights of Australian-born children: A report on the complaint of Mr and Mrs M. Yilmaz.

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

Insurance Act—Insurance Commissioner—Annual Report 1984-85.

National Debt Sinking Fund Act—National Debt Commission—Annual Report (62nd) 1984-85.

Prices Surveillance Act—Prices Surveillance Authority—Annual Report 1984-85.

Primary Industry Bank Act—Primary Industry Bank—Annual Report (7th) 1984-85.

Public Service Act—Department of the Parliamentary Reporting Staff—Annual Report 1984-85.

Qantas Airways Limited—Report for year ended 31 March 1985.

Reform of the Australian taxation system—Statement by the Treasurer, the Hon. Paul Keating, MP, dated September 1985, together with attachments.

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

1985/6—Ministers of State.

1985/7—Office Holders of the Parliament.

1985/8—Members of the Parliament.

1985/9—Parliamentary Secretaries to Ministers of State.

1985/10—Travelling Allowance within Australia—Ministers, and others.

1985/11—Entitlements of Members of the Parliament.

1985/12—Secretaries of Departments and Holders of Public Offices.

1985/13—Members of Aboriginal Land Councils.

1985/14—Members of the Australian Capital Territory House of Assembly.

1985/15—Members of the Norfolk Island Legislative Assembly.

Reports—

1985/1—Ministers of State.

1985/2—Judges.

1985/3—President and Members, Inter-State Commission.

Statement.

17 October 1985

B. R. ARCHER,
Deputy-Chairman

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

Question—put and passed.

- 15 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—10TH REPORT:** The Chairman of the Parliamentary Standing Committee on Public Works (Senator Foreman) tabled the following Report:

Construction of a Commonwealth Law Courts Building, Parramatta (10th Report of 1985).

Ordered to be printed.

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

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

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

Film Censorship Board—Report on Activities 1984—Debate resumed on the motion of Senator Puplick to take note of Paper—Motion agreed to.

Insurance Commissioner—Annual Report 1984-85—Debate resumed on the motion of Senator Lewis to take note of Paper—Motion agreed to.

Economic Planning Advisory Council—Annual Report 1984-85—Debate resumed on the motion of Senator Lewis to take note of Paper—Motion agreed to.

Office of the Official Secretary to the Governor-General—Annual Report for period 24 December 1984 to 30 June 1985—Motion to take note of Paper moved by Senator Vigor and agreed to.

- 17 **HUMAN EMBRYO EXPERIMENTATION BILL 1985—SELECT COMMITTEE:** Senator Durack, having, by leave, amended General Business, Notice of Motion No. 91 standing in his name, pursuant to notice, moved—

(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 and in what circumstances, and if so, whether any rules should be established to govern this procedure;
- (e) whether the Bill requires amendment 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.

Debate ensued.

Question—put and passed.

Powers of Committee: Senator Durack, by leave, moved—

(1) That the following provisions apply to the Select Committee on the Human Embryo Experimentation Bill 1985:

- (1) That the Committee proceed to the despatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
 - (2) That the Chairman of the Committee be appointed by and from the members of the Committee.
 - (3) That the Chairman of the Committee may, from time to time, appoint another member of the Committee to be the Deputy-Chairman of the Committee, and that the member so appointed act as Chairman of the Committee at any time when there is no Chairman or the Chairman is not present at a meeting of the Committee.
 - (4) That, in the event of an equality of voting, the Chairman, or the Deputy-Chairman when acting as Chairman, have a casting vote.
 - (5) That the quorum of the Committee be 4 members.
 - (6) That the Committee have power to send for and examine persons, papers and records, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken.
 - (7) That the Committee be provided with all necessary staff, facilities and resources.
 - (8) That the Committee report to the Senate on or before 30 April 1986.
- (2) That the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Question—put and passed.

18 **STATEMENTS BY SENATORS:** Senator Georges and the Minister for Finance (Senator Walsh), by leave, made statements relating to a matter raised during debate this day.

19 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Minister for Resources and Energy (Senator Evans) moved—That consideration of General Business pursuant to Sessional Order be not further proceeded with this day.

Question—put and passed.

20 **INTERSTATE ROAD TRANSPORT BILL 1985**

INTERSTATE ROAD TRANSPORT CHARGE 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—*And on the amendment moved thereto by Senator Archer, viz:* Leave out all words after “That”, insert “these Bills be withdrawn and redrafted, to remove the current excessive reliance on regulation, for presentation in redrafted form at the commencement of the 1986 Autumn sittings”.

Debate resumed.

Senator Vanstone addressing the Chair—

And it being 6.30 p.m.—

- 21 **ADJOURNMENT:** The President, under Sessional Order, put the Question—That the Senate do now adjourn.
Debate ensued.
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Papers: Senator Colston, by leave, tabled the following Papers:

Unemployment Benefits—Copies of anonymous letters (2), undated, forwarding names of people possibly in receipt of Unemployment Benefits in conjunction with union strike fund payments.

Debate continued.

Question—resolved in the affirmative.

The Senate adjourned at 7.14 p.m. till Tuesday, 5 November 1985 at 11.30 a.m.

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

A. R. CUMMING THOM,
Clerk of the Senate