

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 61

FRIDAY, 8 NOVEMBER 1985

- 1 **MEETING OF SENATE:** The Senate met at 9 a.m., pursuant to adjournment.
- 2 **ABSENCE OF PRESIDENT AND DEPUTY-PRESIDENT:** The Clerk informed the Senate that the President and the Deputy-President were unavoidably absent.
- 3 **ELECTION OF ACTING PRESIDENT:** The Manager of Government Business (Senator Grimes) moved—That Senator Colston take the Chair of the Senate to act as President this day till such time as the Deputy-President is available to take the Chair.
The Question was put by the Clerk and passed.
Senator Colston thereupon took the Chair as Acting President.
- 4 **PRAYERS.**
- 5 **PETITIONS:** The following 13 petitions, lodged with the Clerk by the Senators indicated, were received:
 - Senators Chaney, Richardson and Vallentine, from 150, 164 and 105 petitioners, respectively, praying that the Senate pass Senator Harradine's Bill to prohibit experiments involving the use of human embryos created by in vitro fertilization.
 - Senator Chaney, from 657 petitioners praying that the Senate request the Government to abandon the proposed tax on fringe benefits.
 - Senators Chipp and Zakharov, from 72 and 36 petitioners, respectively, praying that the Senate legislate to close the joint Australian-United States electronic communications facilities at the Watsonia Army Barracks, Victoria.
 - Senators Lewis, Missen and Zakharov, from 38, 490 and 243 petitioners, respectively, praying that the Senate request the Government to remain consistent in its obligations to uphold the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and take action to prevent the operation of legalised brothels in Victoria.
 - Senator Vigor, from 466 petitioners praying that the further development of the Belconnen Mall, Canberra, include the development of community facilities and the retention of the present child care centre.
 - Senator Chipp, from 44 petitioners praying that the Senate urge the Government to take action concerning the continued abuse of human rights in East Timor and to raise that issue in the United Nations.
 - Senator Peter Rae, from 28 petitioners praying that the proposed introduction of compulsory identification cards be reconsidered and rejected.
 - Senator Zakharov, from 43 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.
- 6 **NOTICES:** Notices of Motion were given, as follows—
The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coates): To move 9 sitting days after today—That the *Crimes (Amendment)*

Ordinance (No. 4) 1985, as contained in Australian Capital Territory Ordinance No. 44 of 1985 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

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

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

- (a) notes with deep regret the demise of the Camelia Restaurant, Brisbane's oldest licensed restaurant, that will close its doors at 12 p.m. today, may it "rest in peace";
- (b) condemns the Federal Labor Government for its callous disregard for all small business, but in particular the restaurant and catering industry, whose members are suffering extreme financial hardship due to the Federal Government's taxation attack on the restaurant and catering industry;
- (c) notes with concern the many jobs lost from the restaurant industry and that 1500 young Queensland men and women employees have already been forced to join the dole queue;
- (d) congratulates the Queensland restaurant and hospitality industry for their hard fought campaign against the Federal Government's total disregard for restaurant owners who will be forced into bankruptcy and restaurant employees who will lose their livelihood; and
- (e) urges all small business organizations that have been affected by the Government's draconian tax legislation to take similar action to the Restaurant and Caterers' Association and expose this Federal Labor Government as anti-small business, anti-rural and anti-enterprise.

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

- (a) notes with concern the Soviet Union's recent contribution to the increased militarization and nuclearization of the Pacific and East Asian region with the arrival at Cam-ranh Bay of the nuclear-capable battle cruiser, *Frunze* and the Sovremenny-class guided missile destroyer, *Osmotritel*;
- (b) recalls that the USSR stated it would increase its presence in the region to counter the United States deployment of sea-based Tomahawk cruise missiles;
- (c) urges both superpowers to actually start the process of reducing their land and sea-based nuclear arsenals; and
- (d) supports moves for comprehensive nuclear weapon free zones in the Pacific and Indian Oceans and notes the inadequacy of the recent South Pacific Nuclear Free Zone Treaty in failing to prevent this significant escalation of the arms race.

Senator Jones: To move on the next day of sitting—That the Senate congratulates the Camelia Restaurant on its endeavours to spend \$1.5m in redeveloping the Riverside development in Brisbane.

7 URGENCY MOTION (6 NOVEMBER 1985)—*Suspension of Standing and Sessional Orders*: Senator Durack, pursuant to contingent notice, moved—

- (1) That so much of the Standing and Sessional Orders be suspended as would prevent paragraph (2) of this Resolution having effect.
- (2) That the Question on the matter of urgency moved by Senator Durack under Standing Order 64 on 6 November 1985 be put forthwith.

Debate ensued.

Question—put and passed.

Question—That in the opinion of the Senate the following is a matter of urgency: "The need to strengthen Australia's alliance with the United States through an effective ANZUS Treaty and the maintenance of joint defence facilities"—put accordingly.

The Senate divided—

AYES, 58

Senators—

Archer	Cook	Jones	Reynolds
Aulich	Cooney	Kilgariff	Richardson
Baume, Michael	Crowley	Knowles	Ryan
Baume, Peter	Devlin	Lewis	Sheil
Bjelke-Petersen	Durack	MacGibbon	Short
Black	Elstob	McIntosh	Sibraa
Bolkus	Foreman	McKiernan	Tate
Boswell	Gietzelt	Maguire	Teague
Brownhill	Giles	Messner	Townley
Carrick, Sir John	Grimes	Missen	Vanstone
Chaney	Guilfoyle, Dame	Morris	Walters
Childs	Margaret	Parer	Watson
Coates	Harradine	Puplick	Withers
Collard	Hill	Ray, Robert	Zakharov
Colston	Jessop	Reid (Teller)	

NOES, 6

Senators—

Chipp	Mason	Vallentine
Macklin (Teller)	Siddons	Vigor

And so it was resolved in the affirmative.

8 INTERSTATE ROAD TRANSPORT BILL 1985

INTERSTATE ROAD TRANSPORT CHARGE BILL 1985:

Order of the Day read for the adjourned debate on the motion, pursuant to Standing Order 196A, of Senator Hamer—That the Interstate Road Transport Bill 1985 and the Interstate Road Transport Charge Bill 1985 be referred to the Standing Committee on National Resources for inquiry and report by the first sitting day in February 1986.

Debate resumed.

Question—put.

The Senate divided—

AYES, 27

Senators—

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

NOES, 33

Senators—

Aulich	Elstob	Macklin	Sibraa
Black	Foreman	Maguire	Siddons
Bolkus	Georges	Mason	Tate
Childs	Gietzelt	Morris	Vigor
Coates	Giles	Ray, Robert	Walsh
Colston	Grimes	Reynolds	Zakharov
Cook	Jones	Richardson	
Crowley	McIntosh (Teller)	Ryan	
Devlin	McKiernan	Sanders	

And so it was negatived.

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

In the Committee

Ordered—That the Interstate Road Transport Bill 1985 be first considered.

INTERSTATE ROAD TRANSPORT BILL 1985—

Bill, by leave, taken as a whole and debated.

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

Page 5, after sub-clause 3 (10), insert the following new sub-clause:

“(10A) Notwithstanding sub-section (10), a prescribed fee shall not exceed \$100.”.

Pages 20 and 21, sub-clause 27 (1), line 36 (page 20) to line 3 (page 21), leave out the sub-clause, insert the following new sub-clause:

“(1) Subject to this Act, where a court, on application made to it by a Licensing Authority for an order under paragraph (d), is satisfied that—

- (a) a person has, after the commencement of this section, on one or more occasions, contravened, attempted to contravene, or been involved in a contravention of, one or more relevant safety provisions; and
 - (b) it is in the interests of public safety to do so,
- the court may—
- (c) except where the person has been admonished under this paragraph on 2 occasions in the period of 10 years ending on the day on which the application was made—admonish the person; or
 - (d) make an order disqualifying the person, either permanently or for a specified period, from participating in long distance interstate transport business.”.

Bill, as amended, agreed to.

INTERSTATE ROAD TRANSPORT CHARGE BILL 1985—

Bill, by leave, taken as a whole.

On the motion of Senator Vigor the following requests to the House of Representatives for amendments were, by leave, taken together, debated and agreed to:

Page 3, clause 5, at end of clause, add the following new sub-clauses:

“(4) The amount of charge in respect of the registration of a motor vehicle shall not exceed \$1,000.

“(5) The amount of charge in respect of the registration of a trailer shall not exceed \$400.”.

Page 3, after clause 5, insert the following new clause:

Indexation

“5A. (1) In this section—

‘index number’, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter;

‘relevant amount’ means—

- (a) the amount specified in sub-section 5 (4), being the amount that the amount of charge in respect of the registration of a motor vehicle is not to exceed; or
- (b) the amount specified in sub-section 5 (5), being the amount that the amount of charge in respect of the registration of a trailer is not to exceed;

‘relevant year’ means the period of 12 months commencing on 1 July 1987 and each subsequent period of 12 months.

“(2) Subject to sub-section (3), if at any time, whether before or after the commencement of this section, the Australian Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by the Australian Statistician in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this section.

“(3) If at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the reference base for the Consumer Price Index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to the index numbers published in terms of the new reference base.

“(4) Where the factor ascertained under sub-section (5) in relation to a relevant year is greater than one, this Act has effect as if for each relevant amount there were substituted, on the first day of that relevant year, an amount calculated by multiplying by that factor—

(a) in a case to which paragraph (b) does not apply—the relevant amount;
or

(b) if, by virtue of another application or other applications of this section, this Act has effect as if another amount or amounts were substituted for that relevant amount—the substituted amount or the last substituted amount.

“(5) The factor to be ascertained for the purposes of sub-section (4) in relation to a relevant year is the number (calculated to 3 decimal places) ascertained by dividing the index number for the March quarter immediately preceding that relevant year by the index number for the March quarter immediately preceding that first-mentioned March quarter.

“(6) Where the factor ascertained in accordance with sub-section (5) in relation to a relevant year would, if it were calculated to 4 decimal places, end with a number greater than 4, the factor ascertained in accordance with that sub-section in relation to that relevant year shall be taken to be the factor calculated to 3 decimal places in accordance with that sub-section and increased by 0.001.”.

Bill agreed to with requests.

Interstate Road Transport Bill 1985 to be reported with amendments; and the Interstate Road Transport Charge Bill 1985 to be reported with requests.

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 Veterans' Affairs (Senator Gietzelt) the Report from the Committee was adopted.

On the motion of Senator Gietzelt the Interstate Road Transport Bill 1985 was read a third time.

9 INCOME TAX ASSESSMENT 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.

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 Townley) 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 Bill read a third time.

And it being 2 p.m.—

10 QUESTIONS: Questions without Notice being proceeded with—

Distinguished Visitors: The Deputy-President (Senator Hamer) drew attention to the presence in the gallery of members of the New South Wales Public Accounts Committee, led by Mr John Aquilina, M.L.A. and, on behalf of honourable Senators, extended a warm welcome to the members of the Committee.

Further Questions without Notice were answered.

11 GOVERNMENT EXPENDITURE—ANSWER TO QUESTION: The Leader of the Opposition in the Senate (Senator Chaney), by leave, moved—That the Senate take note of the answer given by the Minister for Finance (Senator Walsh) to a Question without Notice asked by Senator Crowley this day, relating to Government expenditure.

Debate ensued.

Senator Messner moved—That the debate be now adjourned.

Question—put.

The Senate divided—

AYES, 34

Senators—

Archer	Guilfoyle, Dame	Messner	Siddons
Baume, Peter	Margaret	Missen	Teague
Bjelke-Petersen	Hamer	Parer	Townley
Brownhill	Hill	Puplick	Vanstone
Carrick, Sir John	Jessop	Rae, Peter	Vigor
Chaney	Knowles	Reid (Teller)	Walters
Collard	MacGibbon	Sanders	Watson
Crichton-Browne	Macklin	Sheil	Withers
Durack	Mason	Short	

NOES, 28

Senators—

Aulich	Crowley	Grimes	Reynolds
Black	Devlin	Jones	Richardson
Bolkus	Elstob	McIntosh (Teller)	Ryan
Childs	Foreman	McKiernan	Sibraa
Coates	Georges	Maguire	Tate
Colston	Gietzelt	Morris	Walsh
Cook	Giles	Ray, Robert	Zakharov

And so it was resolved in the affirmative.

Senator Chaney moved—That the resumption of the debate be an Order of the Day for the next day of sitting.

The Manager of Government Business (Senator Grimes) moved an amendment, viz: Leave out “the next day of sitting”, insert “a later hour of the day”.

Debate ensued.

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

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

Main Question, as amended, put and passed.

12 PERSONAL EXPLANATION: Senator Peter Rae, by leave, made a personal explanation relating to a correction in the Senate *Hansard* of 6 November 1985.

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE: The Deputy-President (Senator Hamer) informed the Senate that Senator Walters had proposed that a matter of public importance be submitted to the Senate for discussion, viz: “The economic, social and constitutional implications of proposals by the Minister for Arts, Heritage and Environment concerning the renewal of the Tasmanian woodchip export licences”.

And at least 4 Senators having risen in support of the proposed discussion—
The Deputy-President called upon Senator Walters to speak.
Discussion ensued.
Senator Sanders addressing the Chair—

And it being 4.15 p.m.—

- 14 **ADJOURNMENT:** The Deputy-President (Senator Hamer), under Sessional Order,
put the Question—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 4.24 p.m. till Monday next at 2 p.m.

- 15 **ATTENDANCE:** Present, all Senators except Senators Button, Coleman (on leave),
Evans, Haines, McClelland and Robertson.

A. R. CUMMING THOM,
Clerk of the Senate