

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## JOURNALS OF THE SENATE

No. 68

THURSDAY, 28 NOVEMBER 1985

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

2 **PRAYERS.**

3 **PETITIONS:** The following 12 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Zakharov, from 65 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 Zakharov, from 20 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.

Senators Michael Baume, Mason, Morris and Sibraa, from 171, 1210, 339 and 294 petitioners, respectively, praying that the Senate pass Senator Harradine's Bill to prohibit experiments involving the use of human embryos created by in vitro fertilisation.

Senator Mason, from 11 petitioners praying that the Senate ensure that previous veterans' legislation concerning servicemen, servicewomen and their dependants' entitlements be restored.

Senator Knowles, from 38 petitioners praying that the assets test be repealed.

Senator Archer, from 10 petitioners praying that the proposed introduction of compulsory identification cards be reconsidered and rejected.

Senators Michael Baume and Childs, from 316 and 23 petitioners, respectively, praying that the Senate defer any action on the Australian Bill of Rights Bill 1985 for a period of 12 months.

Senator Vigor, from 58 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.

4 **NOTICE:** The Manager of Government Business (Senator Grimes) gave a Notice of Motion, as follows: To move on the next day of sitting—That, unless otherwise ordered—

(a) the hours of meeting of the Senate on Tuesday, 3 December 1985, be—

10 a.m.—12.45 p.m.

2 p.m.— 6.30 p.m.

8 p.m.—10.30 p.m.; and

(b) 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) Business 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 Business as set down on the Notice Paper.

**5 STATES GRANTS (TERTIARY EDUCATION ASSISTANCE) AMENDMENT BILL (NO. 3) 1985**

**OVERSEAS STUDENTS CHARGE AMENDMENT BILL 1985**

**COMMONWEALTH EDUCATION INSTITUTIONS (OVERSEAS STUDENTS) AMENDMENT BILL 1985**

**STATES GRANTS (EDUCATION ASSISTANCE—PARTICIPATION AND EQUITY) AMENDMENT BILL (NO. 2) 1985**

**STATES GRANTS (SCHOOLS ASSISTANCE) AMENDMENT BILL 1985—**

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

MR PRESIDENT,

Message No. 210

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'States Grants (Tertiary Education Assistance) Act 1984', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,  
Canberra, 20 November 1985

H. A. JENKINS,  
Speaker

MR PRESIDENT,

Message No. 220

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Overseas Students Charge Act 1979'*", in which it desires the concurrence of the Senate.

House of Representatives,  
Canberra, 21 November 1985

H. A. JENKINS,  
Speaker

MR PRESIDENT,

Message No. 211

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Australian National University Act 1946', and the 'Canberra College of Advanced Education Act 1967', in relation to fees for overseas students*", in which it desires the concurrence of the Senate.

House of Representatives,  
Canberra, 20 November 1985

H. A. JENKINS,  
Speaker

MR PRESIDENT,

Message No. 215

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'States Grants (Education Assistance—Participation and Equity) Act 1983', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,  
Canberra, 21 November 1985

H. A. JENKINS,  
Speaker

MR PRESIDENT,

Message No. 216

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'States Grants (Schools Assistance) Act 1984', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,  
Canberra, 21 November 1985

H. A. JENKINS,  
Speaker

*Suspension of Standing Orders to deal with Bills together:* The Minister for Community Services (Senator Grimes) 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 Grimes 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 a later hour of the day.

- 6 GREAT BARRIER REEF MARINE PARK AMENDMENT (PROHIBITION OF MINING OR DRILLING ACTIVITIES) BILL 1985:** Senator Sanders, pursuant to leave granted on 26 November 1985, presented a Bill for an Act to amend the *Great Barrier Reef Marine Park Act 1975* to prohibit the carrying out of operations ancillary to the recovery of minerals and drilling or mining generally in the Marine Park without parliamentary approval.

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

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

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.

- 7 LEAVE REFUSED:** Senator Macklin sought leave to move a motion to refer a matter to the Joint Select Committee on Electoral Reform.

Objection being raised, leave not granted.

**8 ORDER OF BUSINESS—POSTPONEMENTS:**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Cooney) moved—That Business of the Senate, Notice of Motion No. 1 standing in his name for the disallowance of the *New South Wales Acts Application Ordinance 1985*, be postponed till a later hour of the day.

Question—put and passed.

Senator Vigor moved—That Business of the Senate, Notice of Motion No. 2 standing in his name for the disallowance of section 3 of the *New South Wales Acts Application Ordinance 1985*, be postponed till a later hour of the day.

Question—put and passed.

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*Leave refused:* Senator Vigor sought leave to make a statement.

Objection being raised, leave not granted.

**9 VETERANS' ENTITLEMENTS BILL 1985**

**VETERANS' ENTITLEMENTS (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1985:**

Order of the Day read for the adjourned debate on the motion of the Minister for Veterans' Affairs (Senator Gietzelt)—That these Bills be now read a second time—*And on the amendment moved thereto by Senator Lewis, viz:* At end of motion, add “, but the Senate—

(a) expresses its concern in relation to:

- (i) the reimposition of the Government's assets test in respect of veterans' service pensions because of its iniquitous impact,
- (ii) the removal of repatriation cover for members of the Defence Force enlisting after the date of commencement of the legislation without a new military compensation Act being in place,
- (iii) the creation of different levels of entitlement, and categories, in respect of allied veterans and war widows and,
- (iv) the degree of anomaly associated with the retrospectivity implicit in various aspects of the proposed changes; and

(b) calls on the Government to monitor closely the operation of the new legislation because of the significance of the changes and the many new definitions and provisions it introduces into the administration of veterans' affairs”.

Debate resumed.

Senator Macklin, by leave, moved an amendment to Senator Lewis' proposed amendment, viz: Paragraph (a), sub-paragraph (i), leave out the sub-paragraph. Debate continued.

*Paper:* The Minister for Veterans' Affairs (Senator Gietzelt) tabled the following Paper:

Veterans' Entitlements Bill 1985—News Release by the Minister for Veterans' Affairs, dated 26 November 1985, relating to enactment of the legislation, together with a list of provisions that will newly benefit veterans' and their dependants.

Question—That the words proposed to be left out (Senator Macklin's amendment to Senator Lewis' amendment) be left out—put and negatived.

Question—That the words proposed to be added (Senator Lewis' amendment) be added—put.

The Senate divided—

AYES, 28

Senators—

Archer  
Baume, Michael  
Baume, Peter  
Bjelke-Petersen  
Boswell  
Brownhill  
Carrick, Sir John

Chaney  
Collard  
Crichton-Browne  
Durack  
Hamer  
Jessop  
Kilgariff

Knowles  
Lewis  
Messner  
Missen  
Puplick  
Rae, Peter  
Reid (Teller)

Sheil  
Short  
Teague  
Townley  
Vanstone  
Walters  
Watson

NOES, 36

Senators—

Aulich  
Black  
Bolkus  
Childs  
Chipp  
Coates  
Colston  
Cook  
Cooney

Crowley  
Devlin  
Elstob  
Foreman  
Gietzelt  
Giles  
Grimes  
Haines  
Jones

McIntosh (Teller)  
McKiernan  
Macklin  
Maguire  
Mason  
Morris  
Ray, Robert  
Reynolds  
Richardson

Robertson  
Ryan  
Sanders  
Sibraa  
Siddons  
Tate  
Vigor  
Walsh  
Zakharov

Amendment negatived accordingly.

Question—That these Bills 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*

Ordered—That the Veterans' Entitlements Bill 1985 be first considered.

#### **VETERANS' ENTITLEMENTS BILL 1985—**

Clauses 1 to 5, by leave, taken together, debated and agreed to.

Clause 6 read—

Senator Macklin moved—That the House of Representatives be requested to make the following amendment: Page 8, after paragraph 6 (1) (n), add the following new word and paragraph:

“; and (o) a person who has rendered continuous full-time service aboard a vessel while that vessel was engaged in supporting or supplying members of the Defence Force located in the Republic of Vietnam shall be taken to have been rendering operational service while the person was so rendering that continuous full-time service.”.

Debate ensued.

Question—That the request be agreed to—put.

The Committee divided—

AYES, 35

Senators—

Archer	Collard	Macklin	Short
Baume, Michael	Crichton-Browne	Mason	Siddons
Baume, Peter	Durack	Messner	Teague
Bjelke-Petersen	Haines	Missen	Townley
Boswell	Hamer	Puplick	Vanstone
Brownhill	Jessop	Rae, Peter	Vigor
Carrick, Sir John	Kilgariff (Teller)	Reid	Walters
Chaney	Knowles	Sanders	Watson
Chipp	Lewis	Sheil	

NOES, 29

Senators—

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

And so it was resolved in the affirmative.

Clause 6 agreed to, subject to a request.

Clauses 7 to 12, by leave, taken together, debated and agreed to.

Clause 13 read—

Senator Macklin moved—That the House of Representatives be requested to make the following amendment: Page 17, sub-paragraphs 13 (2) (c) (i) and (ii), lines 7 to 11, leave out the sub-paragraphs, insert “, in receipt of a pension under this Part,”.

Debate ensued.

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

Senator Macklin moved a further request—That the House of Representatives be requested to make the following amendment: Page 17, after sub-clause 13 (4), insert the following new sub-clauses:

“(4A) Where a person who is a dependent of a member of the Forces within the meaning of the *Repatriation Act 1920* was, prior to the commencement of this Act, in receipt of a pension under Part III of that Act, and the Commonwealth, but for the operation of this sub-section, would not be liable to pay a pension to that person under this Act, the Commonwealth is liable to pay a pension to that person as if the *Repatriation Act 1920* were in force after the commencement of this Act.

“(4B) Where a person entitled to pension under sub-section (4A) elects to receive, in lieu of that pension, a payment equal to the amount of pension payable to that person during the period of 5 years following that election, such an amount is payable to that person in lieu of that pension.”.

Debate ensued.

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

Senator Macklin moved a further request—That the House of Representatives be requested to make the following amendment: Page 19, after sub-clause 13 (8), insert the following new sub-clause:

“(8A) Where a pension payable under the *Repatriation Act 1920* to a person who is a widow of a member of the Forces within the meaning of that Act ceased to be payable by reason of that person's marriage, and that person is divorced or that person's husband dies, the Commonwealth is liable to pay a pension to that person in accordance with this Act as if that person were the widow of a veteran.”.

Debate ensued.

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

Clause 13 agreed to.

Clauses 14 to 18, by leave, taken together and agreed to.

Clause 19 read—

Senator Macklin moved an amendment, viz: Page 23, sub-clause 19 (4), lines 13 and 14, leave out “the claim shall, by force of this sub-section, be deemed to have been refused”, insert “the Commission may refuse the claim”.

Debate ensued.

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

Amendment negated accordingly.

Clause 19 agreed to.

Clauses 20 to 22, by leave, taken together and agreed to.

Clause 23 read—

Senator Macklin, by leave, moved the following requests together—That the House of Representatives be requested to make the following amendments:

Page 27, paragraphs 23 (1) (a) and (b), lines 3 to 9, leave out the paragraphs.

Page 27, paragraph 23 (3) (b), lines 41 and 42, leave out “, not being a veteran who has attained the age of 65 years,”.

Debate ensued.

Clauses 23 and 24, by leave, taken together.

Senator Macklin, by leave, moved the following further requests together—That the House of Representatives be requested to make the following amendments:

Page 28, paragraphs 24 (1) (a) and (b), lines 11 to 18, leave out the paragraphs.

Page 28, paragraph 24 (1) (c), line 19, leave out “that” (first occurring).

Page 28, paragraph 24 (2) (b), lines 35 and 36, leave out “, not being a veteran who has attained the age of 65 years,”.

Page 29, after clause 24, insert the following new clause:

**Exceptional disability allowance**

“24A. (1) Where—

(a) a veteran is not entitled to receive a pension under section 24 by reason only of the operation of sub-paragraph 24 (2) (a) (i); and

(b) the Commission is satisfied that the degree of incapacity of the veteran from war-caused injury or war-caused disease, or both, increased after the veteran ceased to engage in remunerative work,

pension is payable to the veteran under section 24 notwithstanding that sub-paragraph.”.

Debate ensued.

Question—That the requests be agreed to—put.

The Committee divided—

AYES, 7

Senators—

Chipp  
Haines

Macklin (Teller)  
Mason

Sanders  
Siddons

Vigor

NOES, 54

Senators—

Archer  
Aulich  
Baume, Michael  
Baume, Peter  
Bjelke-Petersen  
Black  
Bolkus  
Boswell  
Brownhill  
Carrick, Sir John  
Chaney  
Childs  
Coates  
Collard

Colston  
Cook  
Cooney  
Crichton-Browne  
Crowley  
Devlin  
Durack  
Elstob  
Foreman  
Gietzelt  
Giles  
Hamer  
Jessop  
Jones

Kilgariff  
Knowles  
Lewis  
McIntosh  
McKiernan  
Maguire  
Messner  
Missen  
Morris  
Puplick  
Rae, Peter  
Ray, Robert  
Reynolds  
Richardson

Ryan  
Sheil (Teller)  
Short  
Sibraa  
Tate  
Teague  
Townley  
Vanstone  
Walsh  
Walters  
Watson  
Zakharov

Requests negated accordingly.

Clauses 23 and 24 agreed to.

Clauses 25 to 34, by leave, taken together, debated and agreed to.

Clause 35 read—

Senator Macklin moved—That the House of Representatives be requested to make the following amendment: Page 40, sub-clause 35 (1), definition of “allied veteran”, line 22, leave out “, before 1 September 1957,”.

Debate ensued.

Ordered—That the Temporary Chairman of Committees (Senator Jones) report progress and ask leave to sit again.

The Deputy-President resumed the Chair; and Senator Jones reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered—That the Committee have leave to sit again at a later hour of the day.

10 **NOTICE:** The Chairman of the Standing Committee on Constitutional and Legal Affairs (Senator Tate), by leave, gave a Notice of Motion, as follows: To move on the next day of sitting—That the following matter be referred to the Standing Committee on Constitutional and Legal Affairs: The operation and administration of the Freedom of Information legislation.

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 **NEW PARLIAMENT HOUSE—JOINT STANDING COMMITTEE—REPORT ON THE PRECINCTS OF THE NEW PARLIAMENT HOUSE AND THE PARLIAMENTARY ZONE:** The Deputy-President tabled the following Report:

Report relating to the Precincts of the New Parliament House and the Parliamentary Zone, dated 25 November 1985.

Ordered to be printed.

Senator Reid, 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 Reid have leave to continue her speech on the resumption of the debate.

14 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—16TH REPORT OF 1985:** The Chairman of the Parliamentary Standing Committee on Public Works (Senator Foreman) tabled the following Report:

Construction of Canberra Mail Centre, Fyshwick (16th Report of 1985).

Ordered—That the Report be printed.

15 **PUBLICATIONS—STANDING COMMITTEE—7TH REPORT:** The Chairman of the Standing Committee on Publications (Senator Elstob) tabled the following Report:

### PUBLICATIONS COMMITTEE SEVENTH 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.

- Administrative Review Council—Review of customs and excise decisions: Stage Two—Report (No. 23) to the Attorney-General, dated 28 June 1985.
- Archives Act—  
Advisory Council on Australian Archives—Annual Report 1984-85.  
Australian Archives—Annual Report 1984-85.
- Audit Act—Australian Audit Office—Report 1984-85—Supplementary Report by the Auditor-General to the Report upon the Financial Statements prepared by the Minister for Finance.
- Aussat Pty Ltd—Report 1984-85.
- Australia Council Act—Australia Council—Annual Report 1984-85.
- Australian Bicentennial Authority Act—Australian Bicentennial Authority—Annual Report (5th) 1984-85.
- Australian Citizenship Act—Return for 1983-84.
- Australian Federal Police Act—Australian Federal Police—Annual Report 1984-85.
- Australian Institute of Marine Science Act—Australian Institute of Marine Science—Annual Report 1984-85.
- Australian Overseas Projects Corporation Act—Australian Overseas Projects Corporation—Annual Report 1984-85.
- Australian Science and Technology Council Act—Australian Science and Technology Council—  
Annual Report 1984-85.  
Report on future directions for CSIRO, dated 15 November 1985.  
Report on public investment in research and development in Australia, dated 15 November 1985.
- Australian Sports Commission—Annual Report 1984-85.
- Australian Tourist Commission Act—Australian Tourist Commission—Annual Report 1984-85.
- Australia's population trends and prospects 1985—Report, dated November 1985.
- Broadcasting and Television Act—Australian Broadcasting Tribunal—  
Annual Report 1984-85.  
Remote Commercial Television Services—2nd Report—North East Region, dated 27 September 1985.
- Chicken Meat Research Act—Australian Chicken Meat Research Committee—  
Annual Report 1984-85.
- Christmas Island—Annual Report 1984-85.
- Commonwealth Schools Commission Act—Curriculum Development Council—  
Report for the period 1 July 1984 to 31 December 1984.
- Commonwealth Tertiary Education Commission Act—Commonwealth Tertiary Education Commission—Report for 1985-87 Triennium—Volume 3—  
Recommendations for 1986, dated 2 September 1985.
- Conciliation and Arbitration Act—Australian Conciliation and Arbitration Commission—Report (29th) of President, for year ended 13 August 1985.
- Cotton Research Act—Cotton Research Committee—Annual Report 1984-85.
- Dairying Research Act—Australian Dairy Research Committee—Annual Report (13th) 1984-85.
- Defence Act—Royal Military College—Annual Report for period 1 February 1984 to 31 January 1985.
- Department of Aboriginal Affairs—Annual Report 1984-85, including the report on the operation of the *States Grants (Aboriginal Assistance) Act 1976*.
- Department of Arts, Heritage and Environment—Annual Report 1984-85.
- Department of Communications—Annual Report 1984-85.
- Department of Community Services—Annual Report for period 13 December 1984 to 30 June 1985.
- Department of Finance—Annual Report 1984-85.



Department of Housing and Construction—Annual Report 1984-85, together with Annual Reports under the *Home Savings Grant Act 1976*, the *Home Deposit Assistance Act 1982* and the *First Home Owners Act 1983* for 1984-85.

Department of Resources and Energy—Annual Report 1984-85.

Department of Science—Annual Report 1984-85.

Department of Territories—Annual Report 1984-85.

Department of the Special Minister of State—Annual Report 1984-85.

Department of Trade—Annual Report 1984-85.

Dried Fruits Research Act—Dried Fruits Research Committee—Annual Report 1984-85.

Export Finance and Insurance Corporation Act—Export Finance and Insurance Corporation—Annual Report 1984-85.

High Court of Australia Act—High Court of Australia—Annual Report 1984-85.

Honey Research Act—Honey Research Committee—Annual Report 1984-85.

Immigration (Education) Act—Child Migrant Education—Annual Report 1984-85 by the Minister for Education.

Independent Air Fares Committee Act—Independent Air Fares Committee—Annual Report (4th) 1984-85.

Industrial Research and Development Incentives Act—Australian Industrial Research and Development Incentives Board—Annual Report 1984-85.

Industries Assistance Commission Act—Industries Assistance Commission—Annual Report 1984-85, together with the Annual Report (Final) under the *Industries Assistance Amendment Act 1984* of the Temporary Assistance Authority for period 1 July 1984 to 18 October 1984.

Industries Assistance Commission—Reports—

Apples and Pears, dated 27 August 1985 (No. 369).

Fertilisers, dated 21 October 1985 (No. 372).

Grain Harvesters and Parts (Bounty Arrangements), dated 28 October 1985 (No. 373).

International Monetary Agreements Act—Annual Report on operations of the Act and, insofar as they relate to Australia, of the International Monetary Fund and the International Bank for Reconstruction and Development, for 1984-85.

Judiciary Act—Report of the Attorney-General for period 4 April 1984 to 30 June 1985.

Marine Research Allocations Advisory Committee—Report on Marine Sciences and Technologies Grants and Queen's Fellowships for 1985.

Medical Research Endowment Act—National Health and Medical Research Council—Annual Report 1984.

Nugan Hand Group—Final Report (2 vols) of Royal Commission of Inquiry, dated 28 June 1985.

Papua New Guinea (Staffing Assistance) Act—Papua New Guinea Superannuation Scheme and Certain Other Schemes—Annual Report 1984-85 by the Commissioner for Superannuation on the General Administration and Operation of the Schemes.

Postal Services Act—Australian Postal Commission—Annual Report 1984-85.

Poultry Industry Assistance Act—Report on the operation of the Act for 1984-85.

Poultry Research Advisory Committee—Report for period 1 July 1983 to 30 June 1985.

Primary Industry Bank Act—Report (8th) on the operation of Part II of the Act, dated 28 November 1985.

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

## Remuneration Tribunals Act—

Academic Salaries Tribunal—Annual Report 1984-85.

Remuneration Tribunal—Annual Report 1984-85.

Snowy Mountains Council—Annual Report (27th) 1984-85.

Snowy Mountains Engineering Corporation Act—Snowy Mountains Engineering Corporation—Annual Report (15th) 1984-85.

Social Security Act—Department of Social Security—Annual Report 1984-85.

Steel Industry Authority Act—Steel Industry Authority—Annual Report 1984-85.

Tobacco Industry Act—Tobacco Industry Trust Account—Annual Report 1984-85.

## CORRIGENDA

Audit Act—Erratum to the Report of the Auditor-General upon the Financial Statements prepared by the Minister for Finance for 1984-85.

28 November 1985

RON ELSTOB,  
Chairman

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

Question—put and passed.

## 16 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE EUROPEAN PARLIAMENTARY INSTITUTIONS AND TO THE GERMAN DEMOCRATIC REPUBLIC—PAPER: Senator Robert Ray, by leave, tabled the following Paper:

Australian Parliamentary Delegation—Official Report of the Parliamentary Delegation to the European Parliamentary Institutions and to the German Democratic Republic, 1985.

## 17 HUMAN EMBRYO EXPERIMENTATION BILL 1985—SELECT COMMITTEE—APPOINTMENT OF MEMBERS: The Deputy-President announced that he had received letters from the Leader of the Government, the Leader of the Opposition in the Senate and the Leader of the Australian Democrats nominating Senators Sir John Carrick, Crowley, Macklin, Tate, Walters and Zakharov to be members of the Select Committee on the Human Embryo Experimentation Bill 1985.

The Minister for Veterans' Affairs (Senator Gietzelt), by leave, moved—That the Senators, having been duly nominated in accordance with the Resolution of the Senate of 17 October 1985, be appointed members of the Select Committee on the Human Embryo Experimentation Bill 1985.

Question—put and passed.

## 18 VETERANS' ENTITLEMENTS BILL 1985

## VETERANS' ENTITLEMENTS (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1985:

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

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*In the Committee*

## VETERANS' ENTITLEMENTS BILL 1985—

Consideration resumed of clause 35 and of the request moved thereto by Senator Macklin—

That the House of Representatives be requested to make the following amendment: Page 40, sub-clause 35 (1), definition of "allied veteran", line 22, leave out " , before 1 September 1957,".

Question—That the request be agreed to—put.

The Committee divided—

## AYES, 33

Senators—			
Baume, Michael	Guilfoyle, Dame	Mason	Siddons
Baume, Peter	Margaret	Messner	Teague
Bjelke-Petersen	Haines	Missen	Townley
Boswell	Hamer	Puplick	Vanstone
Brownhill	Jessop	Rae, Peter	Vigor
Chipp	Kilgariff	Reid (Teller)	Walters
Collard	Knowles	Sanders	Watson
Crichton-Browne	Lewis	Sheil	
Durack	Macklin	Short	

## NOES, 29

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

Request agreed to accordingly.

Clause 35 agreed to, subject to a request.

Clause 36 read—

Senator Macklin moved—That the House of Representatives be requested to make the following amendment: Page 50, clause 36, at end of clause, add the following new word and paragraph:

“; or (j) if the person has been granted the Returned from Active Service Badge.”.

Debate ensued.

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

Clause 36 agreed to.

Clauses 37 to 53, by leave, taken together, debated and agreed to.

Clause 54 debated.

Question—That the clause stand as printed—put.

The Committee divided—

## AYES, 35

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

## NOES, 28

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

Clause 54 agreed to accordingly.

Clauses 55 to 67, by leave, taken together and agreed to.

Clauses 68 and 69, by leave, taken together.

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

Page 87, sub-clause 68 (1), definition of "defence service", sub-paragraph (a) (i), lines 35 and 36, leave out "and before the commencement of this Act; or".

Page 87, sub-clause 68 (1), definition of "defence service", sub-paragraph (a) (ii), lines 37 to 39, leave out the sub-paragraph.

Page 90, paragraph 69 (1) (a), lines 37 and 38, leave out "and before the commencement of this Act; or".

Page 91, paragraph 69 (1) (b), lines 1 and 2, leave out the paragraph.

Page 92, sub-clause 69 (2), lines 1 to 8, leave out the sub-clause.

Clauses 68 and 69 agreed to, subject to requests.

Clauses 70 to 80, by leave, taken together and agreed to.

Clause 81 debated and agreed to.

Clauses 82 and 83, by leave, taken together and agreed to.

Clauses 84, 105, 110, 116, 122, 127, 131, 134 and 208, by leave, taken together.

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

Page 111, sub-clause 84 (6), line 29, leave out "determined" (first occurring), insert "prescribed".

Page 111, sub-clause 84 (6), lines 31 and 32, leave out "determined by the Commission, in writing", insert "prescribed".

Page 111, sub-clause 84 (7), line 33, leave out "The Commission may, by instrument in writing, determine", insert "The regulations may declare".

Page 111, sub-clause 84 (7), line 34, leave out "the instrument", insert "the regulations".

Page 132, sub-clause 105 (1), lines 9 and 10, leave out "The Commission may, by instrument in writing, prepare a scheme", insert "The regulations may prescribe a scheme".

Page 132, sub-clauses 105 (2) and (3), lines 14 to 18, leave out the sub-clauses.

Page 133, sub-paragraphs 105 (6) (c) (i) and (ii), lines 3 to 8, leave out the sub-paragraphs, insert "the Vehicle Assistance Scheme as in force from time to time."

Page 139, sub-clause 110 (1), line 32, leave out "as the Commission determines", insert "as are prescribed".

Page 139, sub-clause 110 (2), line 34, leave out "as the Commission determines", insert "as are prescribed".

Page 143, sub-clause 116 (1), lines 38 and 39, leave out "The Commission may, from time to time, by instrument in writing, prepare a scheme", insert "The regulations may prescribe a scheme".

Pages 143 and 144, sub-clauses 116 (2) and (3), line 41 (page 143) to line 3 (page 144), leave out the sub-clauses.

Page 144, sub-clause 116 (4), line 4, leave out "the powers of the Commission under sub-section (1)", insert "the generality of sub-section (1)".

Page 148, sub-clause 122 (4), lines 38 to 40, leave out the sub-clause, insert the following new sub-clause:

"(4) Application may be made to the Administrative Appeals Tribunal for review of a decision of the Commission in respect of the payment of an amount under sub-section (1)."

Page 152, after sub-clause 127 (1), insert the following new sub-clause:

"(1A) A person may be required under sub-section (1) to furnish information, produce a document, or appear before an officer, only at a reasonable time and place."

Page 153, sub-clause 131 (1), line 23, leave out "as the Commission determines", insert "as are prescribed".

Page 153, sub-clause 131 (2), line 36, leave out "as the Commission determines", insert "as are prescribed".

Page 153, sub-clause 131 (2), line 41, leave out "as the Commission considers reasonable", insert "as are prescribed".

Page 154, sub-clause 131 (3), line 1, leave out "as the Commission determines", insert "as are prescribed".

Page 154, sub-clause 131 (4), line 6, leave out "as the Commission determines", insert "as are prescribed".

Page 154, sub-clause 131 (4), lines 10 and 11, leave out "as the Commission considers reasonable", insert "as are prescribed".

Page 154, sub-clause 131 (5), line 12, leave out "as the Commission determines", insert "as are prescribed".

Page 154, sub-clause 131 (6), line 16, leave out "as the Commission determines", insert "as are prescribed".

Page 154, sub-clause 131 (6), lines 19 and 20, leave out "as the Commission considers reasonable", insert "as are prescribed".

Page 154, sub-clause 131 (7), line 21, leave out "as the Commission determines", insert "as are prescribed".

Page 154, sub-clause 131 (8), line 31, leave out "as the Commission determines", insert "as are prescribed".

Page 154, sub-clause 131 (8), lines 35 and 36, leave out "as the Commission considers reasonable", insert "as are prescribed".

Page 155, sub-clause 131 (9), line 10, leave out "as the Commission determines", insert "as are prescribed".

Page 156, after sub-clause 134 (1), insert the following new sub-clause:

"(1A) A person who is dissatisfied with a decision of the Commission in respect of the grant of—

- (a) a clothing allowance under section 97;
- (b) an attendant allowance under section 98;
- (c) a benefit towards the funeral expenses of a veteran, a dependant of a deceased veteran, or a service pensioner under section 99, 100 or 101;
- (d) a decoration allowance under section 102;
- (e) a Victoria Cross allowance under section 103;
- (f) a recreation transport allowance under section 104;
- (g) special assistance or benefits under section 106;
- (h) a temporary incapacity allowance under section 107; or
- (j) a loss of earnings allowance under section 108;

may make application to the Board for a review of the decision of the Commission."

Page 200, paragraph 208 (1) (a), line 42, before "make", insert "knowingly".

Page 201, paragraph 208 (1) (b), line 10, leave out "that is not payable", insert "knowing that that pension, allowance, benefit or instalment is not payable".

Page 201, paragraph 208 (1) (e), before, "make" insert "knowingly".

Clauses 84, 105, 110, 116, 122, 127, 131, 134 and 208, as amended, agreed to.

Clauses 85 to 101, by leave, taken together and agreed to.

Clause 102 read—

On the motion of Senator Macklin the following amendment was debated<sup>4</sup> and agreed to:

Page 130, after paragraph 102 (5) (c), add the following new paragraphs:

- "(d) the Cross of Valour; and
- (e) the Star of Courage."

Clause 102, as amended, agreed to.

Clauses 103 and 104, by leave, taken together and agreed to.

Clauses 106 to 109, by leave, taken together and agreed to.

Clauses 111 to 115 and 117 and 118, by leave, taken together and agreed to.

Clause 119 read—

On the motion of Senator Lewis the following amendment was debated and agreed to:

Page 147, after sub-clause 119 (7), add the following new sub-clauses:

“(8) Where a claim for a pension or an application for a review of a decision relating to a claim for a pension was made before 15 May 1985, this Act shall have effect in respect of that claim or that application as if section 47 of the *Repatriation Act 1920*, as in force on 5 June 1985, were substituted for this section.

“(9) Where a claim for a pension or an application for review of a decision relating to a claim for a pension was determined after 15 May 1985 and before the commencement of this Act, that claim or that application shall be deemed not to have been determined and to have been made after the commencement of this Act.

“(10) Application may be made to the Administrative Appeals Tribunal for review of a decision by the Minister under sub-section (7) determining service to be hazardous service.”.

Clause 119, as amended, agreed to.

Clauses 120 and 121, 123 to 126, 128 to 130, 132 and 133, and 135 and 136, by leave, taken together and agreed to.

Clause 137 read—

Senator Macklin moved an amendment, viz: Page 160, paragraph 137 (2) (b), at end of paragraph, add “or as the Board requires for its purposes”.

Debate ensued.

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

Clause 137 agreed to.

Clauses 138 to 172, by leave, taken together and agreed to.

On the motion of Senator Macklin the following amendment was debated and agreed to:

Page 174, after clause 172, insert the following new clause:

**Annual report**

“172A. (1) As soon as practicable after each 30 June, the Board shall provide to the Minister a report upon its operations during the year ending on that date.

“(2) The Minister shall cause a report provided under sub-section (1) to be laid before each House of the Parliament as soon as possible after the receipt of the report by the Minister.”.

Clauses 173 to 205, by leave, taken together and agreed to.

Clause 206 read—

On the motion of Senator Lewis the following amendment was agreed to:

Page 199, clause 206, at end of clause, add the following new sub-clauses:

“(5) Sub-sections (2) and (3) shall not be taken to provide a defence in a relevant action in respect of negligence by the Commonwealth, the Commission, the Society, a medical practitioner or a person acting on behalf of a medical practitioner.

“(6) This section, unless sooner repealed, shall cease to have effect on 31 December 1986.”.

Clause 206, as amended, agreed to.

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

Clause 6 and the request that the House of Representatives amend the clause, by leave, reconsidered.

Request, by leave, withdrawn.

Clause 6 agreed to.

Bill agreed to with amendments and requests.

**VETERANS' ENTITLEMENTS (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1985—**

Bill, by leave, taken as a whole.

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

Page 34, sub-clause 42 (1), line 9, leave out "Subject to sub-section (3),".

Page 34, sub-clause 42 (2), line 14, leave out "Subject to sub-section (3),".

Page 34, sub-clauses 42 (3) and (4), lines 19 to 40, leave out the sub-clauses.

Page 35, sub-clause 43 (1), line 3, leave out "Subject to sub-section (2),".

Page 35, sub-clause 43 (2), lines 10 to 16, leave out the sub-clause.

Page 35, sub-clause 44 (1), line 19, leave out "Subject to sub-section (2),".

Page 35, sub-clause 44 (2), lines 25 to 33, leave out the sub-clause.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Bill agreed to without amendment.

Veterans' Entitlements Bill 1985 to be reported with amendments and requests and the Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Bill 1985 to be reported without amendment.

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

On the motion of Senator Gietzelt the Report from the Committee was adopted and the Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Bill 1985 read a third time.

**19 CHILD CARE 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 Peter Baume moved an amendment, viz: At end of motion, add " , but the Senate—

(a) expresses its concern that the Bill may place at risk the standards of provision of child care; and

(b) is of the opinion that, in order to meet the child care needs of the community, complementary measures are necessary, including taxation relief for child care expenses and income splitting for families".

Debate ensued.

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

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

The Senate divided—

AYES, 58

**Senators—**

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

## NOES, 6

Senators—

Chipp

Haines

Macklin (Teller)

Mason

Sanders

Vigor

And so it was resolved in the affirmative.

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.

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The Deputy-President resumed the Chair; and the Temporary Chairman of Committees (Senator Jessop) reported accordingly.

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

**20 PUBLIC SERVICE AND STATUTORY AUTHORITIES AMENDMENT BILL 1985:**

Order of the Day read for the adjourned debate on the motion of the Minister for Education (Senator Ryan)—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*

Clauses 1 to 7, by leave, taken together and agreed to.

Clause 8 read—

On the motion of the Leader of the National Party of Australia in the Senate (Senator Collard) the following amendment was debated and agreed to: Page 3, clause 8, after proposed new sub-section 22B (16), add the following new sub-section:

“(17) Where the Minister for Defence, by instrument in writing, declares that, by reason of defence or civil emergency, it is necessary for staff employed under the *Naval Defence Act 1910* or the *Supply and Development Act 1939* to be engaged in work in circumstances such that regulations made for the purposes of sub-section (14) should not apply in respect of those staff, those regulations shall not apply in respect of those staff until that instrument is revoked by the Minister.”.

Clause 8, as amended, agreed to.

Ordered—That clause 9 be postponed till after consideration of clause 10.

Clause 10 read—

Senator Vigor moved an amendment, viz: Page 3, at end of clause, add the following new paragraph:

“(c) by adding at the end the following sub-sections:

‘(6) The Secretary of a Department shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister administering the Department a report on the operation of the Department during the year that ended on that 30 June.

‘(7) Without limiting the generality of sub-section (6), a report under that sub-section shall include information on—

(a) the revenue and expenditure of the Department, including revenue and expenditure arising from trading activities or cost recovery activities,



- during the year reported upon, in a form giving a true and fair impression of the activities of the Department;
- (b) the implementation and operation of industrial democracy plans in the Department;
  - (c) the number of officers in each classification employed in the Department during the year reported upon;
  - (d) the number of persons employed in that Department under section 82AC, 82AD, 82AE or 82AF during the year reported upon;
  - (e) the number of persons engaged by the Secretary as consultants during the year reported upon, their qualifications and experience and the purposes for which they were engaged;
  - (f) the number of persons declared eligible for redeployment within that Department in accordance with section 9 of the *Commonwealth Employees (Redeployment and Retirement) Act 1979* during the year reported upon;
  - (g) the number of persons whom the Secretary has retired from the Australian Public Service in accordance with section 19 of the *Commonwealth Employees (Redeployment and Retirement) Act 1979* during the year reported upon; and
  - (h) the number of employees whose employment has been terminated under section 82AH during the year reported upon.

“(8) The Minister administering a Department shall cause a copy of a report furnished to him under sub-section (6) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.”.

Debate ensued.

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

The Committee divided—

#### AYES, 34

##### Senators—

Archer	Crichton-Browne	Lewis	Sanders
Baume, Michael	Durack	MacGibbon	Sheil
Baume, Peter	Guilfoyle, Dame	Macklin	Short
Bjelke-Petersen	Margaret	Mason	Teague
Boswell	Haines	Messner	Vanstone
Brownhill	Hamer	Missen	Vigor
Carrick, Sir John	Jessop	Puplick	Walters
Chipp	Kilgariff	Rae, Peter	Watson
Collard	Knowles	Reid (Teller)	

#### NOES, 29

##### Senators—

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

And so it was resolved in the affirmative.

Clause 10, as amended, agreed to.

Consideration resumed of postponed clause 9.

On the motion of Senator Vigor the following amendment was agreed to: Page 3, clause 9, lines 19 and 20, leave out “amended by adding at the end the following sub-section:”, insert “amended—

- (a) by omitting sub-section (10A); and
- (b) by adding at the end the following sub-section:”.

On the motion of Senator Collard the following amendment was debated and agreed to: Page 3, clause 9, after proposed new sub-section 22C (15), add the following new sub-section:

“(16) Where the Minister for Defence, by instrument in writing, declares that, by reason of defence or civil emergency, it is necessary for staff employed under the *Naval Defence Act 1910* or the *Supply and Development Act 1939* to be engaged in work in circumstances such that regulations made for the purposes of sub-section (13) should not apply in respect of those staff, those regulations shall not apply in respect of those staff until that instrument is revoked by the Minister.”.

Clause 9, as amended, agreed to.

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

Bill to be reported with amendments.

The Deputy-President resumed the Chair; and the Temporary Chairman of Committees (Senator Jessop) 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.

- 21 **ORDER OF BUSINESS—RE-ARRANGEMENT—*Suspension of Standing Orders*:** The Manager of Government Business (Senator Grimes), by leave, moved—That so much of the Standing Orders be suspended as would prevent consideration forthwith of the Overseas Students Charge Amendment Bill 1985 as a separate Order of the Day.

Question—put and passed.

- 22 **OVERSEAS STUDENTS CHARGE 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 first time.

Question—put and passed.

Bill read a first time.

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

Debate ensued.

Senator Macklin addressing the Chair—

*And it being 10.30 p.m.—*

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

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 11.35 p.m. till tomorrow at 9 a.m.

- 24 **ATTENDANCE:** Present, all Senators except Senators Coleman (on leave), Evans, Hill, McClelland, Parer and Withers.

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