

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 72

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

Senator Short, from 11 petitioners praying that the Senate request the Government to take action to ensure that the activities of trade unions do not extend beyond their traditional role.

Senator Macklin, from 23 petitioners praying that the imperial system of measurement be restored.

Senator Macklin, from 38 petitioners praying that a Senate Select Committee on Nuclear Disarmament and Peace be established to investigate the creation of a Ministry of Peace and Nuclear Disarmament.

Senators Macklin and Mason, from 55 and 19 petitioners, respectively, praying that the protection of Australian historical and environmental assets be a subject for a referendum.

Senator Macklin, from 206 petitioners praying that the Senate oppose any sections of the proposed Veterans' Entitlements Bill which would have the effect of reducing veterans' benefits, including that which seeks to change the onus of proof.

Senator Vigor, from 147 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 Vigor, from 90 petitioners praying that the Senate support the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senator Macklin, from 24 petitioners praying that the Senate support the Constitution Alteration (Democratic Elections) Bill 1985.

Senator Macklin, from 16 petitioners praying that the Senate amend the Sales Tax (Exemptions and Classifications) Amendment Bill 1985 to remove the sales tax on ice cream.

Senator Zakharov, from 45 petitioners praying that any amendments to the Child Care Act provide for professional child care and the genuine needs of children.

Senator Michael Baume, from 101 petitioners praying that the Senate prevent the Government from transferring Illawarra's television station, WIN TV, from VHF to UHF transmission.

Senator Boswell, from 29 petitioners praying that the Senate reject certain tax proposals which are outlined in the Government's White Paper of May 1985.

Senator Robertson, from 2112 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 Zakharov, from 20 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 Georges, from 67 petitioners praying that animal experimentation be phased out completely within the next 10 years.

Senator Vanstone, from 65 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.

The following petition, not in conformity with the Standing Orders, was, by leave, presented by Senator Morris and received:

From 2497 petitioners requesting that the Telecom office in Parkes, New South Wales, be retained.

4 NOTICES:

Notice of Motion:

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

- (a) notes the statement by the Treasurer (Mr Keating) that the Government would be seeking joint control of all superannuation fund trust boards with equal numbers of employee and business representatives;
- (b) calls on the Minister for Finance (Senator Walsh) to explain why he is planning to reintroduce legislation, already defeated by the Senate, which will give the Australian Council of Trade Unions (ACTU) clear control of the biggest superannuation fund in the country, the Commonwealth Public Service Superannuation Fund;
- (c) notes that the move to make 3 out of the 5 representatives on the Commonwealth Public Service Superannuation Fund ACTU representatives, makes a complete mockery of the Treasurer's claim that the Government would ensure that the ACTU did not control superannuation trust funds; and
- (d) condemns the Government for its continuing campaign to try and mislead the public into believing that the recent superannuation agreement will not give enormous and unjustified financial powers to the ACTU.

Contingent Notice of Amendment: Senator Jessop: To move (contingent on Order of the Day relating to Committee Reports (New Parliament House—Joint Standing Committee—Report on the Precincts of the New Parliament House and the Parliamentary Zone), being called on)—the following amendment to the motion that the Senate take note of the Report:

At end of motion, add “, and the Senate agrees with the Committee's recommendations”.

Postponements: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Cooney) moved—That Business of the Senate, Notices of Motion Nos 1 and 2 standing in his name for this day, for the disallowance of the *Crimes (Amendment) Ordinance (No. 3) 1985* and the *Crimes (Amendment) Ordinance (No. 4) 1985*, be postponed till the next day of sitting.

5 GOVERNMENT PAPERS: The Manager of Government Business (Senator Grimes) tabled the following Papers:

Advance to the Minister for Finance—Statement for October 1985.

Aboriginal Land Rights (Northern Territory) Act—Aboriginal Land Commissioner—

Annual Report 1984-85.

Timber Creek Land Claim—Report, dated 19 April 1985.

Air Navigation Act—Department of Aviation—Annual Report 1984-85.

Audit Act—National Exhibition Centre Trust—Annual Report 1984-85, together with financial statements and the Auditor-General's Report thereon.

Australian Capital Territory Architects Board—Annual Report 1984-85.

Australian Film Commission Act—Australian Film Commission—Annual Report 1984-85, together with financial statements and the Auditor-General's Report thereon.

Video Presentation.

Australian Meat and Live-stock Corporation Act—Australian Meat and Live-stock Corporation—Annual Report 1984-85, together with financial statements and the Auditor-General's Report thereon.

Australian National Railways Commission Act—Australian National Railways Commission—Annual Report 1984-85, together with financial statements and the Auditor-General's Report thereon.

Australian Shipping Commission Act—Australian Shipping Commission (Australian National Line)—Annual Report (29th) 1984-85, together with financial statements and the Auditor-General's Report thereon.

Australian Water Resources Council—Minutes of 27th Meeting of Council, held in Darwin, 26-27 June 1985.

Barley Research Act—Barley Industry Research Council—Annual Report 1984-85.

Defence Report 1984-85.

Department of Employment and Industrial Relations—Annual Report 1984-85, together with Annual Report 1984-85 under the *Commonwealth Employment Service Act 1978*.

Housing Assistance Act—Annual Report (3rd) 1983-84 on the 1981 Commonwealth-State Housing Agreement.

Law Reform Commission Act—Law Reform Commission—Reports—

No. 27—Standing in Public Interest Litigation.

No. 28—Community Law Reform for the Australian Capital Territory (1st Report).

Pig Industry Research Act—Australian Pig Industry Research Committee—Annual Report 1984-85.

Pipeline Authority Act—Pipeline Authority—Annual Report (12th) 1984-85, together with financial statements and the Auditor-General's Report thereon.

Royal Australian Air Force—Special Flights—Schedules, for period 1 January 1985 to 30 June 1985.

6 HOURS OF MEETING: The Manager of Government Business (Senator Grimes), pursuant to Notice of Motion not objected to as a Formal Motion, moved—That, unless otherwise ordered, the hours of meeting of the Senate on Wednesday, 4 December 1985, be—

10 a.m.—12.45 p.m.

2 p.m.—6.30 p.m.

8 p.m.—10.30 p.m.

Question—put and passed.

7 PETROLEUM REVENUE BILL 1985

EXCISE TARIFF AMENDMENT BILL (NO. 2) 1985—

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

MR PRESIDENT,

Message No. 232

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to revenue from petroleum*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 27 November 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 230

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Excise Tariff Act 1921'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 26 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 the Bills being put in one motion at each stage, and the consideration of such Bills together in Committee of the Whole.

Question—put and passed.

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

On the motion of Senator Grimes the Bills were read a first time.

Senator Grimes moved—That these Bills be now read a second time.

On the motion of Senator Kilgariff the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.

- 8 **AUSTRALIA CARD—JOINT SELECT COMMITTEE—MEMBERSHIP:** The Deputy-President informed the Senate 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 Aulich, Haines and Puplick to be members of the Joint Select Committee on an Australia Card.

The Manager of Government Business (Senator Grimes), by leave, moved—That the Senators, having been duly nominated in accordance with the Resolution agreed to by both Houses, be appointed members of the Joint Select Committee on an Australia Card.

Question—put and passed.

- 9 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered, Orders of the Day relating to Committee Reports, be considered in the following order—

- (a) No. 6—National Crime Authority—Joint Statutory Committee—First Report;
- (b) No. 4—New Parliament House—Joint Standing Committee—Report on planning for Senate and House of Representatives' Chambers; and
- (c) No. 5—New Parliament House—Joint Standing Committee—Report on the Precincts of the New Parliament House and the Parliamentary Zone.

Question—put and passed.

10 **TAXATION LAWS AMENDMENT BILL (NO. 3) 1985**

SOCIAL SECURITY (POVERTY TRAPS REDUCTION) BILL 1985

AUSTRALIAN CAPITAL TERRITORY STAMP DUTY AMENDMENT BILL 1985

BANK ACCOUNT DEBITS TAX AMENDMENT BILL 1985

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

TAXATION LAWS AMENDMENT BILL (NO. 4) 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.

Debate resumed.

Notice of Motion: Senator Durack, by leave, gave a Notice of Motion, as follows:
To move on the next day of sitting—That leave be given to introduce a Bill for an Act to amend the *Family Law Act 1975* with respect to maintenance and the enforcement of decrees.

Debate continued.

Senator Peter Baume moved an amendment in relation to the Social Security (Poverty Traps Reduction) Bill 1985, viz: At end of motion, add “, but the Senate notes with concern that—

- (a) the measures contained in the Bill will not take effect until November 1986; and

- (b) in respect of 2 of the poverty traps, while the Bill increases the levels of income which may be earned without affecting social security benefits, it does not affect the existence of those poverty traps as such".

Debate continued.

Senator Jessop addressing the Chair—

And it being 2 p.m.—

11 QUESTIONS.

12 REPATRIATION LEGISLATION AMENDMENT (EXTENSION OF OPERATION) BILL 1985—*Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR PRESIDENT,

Message No. 251

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to extend the period of operation of certain provisions of the 'Repatriation Legislation Amendment Act 1985'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 29 November 1985

H. A. JENKINS,
Speaker

Ordered—That the Bill may be taken through all its stages without delay.

On the motion of the Minister for Veterans' Affairs (Senator Gietzelt) the Bill was read a first time.

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

On the motion of Senator Kilgariff the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.

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

13 GOVERNMENT PAPERS—CONSIDERATION: The following Papers, tabled earlier this day (*see Entry No. 5 above*), were considered pursuant to Sessional Order:

Community Law Reform for the Australian Capital Territory—Report by the Law Reform Commission—Motion to take note of Paper moved by Senator Harradine and agreed to.

Australian Meat and Live-stock Corporation—Annual Report 1984-85—Motion to take note of Paper moved by Senator Brownhill.

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

Defence Report 1984-85—Motion to take note of Paper moved by Senator Michael Baume, debated and agreed to.

Aboriginal Land Commissioner—Annual Report 1984-85—Motion to take note of Paper moved by Senator Kilgariff.

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

Australian National Railways Commission—Annual Report 1984-85—Motion to take note of Paper moved by Senator Kilgariff.

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

Australian Shipping Commission—Annual Report 1984-85—Motion to take note of Paper moved by Senator Archer.

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

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

14 DEPARTMENT OF EMPLOYMENT AND INDUSTRIAL RELATIONS—ANNUAL REPORT 1984-85—PAPER: Senator Harradine, by leave, moved—That the Senate take note of the following Paper:

Department of Employment and Industrial Relations—Annual Report 1984-85.

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

Pursuant to Sessional Order, consideration of Committee Reports was called on.

15 NATIONAL CRIME AUTHORITY—JOINT STATUTORY COMMITTEE—1ST REPORT:

Order of the Day read for the adjourned debate on the motion of Senator Missen—That the Senate take note of the Report.

Debate resumed.

Question—put and passed.

16 NEW PARLIAMENT HOUSE—JOINT STANDING COMMITTEE—REPORT ON PLANNING FOR SENATE AND HOUSE OF REPRESENTATIVES CHAMBERS:

Order of the Day read for the adjourned debate on the motion of Senator Robertson—That the Senate take note of the Report.

Senator Crichton-Browne moved an amendment, viz: Leave out all words after "That", insert "The Senate—

- (a) accepts the necessity for the interior finish of the Senate Chamber in the new Parliament House to maintain in suitable form the dignity and atmosphere of the present Chamber;
- (b) considers that it is appropriate for the new Chamber to have a basically wood-panelled appearance, taking advantage of, and making use of the wide range of timbers to be found throughout Australia; and
- (c) rejects the proposal, recently revealed to Senators, for the walls of the new Chamber to be lined with fabric of varying colours, not consistent with the traditional red colour common to Westminster-style Upper Houses".

Debate ensued.

On the motion of Senator Puplick the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for Friday, 6 December 1985.

Pursuant to Sessional Order, consideration of Committee Reports was interrupted.

17 SCRUTINY OF BILLS—STANDING COMMITTEE—17TH REPORT AND 16TH ALERT DIGEST: The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Tate) tabled the following Report and Paper:

17th Report, dated 4 December 1985.

Alert Digest No. 16, dated 4 December 1985.

Ordered—That the Report be printed.

18 ESTIMATES COMMITTEE C—ADDITIONAL INFORMATION: The Chairman of Estimates Committee C (Senator Childs), by leave, tabled additional information received by the Committee.

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

19 PAPER: The following Paper was tabled:

Defence Act—Determination 1985—No. 72—Insurance on Removal Overseas.

20 TAXATION LAWS AMENDMENT BILL (NO. 3) 1985

SOCIAL SECURITY (POVERTY TRAPS REDUCTION) BILL 1985

AUSTRALIAN CAPITAL TERRITORY STAMP DUTY AMENDMENT BILL 1985

BANK ACCOUNT DEBITS TAX AMENDMENT BILL 1985

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

TAXATION LAWS AMENDMENT BILL (NO. 4) 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 Peter Baume in relation to the Social Security (Poverty Traps Reduction) Bill 1985, viz:* At end of motion, add “, but the Senate notes with concern—

- (a) that the measures contained in the Bill will not take effect until November 1986; and
- (b) that, in respect of 2 of the poverty traps, while the Bill increases the levels of income which may be earned without affecting social security benefits, it does not affect the existence of those poverty traps as such”.

Debate resumed.

Senator Short moved an amendment in relation to the Taxation Laws Amendment Bill (No. 4) 1985, viz: At end of motion, add “, but the Senate notes the deleterious effects of the Bill on small business, the restaurant trade and the tourist industry, and considers that it should be amended to provide that entertainment expenses directly attributable to gaining or producing assessable income continue to be a taxation deduction”.

Debate continued.

Question—That these Bills be now read a second time—divided.

SOCIAL SECURITY (POVERTY TRAPS REDUCTION) BILL 1985:

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

The Senate divided—

AYES, 27

Senators—

Archer	Collard	Knowles	Reid (Teller)
Baume, Michael	Crichton-Browne	Lewis	Short
Baume, Peter	Guilfoyle, Dame	MacGibbon	Teague
Boswell	Margaret	Messner	Vanstone
Brownhill	Hamer	Missen	Walters
Carrick, Sir John	Jessop	Parer	Watson
Chaney	Kilgariff	Puplick	Withers

NOES, 35

Senators—

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

And so it was negatived.

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

TAXATION LAWS AMENDMENT BILL (NO. 4) 1985:

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

The Senate divided—

AYES, 28

Senators—

Archer	Collard	Knowles	Reid (Teller)
Baume, Michael	Crichton-Browne	Lewis	Short
Baume, Peter	Guilfoyle, Dame	MacGibbon	Teague
Boswell	Margaret	Messner	Vanstone
Brownhill	Hamer	Missen	Vigor
Carrick, Sir John	Jessop	Parer	Walters
Chaney	Kilgariff	Puplick	Watson
			Withers

NOES, 34

Senators—

Aulich
Black
Bolkus
Childs
Chipp
Coates
Colston
Cook
Cooney

Crowley
Devlin
Elstob
Foreman
Georges
Gietzelt
Giles
Grimes
Haines

Jones
McIntosh
McKiernan
Macklin
Maguire
Mason
Morris
Ray, Robert
Reynolds

Robertson (Teller)
Ryan
Sanders
Siddons
Tate
Walsh
Zakharov

And so it was negatived.

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

TAXATION LAWS AMENDMENT BILL (NO. 3) 1985**AUSTRALIAN CAPITAL TERRITORY STAMP DUTY AMENDMENT BILL 1985****BANK ACCOUNT DEBITS TAX AMENDMENT BILL 1985****INCOME TAX (COMPANIES, CORPORATE UNIT TRUSTS AND SUPERANNUATION FUNDS) AMENDMENT BILL 1985:**

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 Bills be considered in the following order: Social Security (Poverty Traps Reduction) Bill 1985, Bank Account Debits Tax Amendment Bill 1985, Australian Capital Territory Stamp Duty Amendment Bill 1985, Taxation Laws Amendment Bill (No. 3) 1985, Income Tax (Companies, Corporate Unit Trusts and Superannuation Funds) Amendment Bill 1985 and Taxation Laws Amendment Bill (No. 4) 1985.

SOCIAL SECURITY (POVERTY TRAPS REDUCTION) BILL 1985—

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

BANK ACCOUNT DEBITS TAX AMENDMENT BILL 1985—

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

AUSTRALIAN CAPITAL TERRITORY STAMP DUTY AMENDMENT BILL 1985—

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

Clause 8 read—

Senator Reid moved an amendment, viz: Page 5, at end of clause, add the following new sub-clause:

“(2) The amendments made by sections 3, 6 and 7 do not apply to instruments executed before the date of commencement of this section.”.

Debate ensued.

Amendment, by leave, withdrawn.

Clause 8 agreed to.

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

TAXATION LAWS AMENDMENT BILL (NO. 3) 1985—

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

Clause 8 debated—

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

Page 9, proposed new sub-section 58P (2), at end of sub-section, add the following words:

“or was executed before the date of commencement of this section.”

Page 10, proposed new sub-section 58R (1), lines 1 and 2, leave out all words after “debentures” (last occurring), insert “issued in respect of any amount subscribed for in the Territory shall be deemed to be duly stamped and any such debentures issued in respect of any amount subscribed for outside the Territory shall not, subject to sub-section (6), be liable to duty under this Division.”

Page 10, proposed new paragraph 58R (2) (a), lines 9 and 10, leave out “issued during that month and are connected with the Territory”, insert “subscribed for in the Territory during that month”.

Page 10, proposed new paragraph 58R (2) (b), lines 14 and 15, leave out “issued during that month and are connected with the Territory”, insert “subscribed for in the Territory during that month”.

Page 10, proposed new paragraph 58R (2) (c), lines 19 and 20, leave out “issued during that month and are connected with the Territory”, insert “subscribed for in the Territory during that month”.

Page 10, at end of proposed new section 58R, add the following new sub-section:

“(6) Where a person resident or domiciled in the Territory becomes the holder of a debenture referred to in sub-section (1) which was subscribed for outside the Territory, that person is liable, on the day on which he becomes the holder of the debenture, to duty, as duty on a loan security, for an amount equal to the duty payable on a loan security for the amount to be repaid under the debenture except where ad valorem stamp duty has been paid or is payable in a State or another Territory in respect of the issue of, or subscription for, the debenture.”

Debate ensued.

Amendments, by leave, withdrawn.

Clause 8 agreed to.

Clause 9 read—

Senator Reid moved an amendment, viz: Page 12, at end of clause, add the following new sub-clause:

“(2) Nothing in the amendments made by section 8 shall be taken—

(a) to require an instrument of loan security executed before the date of commencement of that section to be lodged with the Commissioner for assessment; or

(b) to make liable to duty any loan security executed before the date of commencement of that section.”

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

Clause 9 agreed to.

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

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

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

TAXATION LAWS AMENDMENT BILL (NO. 4) 1985—

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

Clause 6 debated.

And it being 10.30 p.m.: The Temporary Chairman of Committees (Senator Jessop), under Sessional Order, put the Question—That he do leave the Chair and report to the Senate.
Question—put and passed.

The Deputy-President resumed the Chair; and Senator Jessop reported accordingly.

- 21 **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 11.02 p.m. till tomorrow at 10 a.m.

- 22 **ATTENDANCE:** Present, all Senators except Senators Coleman (on leave), Hill and McClelland.

A. R. CUMMING THOM,
Clerk of the Senate