

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 73

THURSDAY, 5 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 12 petitions, lodged with the Clerk by the Senators indicated, were received:

Senator Zakharov, from 93 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 Michael Baume, from 931 petitioners praying that the Senate prevent the Government from transferring Illawarra's television station, WIN TV, from VHF to UHF transmission.

Senators Peter Baume and Brownhill, from 206 and 15 petitioners, respectively, praying that the Senate defer any action on the Australian Bill of Rights Bill 1985 for a period of 12 months.

Senator Morris, from 838 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 Bjelke-Petersen, from 21 petitioners praying that the imperial system of measurement be restored.

Senator Sanders, from 100 petitioners praying that the Senate ensure the protection of the Otway forests in Victoria and refuse any licence to export woodchips from the Otways.

Senator Vigor, from 128 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 75 petitioners praying that the Senate support the Australian Capital Territory Smoking and Tobacco Products Advertisements Prohibition Bill 1983 [1985].

Senator Short, from 16 petitioners praying that the Senate reject the Human Embryo Experimentation Bill 1985.

Senator Grimes, from 2414 petitioners praying that any amendments to the Child Care Act provide for professional child care and the genuine needs of children.

Senator Grimes, from 17 petitioners praying that the Senate reject the proposal for a national identity card system.

**4 DEPUTY-LEADER OF THE AUSTRALIAN DEMOCRATS:** The Leader of the Australian Democrats (Senator Chipp), by leave, informed the Senate of the election of Senator Haines as Deputy-Leader of the Australian Democrats.

## 5 NOTICES:

*Notices of Motion:*

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

- (a) congratulates the New Zealand cricket team on winning the 3 Test series against Australia;
- (b) extends its congratulations to Australia's Captain, Mr Alan Border, and those Australians who played in the 3 tests for their dedication to the game of cricket and for their sportsmanship; and
- (c) wishes Mr Border and the Australian team well in forthcoming matches throughout the Summer.

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

- (a) congratulates the Liberal Party and National Party for their consistent support over many years for genuine superannuation schemes and other proposals to make life easier and more rewarding for all Australians who wish to provide for their own retirement;
- (b) condemns the Australian Labor Government and in particular, the Treasurer (Mr Keating) for misleading the Australian public by promoting and supporting union-controlled phoney superannuation schemes which are nothing more than pay rises designed to escape the restrictions of the mythical Accord;
- (c) notes that unlike genuine superannuation schemes all these phoney superannuation schemes will be funded entirely by the employer, with no contribution from employees;
- (d) notes that the funds for these schemes which will accrue to thousands of millions of dollars will be administered by trustees nominated by the union movement, despite the fact that unionists will not have contributed to the fund;
- (e) notes that the union movement will inevitably use these vast resources for the political advantage of its political surrogate, the Australian Labor Party, and will take a percentage also for its own purposes; and
- (f) notes that these union-based superannuation schemes will have the effect of making unionism compulsory in the Australian workforce because only union members will be able to join this scheme.

The Leader of the Opposition in the Senate (Senator Chaney): To move on the next day of sitting—That the following matter be referred to the Standing Committee on Industry and Trade: The proposed establishment of inwards duty-free shops, and its impact on customs administration and barrier control.

The Manager of Government Business (Senator Grimes): To move on the next day of sitting—That the Senate authorises the broadcasting and re-broadcasting by Australian radio and television stations of sound recordings of excerpts of its proceedings during 1986, subject to the conditions determined for the purpose by the Joint Committee on the Broadcasting of Parliamentary Proceedings.

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

- (a) noting that this week is the 40th Anniversary of the opening of the prosecution case at the Nuremberg Trials at the end of World War II;
- (b) rejects the defence claims that a subordinate should obey all orders of a superior;
- (c) endorses the statement by the Chief Prosecutor, Judge Jackson, made in his opening address that—"The common sense of mankind demands that the law shall not stop with the punishment of petty crimes by little people. It must also reach people who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched."; and
- (d) recognises that this statement applies as much today in a world of nuclear peril as it did 40 years ago.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Cooney):

No. 1—To move 4 sitting days after today—That the First Home Owners Regulations (Amendment), as contained in Statutory Rules 1985 No. 267 and made under the *First Home Owners Act 1983*, be disallowed.

No. 2—To move 4 sitting days after today—That the Defence Determinations, as contained in Determinations Nos 64 and 65 of 1985 and made under section 58B of the *Defence Act 1903*, be disallowed.

No. 3—To move 4 sitting days after today—That the *Blood Donation (Acquired Immune Deficiency Syndrome) (Amendment) Ordinance 1985*, as contained in Australian Capital Territory Ordinance No. 55 of 1985 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

No. 4—To move 4 sitting days after today—That the Extradition (Commonwealth Countries) Regulations (Amendment), as contained in Statutory Rules 1985 No. 264 and made under the *Extradition (Foreign States) Act 1966*, be disallowed.

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

- (a) notes the fact that it is impossible to separate the civil and military uses of uranium and the likelihood that Australian uranium is being used in nuclear warheads and bombs;
- (b) notes the comments of the Conservative member of the European Parliament, Sir Henry Plumb, when recently in Australia, that under Euratom, Australian uranium can be passed from one European country to another and that this makes a farce of our banning sales of uranium to France;
- (c) expresses its concern at the predicted announcement of the go ahead for the Roxby Downs uranium mine in South Australia;
- (d) expresses its concern at the adverse environmental impact of the Roxby Downs mine, especially its enormous consumption of water, in the light of serious water contamination problems at the Ranger mine in the Northern Territory;
- (e) calls on the Australian Labor Party to include in its policy platform and legislation a commitment to prohibit the storing of nuclear waste on Australian territory; and
- (f) laments that the electors of South Australia are being given a so-called "choice" where the 2 major parties are supporting the Roxby Downs uranium project.

The Chairman of the Standing Committee on Industry and Trade (Senator Childs): To move on the next day of sitting—

- (1) That, if the Senate be not sitting when the Standing Committee on Industry and Trade has completed its 3rd Report on the Development of Closer Economic Relations between Australia and New Zealand, the Committee may send the Report to the President, or, if the President is unable to act, to the Deputy-President, and, in that event—
  - (a) the Report shall be deemed to have been presented to the Senate;
  - (b) the publication of the Report is authorised by this Resolution;
  - (c) the President or the Deputy-President, as the case may be, may give directions for the printing and circulation of the Report; and
  - (d) the President or the Deputy-President, as the case may be, shall lay the Report upon the Table at the next sitting of the Senate.
- (2) That the foregoing provisions of this Resolution, insofar as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

*Notice of Motion amended, by leave:* Senator Cooney, by leave, amended Business of the Senate, Notice of Motion No. 1 standing in his name for this day for

the disallowance of the *Crimes (Amendment) Ordinance (No. 3) 1985*, to read as follows:

That the words "If the charge is not a prescribed charge" appearing in paragraph 477 (6) (c) of the *Crimes Act, 1900* of the State of New South Wales in its application to the Australian Capital Territory, as contained in section 4 of the *Crimes (Amendment) Ordinance (No. 3) 1985*, as contained in Australian Capital Territory Ordinance No. 40 of 1985 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.

*Notice of Motion withdrawn:* Senator Cooney, by leave, withdrew Business of the Senate, Notice of Motion No. 2 standing in his name for this day, for the disallowance of the *Crimes (Amendment) Ordinance (No. 4) 1985*.

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

Administrative Appeals Tribunal Act—Administrative Review Council—Annual Report (9th) 1984-85.

Audit Act—Australian Capital Territory Schools Authority—Annual Report (Interim) 1984-85.

Australian Bicentennial Road Development Trust Fund Act—Australian Bicentennial Road Development Program—Annual Report 1984-85.

Australian Biological Resources Study Advisory Committee—Australian Biological Resources Study—Annual Report 1984-85.

Australian Capital Territory Apprenticeship Board—Annual Report (48th) 1984-85.

Australian Children's Television Foundation—Annual Report 1984-85.

Australian Marine Sciences and Technologies Advisory Committee—Annual Report (3rd) 1984.

Australian National Airlines Act—Australian National Airlines Commission (TAA)—Annual Report (40th) 1984-85, together with financial statements and the Auditor-General's Report thereon.

Australian Security Intelligence Organization—Report to Parliament 1984-85.

Australian Security Intelligence Organization Act—Security Appeals Tribunal—Annual Report (6th) 1984-85.

Complaints (Australian Federal Police) Act—Federal Police Disciplinary Tribunal—Annual Report 1984-85.

Defence Service Homes Act—Defence Service Homes Corporation—Annual Report 1984-85, together with financial statements and the Auditor-General's Report thereon.

Department of Industry, Technology and Commerce—Annual Report 1984-85, including Report for period 10 June 1985 to 30 June 1985 by the Australian Customs Service.

Department of Primary Industry—Annual Report 1984-85.

Department of Sport, Recreation and Tourism—Annual Report 1984-85.

Honey Industry Act—Australian Honey Board—Annual Report (22nd) 1984-85, together with financial statements and the Auditor-General's Report thereon.

Statement by the Minister for Finance.

Human Rights Commission Act—Human Rights Commission—Report No. 16—Freedom of Expression and section 116 of the *Broadcasting and Television Act 1942*, dated 11 November 1985.

Independent Schools (Loans Guarantee) Act—Annual Report 1983-84—Statement of payments made pursuant to section 8 of the Act.

Ombudsman Act—Commonwealth Ombudsman—Annual Report (8th) 1984-85, together with Defence Force Ombudsman—Annual Report (2nd) 1984-85.

Public Service Act—Public Service Board—Annual Report 1984-85.

Repatriation Act—Repatriation Commission—Annual Report 1984-85.

Snowy Mountains Hydro-electric Power Act—Snowy Mountains Hydro-electric Authority—Annual Report (36th) 1984-85, together with financial statements and the Auditor-General's Report thereon.

War Graves Act—Office of Australian War Graves—Annual Report 1984-85.

Wheat Research Act—Annual Report 1984-85.

- 7 FAMILY LAW AMENDMENT BILL 1985:** Senator Durack, pursuant to Notice of Motion not objected to as a Formal Motion, moved—That leave be given to introduce a Bill for an Act to amend the *Family Law Act 1975* with respect to maintenance and the enforcement of decrees.

Question—put and passed.

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

Senator Durack, 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.

- 8 HOURS OF MEETING:** The Manager of Government Business (Senator Grimes) moved—That, unless otherwise ordered, the hours of meeting for the remainder of this day be till 6.30 p.m. and 8 p.m. to 10.30 p.m.

Question—put and passed.

- 9 ORDER OF BUSINESS—POSTPONEMENT:** 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 this day, for the disallowance of the *Crimes (Amendment) Ordinance (No. 3) 1985*, be postponed till a later hour of the day.

Question—put and passed.

- 10 BRITISH NUCLEAR TESTS IN AUSTRALIA—ROYAL COMMISSION REPORT—PAPER:** The Minister for Resources and Energy (Senator Evans) tabled the following Paper:

British Nuclear Tests in Australia—Report (3 vols) of the Royal Commission (President: Mr Justice J. R. McClelland), dated 20 November 1985.

Senator Evans, by leave, moved—That the Senate take note of the Paper.

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

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*Statement, by leave:* Senator Durack, by leave, made a statement relating to the Report.

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*Leave refused:* Senator Sir John Carrick sought leave to make a statement.

Objection being raised, leave not granted.

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*Statements by Senators:* Senators Sanders and Vallentine, by leave, made statements relating to the Report.

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

Objection being raised, leave not granted.

- 11 REPATRIATION LEGISLATION AMENDMENT (EXTENSION OF OPERATION) 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.

On the motion of the Minister for Community Services (Senator Grimes) the debate was adjourned.

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

**12 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:**

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

*In the Committee*

**TAXATION LAWS AMENDMENT BILL (NO. 4) 1985—**

Consideration resumed of clause 6.

Question—That the clause stand as printed—put.

The Committee divided—

AYES, 38

Senators—

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

NOES, 29

Senators—

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

And so it was resolved in the affirmative.

Clause 6 agreed to accordingly.

Clauses 7 and 8, by leave, taken together and agreed to.

Clause 9 debated.

Senator Messner moved an amendment, viz: Pages 7 to 15, proposed new section 51AE, line 28 (page 7) to line 38 (page 15), leave out the proposed new section, insert the following new section:

“51AE. A deduction is not allowable under sub-section 51 (1) in respect of an entertainment expense incurred, except in respect of an entertainment expense which the Commissioner is reasonably satisfied is directly attributable to gaining or producing assessable income or directly attributable to the purpose of gaining or producing assessable income.”.

Debate ensued.

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

The Acting Deputy-President (Senator Colston) 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.

- 13 **MATTERS OF PUBLIC INTEREST:** The Manager of Government Business (Senator Grimes) 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.—*

14 **QUESTIONS.**

- 15 **PERSONAL EXPLANATION:** Senator Peter Rae, by leave, made a personal explanation relating to a matter raised during debate on 2 December 1985.

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

- 16 **GOVERNMENT PAPERS—CONSIDERATION:** The following Government Papers tabled earlier this day (*see Entry No. 6 above*), were considered pursuant to Sessional Order:

Department of Industry, Technology and Commerce—Annual Report 1984-85—Motion to take note of Paper moved by Senator Watson and agreed to.

Snowy Mountains Hydro-electric Authority—Annual Report 1984-85—Motion to take note of Paper moved by Senator Jessop and agreed to.

Public Service Board—Annual Report 1984-85—Motion to take note of Paper moved by Senator Harradine and agreed to.

Federal Police Disciplinary Tribunal—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.

Australian Security Intelligence Organization—Report 1984-85—Motion to take note of Paper moved by Senator Durack, debated and agreed to.

Office of Australian War Graves—Annual Report 1984-85—Motion to take note of Paper moved by Senator Macklin and agreed to.

Human Rights Commission—Report No. 16—Freedom of Expression and section 116 of the *Broadcasting and Television Act 1942*—Motion to take note of Paper moved by Senator Puplick and agreed to.

Australian Marine Sciences and Technologies Advisory Committee—Annual Report 1984—Motion to take note of Paper moved by Senator Archer.

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

Department of Primary Industry—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.

Australian Children's Television Foundation—Annual Report 1984-85—Motion to take note of Paper moved by Senator Vigor.

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

Australian Biological Resources Study—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.

Department of Sport, Recreation and Tourism—Annual Report 1984-85—Motion to take note of Paper moved by Senator Vigor.

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

Australian Bicentennial Road Development Program—Annual Report 1984-85—Motion to take note of Paper moved by Senator Vigor.

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

17 **PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSES**

**OUTSTANDING—REPORT:** The Deputy-President tabled the following Report:

Deputy-President's Report to the Senate on Government Responses outstanding to Parliamentary Committee Reports, as at 3 December 1985.

Senator Missen, by leave, moved—That the Senate take note of the Report.  
Question—put and passed.

- 18 **NATIONAL RESOURCES—STANDING COMMITTEE—REPORT ON THE NATURAL RESOURCES OF THE AUSTRALIAN ANTARCTIC TERRITORY:** The Chairman of the Standing Committee on National Resources (Senator Zakharov) tabled the following Report:

The Natural Resources of the Australian Antarctic Territory, dated December 1985, together with transcript of evidence (16 vols).

Ordered—That the Report be printed.

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

- 19 **PAPERS:** The following Papers were tabled:

Christmas Island Act—Ordinances 1985—No. 10—Phosphate Mining Corporation of Christmas Island Provident Fund.

Defence Force Retirement and Death Benefits Act—Regulations—Statutory Rules 1985 No. 324.

International Organisations (Privileges and Immunities) Act—Regulations—Statutory Rules 1985 No. 327.

Navigation Act—Marine Orders 1985—

No. 5—Part 9 (Health—Medical Fitness).

No. 6—

Part 3 (Marine Qualifications—Issue and Procedure).

Part 5 (Marine Qualifications—Engineer Officers).

Part 6 (Marine Qualifications—Radio).

Part 7 (Marine Qualifications—Ratings).

No. 7—Part 4 (Marine Qualifications—Masters and Deck Officers).

Public Service Act—Determination 1985 Nos 94, 95.

Superannuation Act—Regulations—Statutory Rules 1985 No. 326.

- 20 **REPATRIATION LEGISLATION AMENDMENT (EXTENSION OF OPERATION) 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.

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*Ministerial Statement:* Senator Gietzelt, by leave, made a statement relating to the Bill.

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Debate resumed.

Question—put and passed.

Bill read a second time.

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

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*In the Committee*

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

Bill to be reported without amendment.

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The 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 Bill read a third time.



21 **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:**

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

*In the Committee*

**TAXATION LAWS AMENDMENT BILL (NO. 4) 1985—**

Consideration resumed of clause 9 *and of the amendment moved thereto by Senator Messner, viz:* Pages 7 to 15, proposed new section 51AE, line 28 (page 7) to line 38 (page 15), leave out the proposed new section, insert the following new section:

“51AE. A deduction is not allowable under sub-section 51 (1) in respect of an entertainment expense incurred, except in respect of an entertainment expense which the Commissioner is reasonably satisfied is directly attributable to gaining or producing assessable income or directly attributable to the purpose of gaining or producing assessable income.”.

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

AYES, 28

Senators—

Archer	Durack	Messner	Vanstone
Baume, Michael	Guilfoyle, Dame	Parer	Vigor
Baume, Peter	Margaret	Puplick	Walters
Bjelke-Petersen	Hamer	Rae, Peter	Watson
Brownhill	Hill	Reid	Withers
Carrick, Sir John	Kilgariff (Teller)	Sheil	
Collard	Lewis	Short	
Crichton-Browne	MacGibbon	Townley	

NOES, 37

Senators—

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

Amendment negated accordingly.

Question—That the clause stand as printed—put.

The Committee divided—

AYES, 36

Senators—

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

## NOES, 28

Senators—			
Archer	Durack	Messner	Vanstone
Baume, Michael	Guilfoyle, Dame	Parer	Vigor
Baume, Peter	Margaret	Puplick	Walters
Bjelke-Petersen	Hamer	Rae, Peter	Watson
Brownhill	Hill	Reid	Withers
Carrick, Sir John	Kilgariff (Teller)	Sheil	
Collard	Lewis	Short	
Crichton-Browne	MacGibbon	Townley	

And so it was resolved in the affirmative.

Clause 9 agreed to accordingly.

Clause 10 agreed to.

Clause 11 debated.

Question—That the clause stand as printed—put.

The Committee divided—

## AYES, 38

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

## NOES, 27

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

And so it was resolved in the affirmative.

Clause 11 agreed to accordingly.

Clauses 12 to 22, by leave, taken together, debated and agreed to.

Clause 23 agreed to.

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

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Bills to be reported without amendment or requests.

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

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

## 22 INCOME TAX ASSESSMENT AMENDMENT BILL (NO. 2) 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.

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*In the Committee*

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

Bill to be reported without amendment.

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

**23 CUSTOMS AND EXCISE LEGISLATION AMENDMENT BILL (NO. 2) 1985****CUSTOMS TARIFF AMENDMENT BILL (NO. 2) 1985****CUSTOMS UNDERTAKING (PENALTIES) AMENDMENT BILL 1985:**

Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That these Bills be now read a first time.

Question—put and passed.

Bills read a first time.

The Minister for Finance (Senator Walsh) moved—That these Bills be now read a second time.

*Cognate debate:* The following Bills were, by leave, considered together with the above-mentioned Bills during the second reading debate:

Sales Tax (Exemptions and Classifications) Amendment Bill (No. 2) 1985

Sales Tax Assessment Bill (No. 11) 1985

Sales Tax Bill (No. 11A) 1985

Sales Tax Bill (No. 11B) 1985

Debate ensued.

Question—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*

Bills considered.

Clauses 4, 6, 7, 12, 17 and 18 of the Customs and Excise Legislation Amendment Bill (No. 2) 1985 and clause 13 and schedule 8 of the Customs Tariff Amendment Bill (No. 2) 1985, by leave, taken together and debated.

Question—That the clauses and the schedule stand as printed—put.

The Committee divided—

AYES, 37

## Senators—

Aulich  
Black  
Bolkus  
Button  
Childs  
Chipp  
Coates  
Colston  
Cook  
Cooney

Crowley  
Devlin  
Elstob  
Evans  
Foreman  
Georges  
Gietzelt  
Giles  
Grimes  
Jones

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

Ryan  
Sanders  
Sibraa  
Tate  
Vigor  
Walsh  
Zakharov

## NOES, 33

## Senators—

Archer	Durack	Lewis	Short
Baume, Michael	Guilfoyle, Dame	MacGibbon	Teague
Baume, Peter	Margaret	Messner	Townley
Bjelke-Petersen	Haines	Missen	Vanstone
Brownhill	Hamer	Parer	Walters
Carrick, Sir John	Harradine	Puplick	Watson
Chaney	Hill	Rae, Peter	Withers
Collard	Jessop	Reid	
Crichton-Browne	Kilgariff (Teller)	Sheil	

And so it was resolved in the affirmative.

Clauses 4, 6, 7, 12, 17 and 18 of the Customs and Excise Legislation Amendment Bill (No. 2) 1985 and clause 13 and schedule 8 of the Customs Tariff Amendment Bill (No. 2) 1985 agreed to accordingly.

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

Bills to be reported without amendment or requests.

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

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bills read a third time.

- 24 INDUSTRY AND TRADE—STANDING COMMITTEE—PROPOSED REFERENCE:** The Leader of the Opposition in the Senate (Senator Chaney), by leave, moved—That the following matter be referred to the Standing Committee on Industry and Trade: The proposed establishment of inwards duty-free shops, and its impact on customs administration and barrier control.

Debate ensued.

Question—put.

The Senate divided—

## AYES, 33

## Senators—

Archer	Durack	Lewis	Short
Baume, Michael	Guilfoyle, Dame	MacGibbon	Teague
Baume, Peter	Margaret	Messner	Townley
Bjelke-Petersen	Haines	Missen	Vanstone
Brownhill	Hamer	Parer	Walters
Carrick, Sir John	Harradine	Puplick	Watson
Chaney	Hill	Rae, Peter	Withers
Collard	Jessop	Reid (Teller)	
Crichton-Browne	Kilgariff	Sheil	

## NOES, 37

## Senators—

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

And so it was negatived.

- 25 SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) AMENDMENT BILL (NO. 2) 1985**

**SALES TAX ASSESSMENT BILL (NO. 11) 1985**

**SALES TAX BILL (NO. 11A) 1985**

**SALES TAX BILL (NO. 11B) 1985:**

Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Evans)—That these Bills be now read a second time.

Question—put and passed.

Bills read a second time.

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

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*In the Committee*

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

Bills to be reported without amendment or requests.

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

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bills read a third time.

- 26 **PUBLIC SERVICE AND STATUTORY AUTHORITIES AMENDMENT BILL 1985:** The Senate, according to Order, resolved itself into Committee for the consideration of Message No. 247 of the House of Representatives.

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*In the Committee*

Message read.

**SCHEDULE OF THE AMENDMENTS MADE BY THE  
HOUSE OF REPRESENTATIVES**

Clause 9, page 3, line 27, omit paragraph (a).

Clause 10, page 4, lines 15 to 42, omit proposed sub-section 25 (7), substitute the following sub-section:

“ (7) A report prepared under sub-section (6) shall be in accordance with guidelines from time to time approved by the Prime Minister and presented to the Parliament.”

Clause 10, page 5, add at the end of the clause the following proposed sub-section:

“ (9) In sub-clause (6), “Department” means a Department referred to in paragraph (a) of the definition of “Department” in sub-section 7 (1).”

The Minister for Industry, Technology and Commerce (Senator Button) moved—That the amendments be agreed to.

Debate ensued.

Question—put and passed.

Resolution to be reported.

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The Deputy-President resumed the Chair; and the Temporary Chairman of Committees (Senator Haines) reported that the Committee had considered Message No. 247 of the House of Representatives relating to the Public Service and Statutory Authorities Amendment Bill 1985 and had agreed to the amendments made by the House of Representatives in the Bill.

On the motion of Senator Button the Report from the Committee was adopted.

- 27 **BOUNTY (COMMERCIAL MOTOR VEHICLES) AMENDMENT BILL (NO. 2) 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Service (Senator Grimes)—That this Bill be now read a second time.

*Cognate debate:* The following Bill, was, by leave, taken together with the above-mentioned Bill during the second reading debate: Subsidy (Grain Harvesters and Equipment) Bill 1985.

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Debate resumed.

Question—put and passed.

Bill read a second time.

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

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*In the Committee*

Bill, by leave, taken as a whole, debated 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 Jones) reported accordingly.

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bill read a third time.

**28 CRIMES (AMENDMENT) ORDINANCE (NO. 3) 1985—STATEMENT BY CHAIRMAN:**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Cooney), by leave, made a statement informing the Senate that the Committee had received certain undertakings from the responsible Minister in relation to the *Crimes (Amendment) Ordinance (No. 3) 1985*, as contained in Australian Capital Territory Ordinance No. 40 of 1985 and made under the *Seat of Government (Administration) Act 1910*.

*Notice of Motion withdrawn:* Senator Cooney, by leave, withdrew Business of the Senate, Notice of Motion No. 1.

**29 SUBSIDY (GRAIN HARVESTERS AND EQUIPMENT) 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.

Question—put and passed.

Bill read a second time.

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

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*In the Committee*

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

Bill to be reported without amendment.

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

On the motion of the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bill read a third time.

**30 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—76TH REPORT:** The Chairman of the Standing Committee on Regulations and Ordinances (Senator Cooney) tabled the following Report:

76th Report—A certain Ordinance of the Australian Capital Territory Disallowed by the Effluxion of Time, dated December 1985.

Ordered to be printed.

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

**31 HOME AND COMMUNITY CARE BILL 1985****HOME AND COMMUNITY CARE (MISCELLANEOUS AMENDMENTS) BILL 1985:**

Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That these Bills be now read a second time.

Debate resumed.

Question—put and passed.

Bills read a second time.

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

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*In the Committee*

Bills, by leave, taken as a whole, debated and agreed to.

Bills 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 Grimes the Report from the Committee was adopted, and the Bills read a third time.

**32 AUSTRALIAN TRADE COMMISSION BILL 1985****AUSTRALIAN TRADE COMMISSION (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1985:**

Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Evans)—That these Bills be now read a second time.

Debate resumed.

Question—put.

The Senate divided—

**AYES, 36****Senators—**

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

**NOES, 31****Senators—**

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

And so it was resolved in the affirmative.

Bills read a second time.

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

*In the Committee*

Bills, by leave, taken as a whole, debated and agreed to.  
Bills 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 the Minister for Industry, Technology and Commerce (Senator Button) the Report from the Committee was adopted, and the Bills read a third time.

**33 PETROLEUM REVENUE BILL 1985**

**EXCISE TARIFF AMENDMENT BILL (NO. 2) 1985:**

Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That these Bills be now read a second time.

Debate resumed.

Senator Durack addressing the Chair—

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*And it being 10.30 p.m.—*

**34 ADJOURNMENT:** The Deputy-President, under Sessional Order, put the Question—

That the Senate do now adjourn.

Debate ensued.

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*And the Senate having continued to sit till 12 midnight—*

**FRIDAY, 6 DECEMBER 1985, A.M.**

Debate continued.

Question—resolved in the affirmative.

The Senate adjourned at 12.07 a.m. till this day at 9 a.m.

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

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