

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 74

FRIDAY, 6 DECEMBER 1985

1 **MEETING OF SENATE:** The Senate met at 9 a.m., pursuant to adjournment. The Deputy-President (Senator Hamer) took the Chair.

2 **PRAYERS.**

3 **PETITIONS:** The following 9 petitions, lodged with the Clerk by the Senators indicated, were received:

Senators MacGibbon, Macklin and Sheil, from 241, 567 and 467 petitioners, respectively, praying that the Senate pass Senator Harradine's Bill to prohibit experiments involving the use of human embryos created by in vitro fertilization. Senator Michael Baume, from 472 petitioners praying that the Senate prevent the Government from transferring Illawarra's television station, WIN TV, from VHF to UHF transmission.

Senator Parer, from 184 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 Macklin, from 10 petitioners praying that the Senate support the Constitution Alteration (Democratic Elections) Bill 1985.

Senator Reid, from 217 petitioners praying that the Senate oppose the relocation of the Telopea Park School Introductory English Centre in Barton, Australian Capital Territory.

Senator Button, from 7429 petitioners praying that the Senate request that the Government grant Sheikh Tajeddine Al-Hilaly of Lebanon permanent residence in Australia.

Senator Vigor, from 46 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 **NOTICES:**

Notices of Motion:

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

- (a) notes that new funding rules for schools will mean that, for the first time in a decade, some Australian school children will attract no federal support for their education;
- (b) notes that the Minister for Education (Senator Ryan) has shown political partisanship by funding one school in a marginal Labor electorate after it was given a low priority under the new funding guidelines, and not funding other children in other schools similarly classified; and
- (c) views that such action is:
 - (i) not fair to children and parents in those schools in the same priority group for whom funds were not provided, and
 - (ii) not in keeping with proper standards of administration or with the proper standards of behaviour expected of a Minister of the Crown.

The Leader of the Australian Democrats (Senator Chipp): To move on the next day of sitting—That the Senate considers that both Houses of the Parliament should meet, in accordance with their current sessional orders relating to the days and times of meetings, from mid-February until the end of July and from mid-August until mid-December 1986.

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

- (a) notes the plight of the frail aged residents of Allambee and Jindalee nursing homes and the plight of those needing hospital care;
- (b) calls on the Royal Australian Nurses' Federation (RANF) executive to abide by a return to work;
- (c) condemns the Federal Government for its failure to prepare and make known contingency plans to provide adequate hospital services for the 250 000 residents of the Australian Capital Territory (ACT); and
- (d) condemns the Government for its failure to settle the dispute with the RANF which has left ACT citizens without adequate hospital services.

Senator Crichton-Browne: To move on the next day of sitting—That the Senate—

- (a) having regard for the actions of the Western Australian Labor Government in supporting:
 - (i) the Federal Labor Government at the time of the Economic Summit,
 - (ii) Labor's Federal policy on consensus which is in effect a pseudonym for capitulation to union power,
 - (iii) the Federal Government's tax package, the effects of which include increasing costs to the Western Australian iron ore industry in the order of \$25 million in addition to an estimated \$15 million burden on the private service industries operating in the North West, and
 - (iv) the concept of the Economic Trilogy without itself adhering to the principles which it entailed, thereby creating the impression that the only Trilogy which the Labor Government in Western Australia has supported has been the Hawke/Keating/Burke Trilogy;
- (b) condemns the Western Australian Labor Government for the support it has demonstrated for the overall economic policies of the Commonwealth Government which have resulted in record interest rates which are crippling the rural sector, small business and home buyers alike; spiralling public indebtedness; and uncontrolled levels of Government expenditure and taxation; and
- (c) commends the actions of the Liberal candidate for the Pilbara, Mr John Van Uden in opposing the taxation policies of the Federal Government and in supporting the Leader of the State Opposition, Mr Bill Hassell, in challenging the policies of high levels of taxation and real growth in Government expenditure supported by the Labor Government in Western Australia.

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

- (a) is of the opinion that uranium mining should be allowed to proceed within the safeguards established by the Australian Government, according to the judgement of mining companies who have been willing to provide risk capital and to establish overseas markets, thereby encouraging job creation and a desperately needed increase in export income;
- (b) is concerned that deprivation of adequate uranium supplies to the growing world market will cause an acceleration in the development and installation of fast breeder reactors which produce many times the plutonium produced by nuclear fission; and
- (c) notes that the plutonium produced in reactors used to provide electric power is unsuitable for nuclear weapons because it contains the contaminants, plutonium isotopes 240, 241 and 242 and that such, plutonium cannot be converted into weapons grade plutonium 239 without grossly expensive and thus uneconomic refinement.

Notice of Motion withdrawn: Senator Colston withdrew General Business, Notice of Motion No. 81 standing in his name.

- 5 SENATE—BROADCASTING AND RE-BROADCASTING OF EXCERPTS OF PROCEEDINGS:** The Manager of Government Business (Senator Grimes), pursuant to Notice of Motion not objected to as a Formal Motion, moved—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.

Question—put and passed.

- 6 CRICKET—TEST SERIES BETWEEN AUSTRALIA AND NEW ZEALAND:** Senator Colston, pursuant to Notice of Motion not objected to as a Formal Motion, moved—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.

Question—put and passed.

- 7 INDUSTRY AND TRADE—STANDING COMMITTEE—AUTHORITY TO PRESENT REPORT WHEN SENATE NOT SITTING:** The Chairman of the Standing Committee on Industry and Trade (Senator Childs), pursuant to Notice of Motion not objected to as a Formal Motion, moved—

- (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.

Question—put and passed.

- 8 HOUSE OF REPRESENTATIVES—BROADCASTING AND RE-BROADCASTING OF EXCERPTS OF PROCEEDINGS—***Message from the House of Representatives:* The following Message from the House of Representatives was reported:

MR DEPUTY PRESIDENT,

Message No. 256

The House of Representatives acquaints the Senate of the following Resolution which was agreed to by the House of Representatives on 29 November 1985:

That this House authorises the broadcasting and re-broadcasting on Australian radio and television stations of a sound record of excerpts of its proceedings during 1986, subject to the condition determined for this purpose by the Joint Committee on the Broadcasting of Parliamentary Proceedings.

House of Representatives,
Canberra, 5 December 1985

H. A. JENKINS,
Speaker

- 9 **PERSONAL EXPLANATION:** Senator Michael Baume, by leave, made a personal explanation relating to a matter raised during debate on 5 December 1985.
- 10 **VOLATILE SUBSTANCE FUMES—SELECT COMMITTEE—REPORT:** Pursuant to Order, the Chairman of the Select Committee on Volatile Substance Fumes (Senator Robertson) tabled the following Report:
Volatile Substance Abuse in Australia, dated December 1985, together with transcript of evidence (10 vols).
Ordered—That the Report be printed.
Senator Robertson, 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 Robertson have leave to continue his speech on the resumption of the debate.
- 11 **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.
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, by leave, taken as a whole and agreed to.
Bills to be reported without amendment or requests.

The Deputy-President resumed the Chair; and the Temporary Chairman of Committees (Senator Townley) reported accordingly.
On the motion of the Minister for Resources and Energy (Senator Evans) the Report from the Committee was adopted, and the Bills read a third time.

- 12 **CUSTOMS TARIFF (STAND-BY DUTY) BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Veterans' Affairs (Senator Gietzelt)—That this Bill be now read a second time.
Debate resumed.
Question—put.
The Senate divided—

AYES, 34

Senators—

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

NOES, 28

Senators—

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

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 requests.

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

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

- 13 **BROADCASTING AND TELEVISION LEGISLATION 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.

Education and the Arts—Standing Committee—Proposed reference: Senator Puplick, pursuant to Standing Order 196A, moved—That the Broadcasting and Television Legislation Amendment Bill (No. 2) 1985 be referred to the Standing Committee on Education and the Arts for inquiry and report by the first sitting day in February 1986.

Debate ensued.

Question—put and negatived.

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

In the Committee

Bill, by leave, taken as a whole.

Senator Puplick moved an amendment, viz: Page 5, clause 12, proposed new subsection 119 (1), lines 33 and 34, leave out “the program standards were not complied with or”.

Debate ensued.

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

The Committee divided—

AYES, 28

Senators—

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

NOES, 35

Senators—

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

Amendment negatived accordingly.

Bill agreed to.

Bill to be reported without amendment.

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

14 COMPANIES AND SECURITIES LEGISLATION (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 this Bill be now read a second time.

Senator Durack moved an amendment, viz: At end of motion, add “, but the Senate—

- (a) expresses its deep concern at the burden of costs and diversion of resources caused by excessive regulation that constricts Australian business and blunts its competitive edge;
- (b) expresses its deep concern that the apparent quest for certainty in legislation has led to unnecessary complexity and technicality; and
- (c) records its view that the entire legislative package which is the subject of the amendments proposed by this Bill needs to be examined as a whole with the objectives of:
 - (i) lifting from business the burden of unnecessary, confusing and incompetently drafted laws and excessive regulation,
 - (ii) limiting legislation to essential matters,
 - (iii) achieving brevity, simplicity and intelligibility with the purpose of making laws as comprehensible as possible to the ordinary intelligent lay reader,
 - (iv) widening the process of outside consultation, and
 - (v) streamlining the processes of law making”.

Debate ensued.

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

The Senate divided—

AYES, 29

Senators—

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

NOES, 34

Senators—

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

Amendment negated accordingly.

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

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

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

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

15 STATUTE LAW (MISCELLANEOUS PROVISIONS) 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.

Constitutional and Legal Affairs—Standing Committee—Proposed reference: Senator Puplick, pursuant to Standing Order 196A, moved—That the Statute Law (Miscellaneous Provisions) Bill (No. 2) 1985 be referred to the Standing Committee on Constitutional and Legal Affairs for inquiry and report by the first sitting day in February 1986.

Debate ensued.

Question—put.

The Senate divided—

AYES, 29

Senators—

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

NOES, 35

Senators—

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

And so it was negatived.

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, debated and agreed to.

Bill to be reported without amendment.

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

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

- 16 **COMMONWEALTH BANKS AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That this Bill be now read a second time.

Debate resumed.

Ordered—That the debate be adjourned till a later hour of the day, and that Senator Tate have leave to continue his speech on the resumption of the debate.

- 17 **SUSPENSION OF SITTING—VARIATION OF ORDER:** The Manager of Government Business (Senator Grimes) moved—That the Order relating to the luncheon suspension of the sitting this day be varied to enable the Senate to sit between 12.45 p.m. and 2 p.m.

Question—put and passed.

- 18 **COMMONWEALTH BANKS AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

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

- 19 **CENSUS AND STATISTICS AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Finance (Senator Walsh)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

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

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

- 20 **FOREIGN STATES IMMUNITIES BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Finance (Senator Walsh)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

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

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

- 21 **STEVEDORING INDUSTRY LEVY 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.

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 MacGibbon) 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.

- 22 **JUDICIARY AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

Bill, by leave, taken as a whole.

Senator Durack moved an amendment, viz: Page 1, clause 3, lines 9 to 15, leave out the clause, insert the following new clause:

Indictments

“3. Section 69 of the Principal Act is amended by inserting in sub-section (3) ‘or refer the matter to such legal aid authorities as the Attorney-General considers appropriate’ after ‘the accused person’.”.

Debate ensued.

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

The Deputy-President resumed the Chair; and Senator MacGibbon 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.

- 23 **EVIDENCE AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

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

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

- 24 **JUDICIAL AND STATUTORY OFFICERS (REMUNERATION AND ALLOWANCES) AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Evans)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

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

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

- 25 **PUBLIC LENDING RIGHT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Community Services (Senator Grimes)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

Bill, by leave, taken as a whole.

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

Page 2, sub-clause 3 (1), definition of "scheme", line 4, leave out "approved", insert "determined".

Page 2, sub-clause 5 (1), lines 24 to 27, leave out the sub-clause, insert the following new sub-clauses:

“(1) The Minister may, by instrument in writing—

(a) determine a scheme for and in relation to the making of payments to persons in respect of books; and

(b) determine modifications to a scheme determined pursuant to paragraph (a).

“(1A) Sections 48, 49, 49A and 50 of the *Acts Interpretation Act 1901* apply in relation to determinations under sub-section (1) as if in those sections references to regulations were references to determinations, references to a regulation were references to a determination and references to a repeal were references to a revocation.”.

Page 2, sub-clause 5 (2), line 28, leave out “approve”, insert “determine”.

Page 2, sub-clause 5 (3), line 35, leave out “approving”, insert “determining”.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

26 QUARANTINE (VALIDATION OF FEES) BILL 1985: Order of the Day read for the adjourned debate on the motion of the Minister for Resources and Energy (Senator Evans)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

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

Bill to be reported without amendment.

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

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

27 ASHMORE AND CARTIER ISLANDS ACCEPTANCE AMENDMENT BILL 1985: Order of the Day read for the adjourned debate on the motion of the Minister for Industry, Technology and Commerce (Senator Button)—That this Bill be now read a second time.

Debate resumed.

And it being 2 p.m.—

28 QUESTIONS: Questions without Notice being proceeded with—

Paper: The Minister for Resources and Energy (Senator Evans) tabled the following Paper:

Defence—A copy of a memorandum, dated 26 November 1984, from the Secretary of the Defence Force Development Committee relating to a review

of the User Requirement for the Army Training Facilities Project (New South Wales), together with a paper by the Defence Facilities Policy Committee.

Further Questions without Notice were answered.

- 29 PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSES OUTSTANDING—STATEMENT BY DEPUTY-PRESIDENT:** The Deputy-President made a statement concerning the Report on Government Responses outstanding to Parliamentary Committee Reports tabled on 5 December 1985.

The Leader of the Government (Senator Button), by leave, made a statement relating thereto.

- 30 FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—REPORT ON THE SUPERANNUATION FUND INVESTMENT TRUST—GOVERNMENT RESPONSE—PAPER—MINISTERIAL STATEMENT:** The Minister for Finance (Senator Walsh) tabled the following Paper:

Government Response to the Report from the Standing Committee on Finance and Government Operations on the Superannuation Fund Investment Trust. Senator Walsh, by leave, made a statement relating thereto.

The Chairman of the Standing Committee on Finance and Government Operations (Senator Coates), by leave, moved—That the Senate take note of the Statement. Ordered—That the debate be adjourned till the next day of sitting, and that Senator Coates have leave to continue his speech on the resumption of the debate.

Statement, by leave: Senator Short, by leave, made a statement relating to the response.

- 31 SUPERANNUATION LIABILITIES OF COMMONWEALTH STATUTORY AUTHORITIES—MINISTERIAL STATEMENT:** The Minister for Finance (Senator Walsh), by leave, made a statement relating to the superannuation liabilities of Commonwealth statutory authorities and moved—That the Senate take note of the Statement.

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

Statement, by leave: Senator Michael Baume, by leave, made a statement relating to the Ministerial Statement.

- 32 FOREIGN AFFAIRS AND DEFENCE—STANDING COMMITTEE—REPORT ON AUSTRALIA'S DEFENCE CO-OPERATION WITH ITS NEIGHBOURS IN THE ASIAN-PACIFIC REGION—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT:** The Minister for Resources and Energy (Senator Evans), by leave, made a statement responding to the Report from the Standing Committee on Foreign Affairs and Defence on Australia's Defence Co-operation with its neighbours in the Asian-Pacific region tabled on 23 October 1984 and moved—That the Senate take note of the Statement.

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.

- 33 NOTICE:** The Leader of the Australian Democrats (Senator Chipp), by leave, gave a Contingent Notice of Motion, as follows—To move (contingent on the President proceeding to the placing of business on the next day of sitting)—That so much of the Standing Orders be suspended as would prevent Senator Chipp moving a motion to give precedence over other business to the Order of

the Day relating to the Government's response to the Report of the Standing Committee on Foreign Affairs and Defence on Defence Co-operation.

- 34 **PARLIMENTARY COMMITTEES—RELEASE OF EVIDENCE AND RECORDS—REPORT:** The Deputy-President, pursuant to Resolutions of the Senate and House of Representatives of 22 May 1980, tabled the following Report:

Release of Evidence and Records of Committees for period 18 November 1981 to 5 December 1985.

- 35 **EDUCATION AND THE ARTS—STANDING COMMITTEE—4TH REPORT ON THE EXAMINATION OF ANNUAL REPORTS:** The Chairman of the Standing Committee on Education and the Arts (Senator Colston) tabled the following Report:

Examination of Annual Reports—4th Report—Assessment in Secondary Colleges in the Australian Capital Territory, dated December 1985, together with transcript of evidence (2 vols).

Ordered—That the Report be printed.

Senator Colston, 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 Colston have leave to continue his speech on the resumption of the debate.

- 36 **CONSTITUTIONAL AND LEGAL AFFAIRS—STANDING COMMITTEE—REPORT ON IVF AND THE STATUS OF CHILDREN:** The Chairman of the Standing Committee on Constitutional and Legal Affairs (Senator Tate) tabled the following Report:

IVF and the Status of Children—National Uniformity in Laws relating to the Status of Children Born through the use of In Vitro Fertilisation, dated December 1985.

Ordered to be printed.

Senator Tate, 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 Tate have leave to continue his speech on the resumption of the debate.

- 37 **HUMAN EMBRYO EXPERIMENTATION BILL 1985—SELECT COMMITTEE—REFERENCE OF SUBMISSIONS:** The Chairman of the Standing Committee on Constitutional and Legal Affairs (Senator Tate), by leave, moved—That the submissions received by the Standing Committee on Constitutional and Legal Affairs, in relation to its inquiry into In Vitro Fertilisation, be referred to the Select Committee on the Human Embryo Experimentation Bill 1985 for consideration.

Question—put and passed.

- 38 **FINANCE AND GOVERNMENT OPERATIONS—STANDING COMMITTEE—2ND REPORT ON CHANGES IN THE PRESENTATION OF THE APPROPRIATIONS AND DEPARTMENTAL EXPLANATORY NOTES:** The Chairman of the Standing Committee on Finance and Government Operations (Senator Coates) tabled the following Report:

2nd Report on Changes in the Presentation of the Appropriations and Departmental Explanatory Notes, dated December 1985.

Ordered to be printed.

Senator Coates, 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 Coates have leave to continue his speech on the resumption of the debate.

- 39 **PUBLIC ACCOUNTS—JOINT STATUTORY COMMITTEE—242ND REPORT:** The Chairman of the Joint Committee of Public Accounts (Senator Georges) tabled the following Report:

242nd Report—Finance Minute on Report 198—Government Aircraft Factories.

Ordered to be printed.

Senator Georges, by leave, made a statement relating thereto and moved—That the Senate take note of the Report.

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

- 40 **PUBLICATIONS—STANDING COMMITTEE—8TH REPORT:** The Chairman of the Standing Committee on Publications (Senator Elstob) tabled the following Report:

PUBLICATIONS COMMITTEE EIGHTH REPORT

The Publications Committee, having considered petitions and papers presented to the Senate since its last Report, and papers previously presented, recommends that the following be printed:

- Aboriginal Land Rights (Northern Territory) Act—Aboriginal Land Commissioner—
Annual Report 1984-85.
- Timber Creek Land Claim—Report, dated 19 April 1985.
- Administrative Appeals Tribunal Act—Administrative Review Council—
Annual Report (9th) 1984-85.
- Air Navigation Act—Department of Aviation—Annual Report 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 Centre for International Agricultural Research Act—Australian
Centre for International Agricultural Research—Annual Report 1984-85.
- Australian Film Commission Act—Australian Film Commission—Annual
Report 1984-85.
- Australian Marine Sciences and Technologies Advisory Committee—Annual
Report (3rd) 1984.
- Australian Meat and Live-stock Corporation Act—Australian Meat and
Live-stock Corporation—Annual Report 1984-85.
- Australian National Airlines Act—Australian National Airlines Commission
(TAA)—Annual Report (40th) 1984-85.
- Australian National Railways Act—Australian National Railways Commission—
Annual Report 1984-85.
- Australian Science and Technology Council Act—Australian Science and
Technology Council—Report on Nuclear Science and Technology in
Australia, dated 4 November 1985.
- Australian Security Intelligence Organization—Report to Parliament 1984-85.
- Australian Security Intelligence Organization Act—Security Appeals
Tribunal—Annual Report (6th) 1984-85.
- Australian Shipping Commission Act—Australian Shipping Commission
(Australian National Line)—Annual Report (29th) 1984-85.
- Barley Research Act—Barley Industry Research Council—Annual Report
1984-85.
- British Nuclear Tests in Australia—Report (3 vols) of the Royal Commission
(President: Mr Justice J. R. McClelland), dated 20 November 1985.
- Complaints (Australian Federal Police) Act—Federal Police Disciplinary
Tribunal—Annual Report 1984-85.
- Defence Report 1984-85.
- Defence Service Homes Act—Defence Service Homes Corporation—Annual
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*.
- Department of Foreign Affairs—Annual Report for period 1 January 1983 to 30 June 1984.
- 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.
- Export Expansion Grants Act and Export Market Development Grants Act—Export Development Grants Board—Annual Report (10th) 1984-85.
- Freedom of Information Act—Annual Report 1984-85, by the Attorney-General.
- Honey Industry Act—Australian Honey Board—Annual Report (22nd) 1984-85.
- Housing Assistance Act—Annual Report (3rd) 1983-84 on the 1981 Commonwealth-State Housing Agreement.
- 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.
- Income Tax Assessment Act and Taxation Administration Act—Commissioner of Taxation—Annual Report (64th) 1984-85.
- Independent Schools (Loans Guarantee) Act—Annual Report (Final) 1983-84—Statement of payments made pursuant to section 8 of the Act. Substitute for reports ordered to be printed on 28 March 1985 and 31 May 1985.
- International Monetary Agreements Act—Annual Report 1984-85, on the operations of the Act, and, insofar as they relate to Australia, of the International Monetary Fund and the International Bank for Reconstruction and Development.
- 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).
- Ombudsman Act—Commonwealth Ombudsman—Annual Report (8th) 1984-85, together with Defence Force Ombudsman—Annual Report (2nd) 1984-85.
- Pig Industry Research Act—Australian Pig Industry Research Committee—Annual Report 1984-85.
- Public Service Act—Public Service Board—Annual Report 1984-85.
- Remuneration Tribunals Act—Remuneration Tribunal—Report of Inquiry into Superannuation and Retiring Allowances for Holders of Public Offices, dated 3 October 1985.
- Repatriation Act—Repatriation Commission—Annual Report 1984-85.
- Snowy Mountains Hydro-electric Power Act—Snowy Mountains Hydro-electric Authority—Annual Report (36th) 1984-85.
- War Graves Act—Office of Australian War Graves—Annual Report 1984-85.
- Wheat Research Act—Annual Report 1984-85.

RON ELSTOB,
Chairman

6 December 1985

Senator Elstob, by leave, moved—That the Report be adopted.
Question—put and passed.

- 41 **GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS:** Messages from His Excellency the Governor-General were reported, informing the Senate that His Excellency had, in the name of Her Majesty, assented to the following laws:

4 December 1985—

Message No. 46—

Companies Amendment Act 1985 (Act No. 140 of 1985).

Message No. 47—

Appropriation (Parliamentary Departments) Act 1985 (Act No. 141 of 1985).

Message No. 48—

Australia Act 1986 (Act No. 142 of 1985).

Australia (Request and Consent) Act 1985 (Act No. 143 of 1985).

- 42 **ASHMORE AND CARTIER ISLANDS ACCEPTANCE AMENDMENT BILL 1985:** Order of the Day read for the adjourned debate on the motion of the Minister for Industry, Technology and Commerce (Senator Button)—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

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

In the Committee

Bill, by leave, taken as a whole.

Senator Vigor moved an amendment, viz: Page 2, clause 6, proposed new section 8, at end of section, add the following new sub-section:

“(3) The *National Parks and Wildlife Conservation Act 1975* applies in respect of the Territory as if there were in force a proclamation made in accordance with section 7 of that Act—

(a) declaring the whole of the area of the Territory to be a reserve;

(b) assigning the name ‘Ashmore and Cartier Islands National Nature Reserve’ to that reserve; and

(c) specifying the depth of 200 metres for the purposes of paragraphs (6) (a) and (6) (c) of that section.”.

Debate ensued.

Question—That the words proposed to be added be added—put and negatived, all Australian Democrat Senators present, by leave, having recorded their votes for the Ayes.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Veterans' Affairs (Senator Gietzelt) the Report from the Committee was adopted, and the Bill read a third time.

- 43 **JUDICIARY AMENDMENT BILL 1985:** The Senate, according to Order, resolved itself into Committee for the further consideration of the Bill.

In the Committee

Consideration resumed of the Bill *and of the amendment moved thereto by Senator Durack*, viz: Page 1, clause 3, lines 9 to 15, leave out the clause, insert the following new clause:

Indictments

"3. Section 69 of the Principal Act is amended by inserting in sub-section (3) 'or refer the matter to such legal aid authorities as the Attorney-General considers appropriate' after 'the accused person'."

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

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

Amendment agreed to accordingly.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

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

- 44 **ORDER OF THE DAY DISCHARGED:** Senator Vigor, by leave, moved—That General Business, Order of the Day No. 109 (Broadcasting and Television Amendment (Tribunal's Powers) Bill 1985), be discharged from the Notice Paper.

Question—put and passed.

- 45 **NEW PARLIAMENT HOUSE—JOINT STANDING COMMITTEE—REPORT ON PLANNING FOR SENATE AND HOUSE OF REPRESENTATIVES CHAMBERS:** Order of the Day, by leave, read for the adjourned debate on the motion of Senator Robertson—That the Senate take note of the Report *and on the amendment moved thereto by Senator Crichton-Browne, 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 resumed.

Leave refused: The Minister for Resources and Energy (Senator Evans) sought leave to continue his speech.

Objection being raised, leave not granted.

Debate continued.

Senator Robertson moved—That the debate be now adjourned.

Question—put.

The Senate divided—

AYES, 34

Senators—

Aulich
Black
Bolkus
Childs
Chipp
Coates
Colston
Cook
Cooney

Crowley
Devlin
Elstob
Evans
Foreman
Gietzelt
Giles
Grimes
Haines

Jones
McIntosh
McKiernan
Macklin
Maguire
Morris
Ray, Robert
Reynolds
Richardson

Robertson (Teller)
Ryan
Sanders
Sibraa
Vigor
Walsh
Zakharov

NOES, 27

Senators—			
Archer	Crichton-Browne	MacGibbon	Short
Baume, Michael	Guilfoyle, Dame	Missen	Tate
Baume, Peter	Margaret	Parer	Teague
Boswell	Hill	Puplick	Townley
Carrick, Sir John	Jessop	Rae, Peter	Vanstone
Chaney	Kilgariff	Reid (Teller)	Walters
Collard	Knowles	Sheil	Watson

And so it was resolved in the affirmative.

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

- 46 **ORDER OF BUSINESS—POSTPONEMENT:** The Manager of Government Business (Senator Grimes) moved—That all intervening business be postponed till after the consideration of General Business, Notice of Motion No. 89 standing in the name of Senator Macklin relating to the reference of a Bill to a committee.

Question—put and passed.

- 47 **ELECTORAL REFORM—JOINT SELECT COMMITTEE—REFERENCE:** Senator Macklin, pursuant to notice, moved—That the Constitution Alteration (Democratic Elections) Bill 1985 be referred to the Joint Select Committee on Electoral Reform for inquiry and report.

Closure: Senator Macklin moved—That the Question be now put.

Question—That the Question be now put—put.

The Senate divided—

AYES, 35

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

NOES, 28

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

And so it was resolved in the affirmative.

Question—That the motion be agreed to—put accordingly.

The Senate divided—

AYES, 35

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

NOES, 28

Senators—

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

And so it was resolved in the affirmative.

- 48 **NEXT MEETING OF SENATE:** The Manager of Government Business (Senator Grimes) moved—That the Senate, unless otherwise ordered, at its rising, adjourn till Tuesday, 11 February 1986 at 2 p.m., or such other day and/or hour as may be fixed by the President or, in the event of the President being unavailable, by the Deputy-President, and that the day and/or hour of meeting so determined shall be notified to each Senator.

The Leader of the Opposition in the Senate (Senator Chaney) moved an amendment, viz: At end of motion, add

“; Provided that the President, upon a request or requests by an absolute majority of the whole number of Senators that the Senate meet at a certain time, shall fix a day and hour of meeting in accordance with such request or requests, and such time of meeting shall be notified to each Senator.

For these purposes a request by the Leader or Deputy-Leader of the Opposition in the Senate shall be deemed to be a request by every Senator of the Opposition and a request by the Leader or Deputy-Leader of the Australian Democrats shall be deemed to be a request by every Australian Democrat Senator.

Provided further that the request or requests may be made to the President by leaving the same with, or delivering the same to, the Clerk of the Senate, who shall immediately notify the President.

In the event of the President being unavailable, the Clerk shall without delay notify the Deputy-President, or, should he be unavailable, any one of the Temporary Chairmen of Committees, who shall be deemed to be required by the Senate to summon the Senate on behalf of the President, in accordance with the terms of this Resolution”.

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

Main Question, as amended—put and passed.

- 49 **LEAVE OF ABSENCE TO ALL SENATORS:** The Leader of the Government (Senator Button) moved—That leave of absence be granted to every Member of the Senate from the termination of the sitting this day to the day on which the Senate next meets.

Question—put and passed.

- 50 **ADJOURNMENT:** The Leader of the Government (Senator Button) moved—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at 4.25 p.m. till Tuesday, 11 February 1986 at 2 p.m., or such other day and/or hour as may be fixed in accordance with the Resolution agreed to this day.

- 51 **ATTENDANCE:** Present, all Senators except Senators Brownhill, Coleman (on leave), Lewis, McClelland, Mason, Siddons and Withers.

A. R. CUMMING THOM,
Clerk of the Senate