

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 104

TUESDAY, 29 MAY 1979

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- 1 The House met, at 10.30 a.m., pursuant to adjournment. The Acting Speaker (Mr Millar) took the Chair, and read Prayers.
  - 2 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
    - Dr Edwards, Mr Holding, Mr Lynch and Mr Martin—from certain citizens praying that pension payments be restored to twice-yearly adjustments and that pensions and unemployment benefits be raised to 30% of average weekly earnings.
    - Mr Haslem and Mr Lynch—from certain citizens praying that the Metric Conversion Act be repealed and the traditional and familiar weights and measures be restored.
    - Mr Lynch—from certain citizens praying that the imperial system of weights and measures be restored.
    - Mr J. L. McMahon—from certain citizens praying that there be no extension of Kingsford-Smith Airport, Sydney.
    - Mr J. L. McMahon—from certain citizens praying that the level of Federal funding for the community health service in New South Wales be maintained and that triennial funding programs for the service be re-introduced.
 Petitions received.
  - 3 QUESTIONS: Questions without notice were asked.
  - 4 PAPERS: The following papers were presented, pursuant to statute:
    - Conciliation and Arbitration Act—
    - Commonwealth Arbitration Inspectorate—Report on the operation of former s. 125, for period 1 July 1977 to 28 February 1978.
    - Industrial Relations Bureau—1st Annual Report, for period 3 October 1977 to 30 June 1978.
  - 5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS LEGISLATION:
    - Mr Acting Speaker informed the House that Mr Bowen (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The collapse of the Government's industrial relations legislation as further evidenced by the recent Federal Court decision".
    - The proposed discussion having received the necessary support—
    - Mr Bowen addressed the House.
    - Discussion ensued.
    - Discussion concluded.
  - 6 AUSTRALIAN MEAT AND LIVE-STOCK CORPORATION AMENDMENT BILL 1979: Mr Sinclair (Minister for Primary Industry), pursuant to notice, presented a Bill for an Act to amend the *Australian Meat and Live-stock Corporation Act 1977*.
    - Bill read a first time.
    - Mr Sinclair moved—That the Bill be now read a second time.
    - Debate adjourned (Mr Bowen—Deputy Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

- 7 MEAT RESEARCH AMENDMENT BILL 1979: Mr Sinclair (Minister for Primary Industry), pursuant to notice, presented a Bill for an Act to amend the *Meat Research Act* 1960.  
 Bill read a first time.  
 Mr Sinclair moved—That the Bill be now read a second time.  
 Debate adjourned (Mr Bowen—Deputy Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.
- 8 POSTPONEMENT OF ORDER OF THE DAY: Ordered—That order of the day No. 1, government business, be postponed until a later hour this day.
- 9 WHEAT INDUSTRY STABILIZATION AMENDMENT BILL 1979: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—  
 Debate resumed.  
 Question—put and passed—Bill read a second time.  
 Leave granted for third reading to be moved forthwith.  
 On the motion of Mr Fife (Minister for Business and Consumer Affairs), the Bill was read a third time.
- 10 WHEAT INDUSTRY STABILIZATION (REIMBURSEMENT OF BORROWING COSTS) BILL 1979: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—  
 Question—put and passed—Bill read a second time.  
*Message from the Governor-General:* Message No. 152, dated 10 May 1979, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.  
 Leave granted for third reading to be moved forthwith.  
 On the motion of Mr Fife (Minister for Business and Consumer Affairs), the Bill was read a third time.
- 11 CUSTOMS AMENDMENT BILL 1979: The order of the day having been read for the consideration of the report of the legislation committee—

SCHEDULE OF THE AMENDMENTS MADE IN LEGISLATION COMMITTEE

- (1) Clause 2, page 1, lines 6 and 7, omit the clause, substitute the following clause:  
 “2. (1) Subject to sub-section (2), this Act shall come into operation on <sup>Commence-</sup> the day on which it receives the Royal Assent. <sup>ment</sup>”  
 “(2) Sections 5 and 6 shall come into operation on a date to be fixed by Proclamation.”
- (2) Clause 5, page 3, line 16, after paragraph (a) insert the following paragraph:  
 “(aa) by omitting ‘The officer may detain’ and substituting ‘An officer may detain’”.
- (3) Clause 6, page 3, lines 22 and 23, omit “6. After section 196 of the Principal Act the following section is inserted:”, substitute—  
 “6. After section 196 of the Principal Act the following sections are inserted:  
 ‘196AA. (1) An order shall not be made by a Magistrate under section 196 <sup>Orders for</sup> for the searching of a suspected person unless the Magistrate is satisfied, by <sup>searches of</sup> information on oath, that there is reasonable ground for suspecting that the <sup>suspected</sup> person is unlawfully carrying, or has secreted about him, any goods subject to the control <sup>persons</sup> of the Customs, any prohibited imports or any prohibited exports.  
 ‘(2) An order of a Magistrate under section 196 for the searching of a suspected person shall be in accordance with the prescribed form.”
- (4) Clause 6, page 3, line 37, after sub-section (3) of proposed section 196A insert the following sub-sections:  
 “(3A) A medical practitioner who carries out an examination of the body cavities of a person in pursuance of arrangements made by an officer of Customs or of police under this section may sign a certificate, in accordance with the prescribed form, setting out the results of the examination.

“(3B) In any proceedings under this Act, a certificate by a medical practitioner under sub-section (3A) is *prima facie* evidence of the matters stated in the certificate.

“(3C) For the purposes of sub-section (3B), a document purporting to be a certificate under sub-section (3A) and to be signed by a medical practitioner shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.”

(5) Clause 8, page 4, proposed section 219A, before the definition of “listening device” insert the following definition:

“‘Judge’ means a Judge holding the judicial rank of Justice of the Supreme Court of a State or Territory or of the Federal Court of Australia;”

(6) Clause 8, pages 5 and 6, proposed section 219B, omit sub-sections (5) and (6), substitute the following sub-sections:

“(5) Where an affidavit is laid before a Judge by the Comptroller alleging that—

- (a) there are reasonable grounds for believing that a person has committed, or is likely to commit, a narcotics offence; and
- (b) the use by officers of Customs of a listening device to listen to or record words spoken by or to that person will, or is likely to, assist officers of Customs in, or in connection with—
  - (i) if there are reasonable grounds for believing that a person has committed a narcotics offence—inquiries that are being made in relation to that offence by that person; or
  - (ii) if there are reasonable grounds for believing that a person is likely to commit a narcotics offence—inquiries that are being made in relation to the likely commission, by that person, of that offence,

the Judge may, by writing under his hand, authorize officers of Customs, subject to any conditions or restrictions that are specified in the warrant, to use a listening device for the purposes of listening to or recording words spoken by, to or in the presence of that person, and such a warrant may authorize officers of Customs to enter any premises specified in the warrant in which that person is, or is likely to be, for the purpose of installing, maintaining, using or recovering a listening device or a part of a listening device.

“(6) A Judge shall not issue a warrant under sub-section (5) in relation to an affidavit of the Comptroller unless—

- (a) the affidavit of the Comptroller under sub-section (5) specifies the facts and other grounds on which the issue of the warrant is sought;
- (b) the Comptroller has given to the Judge, either orally or by further affidavit, such further information as the Judge requires concerning the grounds on which the issue of a warrant is being sought;
- (c) the Judge is satisfied as to the matters specified in paragraphs (a) and (b) of sub-section (5);
- (d) the Judge is satisfied that other methods of investigation have been tried without success, or would be unlikely to be successful, or would be impracticable; and
- (e) the Judge is satisfied that, given the seriousness of the suspected offence, or suspected likely offence, the issue of a warrant would be in the public interest.

“(6A) Where an affidavit is laid before a Judge by the Comptroller alleging that—

- (a) there are reasonable grounds for believing that particular premises have been, or are likely to be, used in connection with the commission of a narcotics offence; and
- (b) the use by officers of Customs of a listening device to listen to or to record words spoken by or to persons in those premises will, or is likely to, assist officers of Customs in, or in connection with, inquiries that are being made in relation to the use, or likely use, of the premises in connection with a narcotics offence for which there are reasonable grounds for believing has been, or is likely to be, committed,

the Judge may, by writing under his hand, authorize officers of Customs, subject to any conditions or restrictions that are specified in the warrant, to use a listening device for the purposes of listening to or recording words spoken by, or to any person while the person

is in those premises, and such a warrant may authorize officers of Customs to enter those premises for the purpose of installing, maintaining, using or recovering a listening device, or a part of a listening device.

‘(6B) A Judge shall not issue a warrant under sub-section (6A) in relation to an affidavit of the Comptroller unless—

- (a) the affidavit of the Comptroller under sub-section (6A) specifies the facts and other grounds on which the issue of the warrant is sought;
  - (b) the Comptroller has given to the Judge, either orally or by further affidavit, such further information as the Judge requires concerning the grounds on which the issue of a warrant is being sought;
  - (c) the Judge is satisfied as to the matters specified in paragraphs (a) and (b) of sub-section (6A);
  - (d) the Judge is satisfied that other methods of investigation have been tried without success, or would be unlikely to be successful, or would be impracticable; and
  - (e) the Judge is satisfied that, given the seriousness of the suspected offence, or suspected likely offence, the issue of a warrant would be in the public interest.”.
- (7) Clause 8, page 6, line 29, omit “the Minister”, substitute “the Judge issuing the warrant”.
- (8) Clause 8, page 6, lines 34–36, omit “6 months, but may be revoked by the Minister at any time before the expiration of the period so specified”, substitute “30 days”.
- (9) Clause 8, page 6, proposed section 219B, after sub-section (9) insert the following sub-section:

“ ‘(9A) Where a Judge issues a warrant under sub-section (5) or sub-section (6A), he shall state on the affidavit furnished to him by the Comptroller, which of the grounds specified in that affidavit he has relied on to justify the issue of the warrant and particulars of any other grounds relied on by him to justify the issue of the warrant.”.

(10) Clause 8, page 7, omit proposed section 219C.

(11) Clause 8, page 7, omit proposed section 219D, substitute the following section:

“ ‘219D. (1) Where it is impracticable for the Comptroller to make application to a Judge for the issue of a warrant in accordance with section 219B, the Comptroller may make application for the issue of a warrant authorizing the use of a listening device to a Judge, by telephone, in accordance with this section. Issue of warrants by Judge in emergency

‘(2) Before making application to a Judge by telephone under sub-section (1), the Comptroller shall prepare an affidavit setting out the grounds on which the issue of the warrant is being sought, but may, if it is necessary to do so, make the application before the affidavit has been sworn.

‘(3) Where a Judge is, upon application made under sub-section (1), satisfied—

- (a) after having considered the terms of the affidavit prepared in accordance with sub-section (2); and
- (b) after having had given to him such further information (if any) as he requires and the Comptroller is able to give concerning the grounds on which the issue of the warrant is being sought,

that there are reasonable grounds for issuing the warrant, the Judge shall issue such a warrant as he would issue under section 219B if the application had been made to him in accordance with that section.

‘(4) Where a Judge issues a warrant under sub-section (3)—

- (a) the Judge shall complete and sign the warrant;
- (b) the Judge shall inform the Comptroller of the terms of the warrant signed by him, and record on the warrant his reasons for issuing the warrant; and
- (c) the Comptroller shall complete a form of warrant in the terms furnished to him by the Judge and write on it the name of the Judge who issued the warrant and the date on which and the time at which it was issued.

‘(5) Where a Judge issues a warrant under sub-section (3), the Comptroller shall, not later than the day next following the date of expiry of the warrant, forward to the Judge who issued the warrant the form of warrant prepared by him and the information and affidavit duly sworn in connection with the issue of the warrant.

(6) Upon receipt of the documents referred to in sub-section (5), the Judge shall attach to them the warrant signed by him and deal with the documents in the manner in which he would have dealt with the information if the application for the warrant had been made to him in accordance with section 219B.

(7) A form of warrant duly completed by the Comptroller in accordance with sub-section (4), is, if it is in accordance with the terms of the warrant signed by the Judge, authority for the use of any listening device in relation to any particular person or premises that it authorizes.

(8) Where it is necessary for the Court, in any proceeding, to be satisfied that the use of a listening device was authorized by a warrant issued by a Judge in accordance with this section, and the warrant signed by a Judge in accordance with this section authorizing the entry or seizure is not produced in evidence, the Court shall assume, unless the contrary is proved, that the entry or seizure was not authorized by such a warrant.”

(12) Clause 8, page 7, after proposed section 219D insert the following section:

“219DA. The Comptroller shall, upon receipt of a warrant under section 219B or 219D forthwith furnish to the Minister a copy of the warrant, a copy of any affidavit furnished to a Judge in connection with the issue of warrants under this part, and a copy of any endorsement on an affidavit by a Judge under sub-section 219B (9A).”

Copy of  
warrant, &c.,  
to be  
furnished  
to Minister

(13) Clause 8, page 9, omit proposed section 219J, substitute the following section:

“219J. The Comptroller shall cause to be retained in the records of the Department all warrants issued to him under this Division, and all affidavits and other documents furnished to a Judge under this Division.”

Retention of  
warrants, &c.

(14) Clause 13, page 17, omit proposed section 243E, substitute the following section:

“243E. In a proceeding under this matter, the degree to which the Court must be satisfied in respect of a matter shall be—

Degree of  
proof

- (a) if the matter involves a question specified in section 243D—satisfaction of the Court on the matter beyond reasonable doubt; or
- (b) any matter other than a matter involving a question specified in section 243D—satisfaction of the Court on the matter on the balance of probabilities.”

On the motion of Mr Fife (Minister for Business and Consumer Affairs), the following amendment was made to the Bill, after debate:

Clause 4, page 2, lines 29 and 30, omit “the power conferred on him under sub-section 219B (5) or (6) of this Act or”.

On the motion of Mr Fife, the following amendment was made to the Bill:

Clause 4, page 2, line 40, omit “the power conferred on him under section 219D of this Act or”.

On the motion of Mr Fife, the following amendment was made to the Bill, after debate:

Clause 4, page 3, line 6, after proposed section 10 insert the following proposed section:

“11. (1) The Governor-General may make arrangements with the Governor of a State—

Arrangements  
with States and  
the Northern  
Territory

- (a) for the performance by all or any of the persons who from time to time hold office as Judges of the Supreme Court of that State of the functions of a Judge under Division 1A of Part XII; and
- (b) for the performance by all or any of the persons who from time to time hold office as Magistrates in that State of the functions of a Magistrate under sections 196 and 196AA.

“(2) The Governor-General may make arrangements with the Administrator of the Northern Territory—

- (a) for the performance by all or any of the persons who from time to time hold office as Judges of the Supreme Court of that Territory and are not also

Judges of the Federal Court of Australia or of the Supreme Court of the Australian Capital Territory of the functions of a Judge under Division 1A of Part XII; and

- (b) for the performance by all or any of the persons who from time to time hold office as Magistrates in that Territory of the functions of a Magistrate under sections 196 and 196AA.”

Clause 4, as amended, agreed to.

On the motion of Mr Fife, amendment No. (4) made by the legislation committee was amended by adding the following sub-section, after debate:

“(3D) Where a medical practitioner furnishes to an officer of Customs or of police a certificate, signed by him, setting out the results of an examination carried out by him of the body cavities of a person, the officer of Customs or of police shall cause a copy of the certificate to be furnished to the person as soon as practicable after the certificate is furnished to him.”

Clause 6, as further amended, agreed to.

On the motion of Mr Fife, amendment No. (5) made by the legislation committee was omitted, and the following amendment substituted, after debate:

Clause 8, page 4, line 13, before the definition of “listening device” insert the following definition:

“ ‘Judge’ means—

- (a) a Judge of the Federal Court of Australia or of the Supreme Court of the Australian Capital Territory;
- (b) a Judge of the Supreme Court of a State in respect of whom an appropriate arrangement in force under section 11 is applicable; or
- (c) a Judge of the Supreme Court of the Northern Territory who is not a Judge referred to in paragraph (a) and in respect of whom an appropriate arrangement in force under section 11 is applicable;”

Mr Fife moved—That amendment No. (6) made by the legislation committee be omitted, and the following amendment substituted:

Clause 8, pages 5 and 6, proposed section 219B, omit sub-sections (5) and (6), substitute the following sub-sections:

“(5) Where, upon application being made to a Judge by an officer of Customs for the issue of a warrant under this section authorizing the use of a listening device in relation to a particular person, the Judge is satisfied, by information on oath, that—

- (a) the person has committed, or is suspected on reasonable grounds of having committed, or of being likely to commit a narcotics offence; and
- (b) the use by officers of Customs of a listening device to listen to or record words spoken by or to that person will, or is likely to, assist officers of Customs in or in connection with—
  - (i) inquiries that are being made in relation to a narcotics offence that the person has committed or is reasonably suspected of having committed; or
  - (ii) if there are circumstances reasonably giving rise to the suspicion that the person is likely to commit a narcotics offence—inquiries that are being made in relation to the likely commission, by that person, of that offence,

the Judge may, by warrant under his hand in accordance with the prescribed form, authorize officers of Customs, subject to any conditions or restrictions that he sees fit to specify in the warrant, to use a listening device for the purpose of listening to or recording words spoken by, to or in the presence of that person, and such a warrant may authorize officers of Customs to enter any premises in which the person is, or is likely to be, for the purpose of installing, maintaining, using or recovering a listening device or a part of a listening device.

“(5A) A Judge may grant a warrant under sub-section (5) authorizing the use of a listening device for the purpose of listening to or recording words spoken by, to or in the presence of a person anywhere in Australia.

'(6) Where, upon application being made to a Judge by an officer of Customs for the issue of a warrant under this section authorizing the use of a listening device in relation to particular premises, the Judge is satisfied, by information on oath, that—

- (a) there are reasonable grounds for suspecting that the premises have been, or are likely to be, used in connection with the commission of a narcotics offence; and
- (b) the use by officers of Customs of a listening device to listen to or record words spoken by or to persons in those premises will, or is likely to, assist officers of Customs in, or in connection with, inquiries that are being made in relation to the use, or likely use, of the premises in connection with the commission of a narcotics offence,

the Judge may, by warrant under his hand in accordance with the prescribed form, authorize officers of Customs, subject to any conditions or restrictions that he sees fit to specify in the warrant, to use a listening device for the purpose of listening to or recording words spoken by or to any person while the person is in those premises, and such a warrant may authorize officers of Customs to enter those premises for the purpose of installing, maintaining, using or recovering a listening device or a part of a listening device.

'(6A) A Judge may grant a warrant under sub-section (6) authorizing the use of a listening device in respect of premises situated anywhere in Australia."

Mr Jacobi, by leave, moved the following amendments to the proposed amendment, together:

Proposed sub-section (5), omit "by information on oath", substitute "by affidavit".

After "Judge" in proposed sub-section (5A) insert "of the Federal Court".

At the end of proposed sub-section (5A) add "but a Judge of the Supreme Court of a State or of the Supreme Court of the Northern Territory or of the Australian Capital Territory shall not grant a warrant authorizing the use of a listening device unless the listening device is to be used in the State or Territory of which the Judge is a Judge of the Supreme Court".

After proposed sub-section (5A) insert the following sub-section:

"(5B) A Judge shall not issue a warrant under sub-section (5) in relation to an affidavit of an officer of Customs unless—

- (a) the affidavit of the officer of Customs under sub-section (5) specifies the facts and other grounds on which the issue of the warrant is sought;
- (b) the officer of Customs has given to the Judge, either orally, or by further affidavit, such further information as the Judge requires concerning the grounds on which the issue of a warrant is being sought;
- (c) the Judge is satisfied as to the matters specified in paragraphs (a) and (b) of sub-section (5);
- (d) the Judge is satisfied that other methods of investigation have been tried without success, or would be unlikely to be successful, or would be impracticable; and
- (e) the Judge is satisfied that, given the seriousness of the suspected offence, or suspected likely offence, the issue of a warrant would be in the public interest."

After "Judge" in proposed sub-section (6A) insert "of the Federal Court".

At the end of proposed sub-section (6A) add "but a Judge of the Supreme Court of a State or of the Supreme Court of the Northern Territory or of the Australian Capital Territory shall not grant a warrant authorizing the use of a listening device unless the use of a listening device is in respect of premises situated in the State or Territory of which the Judge is a Judge of the Supreme Court".

After proposed sub-section (6A) add the following sub-section:

“(6B) A Judge shall not issue a warrant under sub-section (6) in relation to an affidavit of an officer of Customs unless—

- (a) the affidavit of the officer of Customs under sub-section (6) specifies the facts and other grounds on which the issue of the warrant is sought;
- (b) the officer of Customs has given to the Judge, either orally, or by further affidavit, such further information as the Judge requires concerning the grounds on which the issue of a warrant is being sought;
- (c) the Judge is satisfied as to the matters specified in paragraphs (a) and (b) of sub-section (6);
- (d) the Judge is satisfied that other methods of investigation have been tried without success, or would be unlikely to be successful, or would be impracticable; and
- (e) the Judge is satisfied that, given the seriousness of the suspected offence, or suspected likely offence, the issue of a warrant would be in the public interest.”.

Debate continued.

Amendments to proposed amendment negatived.

Amendment agreed to.

On the motion of Mr Fife, amendment No. (8) made by the legislation committee was omitted, and the following amendment substituted, after debate:

Clause 8, page 6, lines 34–36, omit “, but may be revoked by the Minister at any time before the expiration of the period so specified”.

On the motion of Mr Fife, amendment No. (9) made by the legislation committee was disagreed to, after debate.

On the motion of Mr Fife, amendment No. (10) made by the legislation committee was omitted, and the following amendment substituted, after debate:

Clause 8, page 7, lines 1–6, omit proposed section 219c, substitute the following proposed section:

- “219c. Information furnished to a Judge for the purposes of sub-section (5) or (6) of section 219B—
- (a) may be given orally or otherwise; and
  - (b) shall include the facts and other grounds on which the applicant considers it necessary that the warrant should be issued.”.
- Information  
to be given in  
support of  
application  
for warrant

On the motion of Mr Fife, amendment No. (11) made by the legislation committee was amended by omitting all words after “section 219b”, after debate.

On the motion of Mr Fife, amendment No. (12) made by the legislation committee was disagreed to, after debate.

On the motion of Mr Fife, the following amendment was made to the Bill:

Clause 8, page 7, line 37, omit “or 219b”.

On the motion of Mr Fife, the following amendment was made to the Bill, after debate:

Clause 8, page 8, lines 4–9, omit proposed section 219f, substitute the following proposed section:

- “219f. Where, before a warrant under this Division ceases to be in force, the Comptroller is satisfied that the grounds on which the warrant was issued have ceased to exist, he shall—
- (a) forthwith take such steps as are necessary to ensure that action in pursuance of the warrant (other than the recovery of a listening device or a part of a listening device) is discontinued; and
  - (b) by instrument under his hand, revoke the warrant.”.
- Discontinuance  
of action  
before  
expiration  
of warrant



Mr Wilson moved the following amendment to the Bill:

Clause 8, page 8, proposed section 219G, omit sub-section (1), substitute the following sub-section:

“(1) A person shall not divulge or communicate to another person, or make use of or record, any information obtained for the purposes of narcotics enquiries that are being, or have been, made by officers of Customs by using a listening device or otherwise, being information that has come to his knowledge or into his possession by reason of his being, or having been, an officer of Customs or by reason of his having entered into an arrangement with an officer of Customs to use a listening device or in other ways obtain information for the purpose of those enquiries.

Penalty: \$1,000 or imprisonment for 2 years.”.

Amendment amended by Mr Wilson, by leave, by adding after “those enquiries”: “other than a communication made—

- (a) to an officer of Customs—
  - (i) by an officer of Customs in the course of his duties; or
  - (ii) by a person who has entered into any such contract, agreement or arrangement;
- (b) by an officer of Customs within the limits of authority conferred on him by the Comptroller-General; or
- (c) with the approval of the Comptroller-General or officers of Customs having authority of the Comptroller-General to give such an approval”.

Debate ensued.

Amendment negatived.

Ordered—That further consideration of the report be made an order of the day for a later hour this day.

12 POSTPONEMENT OF ORDERS OF THE DAY: Ordered—That orders of the day Nos. 4 to 6, government business, be postponed until a later hour this day.

13 GOVERNMENT EXPENDITURE, PERSONAL TAXATION AND REVENUE 1979-80—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: The order of the day having been read for the resumption of the debate on the motion of Mr Sinclair (Leader of the House)—That the House take note of the paper (*presented on 24 May 1979*), viz.:  
Government expenditure, personal taxation and revenue 1979-80—Ministerial statement, 24 May 1979—

*And on the amendment moved thereto by Mr Willis, viz.—*That all words after “That” be omitted with a view to substituting the following words: “the House—

- (a) condemns the Government for its gross deception of the Australian electorate and its complete disregard for the well-being of Australian taxpayers and the depressed state of the Australian economy, as evidenced by the economic measures announced last Thursday by the Treasurer in the House which will have the effect of:
  - (i) reducing the living standards of all taxpayers;
  - (ii) drastically increasing the cost of health care for all people and especially for the low income groups;
  - (iii) increasing costs for the rural sector;
  - (iv) seriously retarding upgrading of the nation’s transport network;
  - (v) increasing inflation;
  - (vi) increasing unemployment, and
  - (vii) destroying any chance of economic recovery, and
- (b) calls upon the Government to provide a stimulus to the recessed Australian economy through increased spending on capital works projects and cuts in

indirect taxes and income taxes for the lower income groups, as recommended by the Labor Party in its Alternative Budget”—

Debate resumed.

*Suspension of standing orders—Extended time for speech:* Mr Sinclair, by leave, moved—That so much of the standing orders be suspended as would prevent Mr Fraser (Prime Minister) speaking without limitation of time.

Question—put and passed.

Debate continued.

Debate adjourned (Mr J. J. Brown), and the resumption of the debate made an order of the day for a later hour this day.

- 14 AUSTRALIA/EUROPEAN ECONOMIC COMMUNITY BILATERAL TRADE NEGOTIATIONS—MINISTERIAL STATEMENT: Mr Fraser (Prime Minister), by leave, made a ministerial statement informing the House of a settlement reached on bilateral trade negotiations between Australia and the European Economic Community.

Mr Hayden (Leader of the Opposition), by leave, also made a statement in connection with the matter.

- 15 EUROPEAN ECONOMIC COMMUNITY—BILATERAL TRADE NEGOTIATIONS—MINISTERIAL STATEMENT: Mr Garland (Minister for Special Trade Representations), by leave, made a ministerial statement informing the House of the broad outlines of the settlement reached on bilateral trade negotiations with the European Economic Community.

Mr Hurford, by leave, also made a statement with reference to the matter.

- 16 GOVERNMENT EXPENDITURE, PERSONAL TAXATION AND REVENUE 1979–80—MINISTERIAL STATEMENT—PAPER NOTED: The order of the day having been read for the resumption of the debate on the motion of Mr Sinclair (Leader of the House)—That the House take note of the paper (*presented on 24 May 1979*), viz.:

Government expenditure, personal taxation and revenue 1979–80—Ministerial statement, 24 May 1979—

*And on the amendment moved thereto by Mr Willis, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House—

- (a) condemns the Government for its gross deception of the Australian electorate and its complete disregard for the well-being of Australian taxpayers and the depressed state of the Australian economy, as evidenced by the economic measures announced last Thursday by the Treasurer in the House which will have the effect of:
  - (i) reducing the living standards of all taxpayers;
  - (ii) drastically increasing the cost of health care for all people and especially for the low income groups;
  - (iii) increasing costs for the rural sector;
  - (iv) seriously retarding upgrading of the nation’s transport network;
  - (v) increasing inflation;
  - (vi) increasing unemployment, and
  - (vii) destroying any chance of economic recovery, and
- (b) calls upon the Government to provide a stimulus to the recessed Australian economy through increased spending on capital works projects and cuts in indirect taxes and income taxes for the lower income groups, as recommended by the Labor Party in its Alternative Budget”—

Debate resumed.

*Closure:* Mr Viner (Minister for Employment and Youth Affairs) moved—That the question be now put.

Question—That the question be now put—put.

## The House divided (the Acting Speaker, Mr Millar, in the Chair)—

AYES, 75

Mr Adermann	Mr Connolly	Mr Howard	Mr Neil
Mr Aldred	Mr Corbett*	Mr Hunt	Mr Newman
Mr Anthony	Mr Cotter	Mr Hyde	Mr O'Keefe
Mr Baillieu	Mr Dean	Mr Jarman	Mr Peacock
Mr Baume	Mr Dobie	Mr P. F. Johnson	Mr Porter
Mr Birney	Mr Drummond	Mr Johnston	Mr E. L. Robinson
Mr Bouchier	Dr Edwards	Mr Jull	Mr I. L. Robinson
Mr Bradfield	Mr Ellicott	Mr Katter	Mr Ruddock
Mr N. A. Brown	Mr Falconer	Mr Lloyd	Mr Sainsbury
Mr Bungey	Mr Fife	Mr Lucock	Mr Shack
Mr Burns	Mr Fisher	Mr MacKellar	Mr Shipton
Mr Burr	Mr Giles	Mr MacKenzie	Mr Sinclair
Mr Cadman	Mr Gillard	Mr McLean	Mr Staley
Mr Cairns	Mr Goodluck	Mr McLeay	Mr Street
Mr Calder	Mr Graham	Sir William McMahon	Mr Thomson
Mr D. M. Cameron	Mr Groom	Mr McVeigh	Mr Viner
Mr E. C. Cameron	Mr Haslem	Mr Macphee	Mr Wilson
Mr Carlton	Mr Hodges*	Mr Martyr	Mr Yates
Mr Chapman	Mr Hodgman	Mr Moore	

NOES, 27

Mr Armitage	Mr FitzPatrick	Mr James	Mr Morris
Dr Blewett	Mr Holding	Dr Jenkins	Mr Uren
Mr J. J. Brown	Mr Howe	Mr L. K. Johnson*	Mr Wallis
Mr Bryant	Mr Humphreys	Mr C. K. Jones	Mr West
Mr Cohen	Mr Hurford	Dr Klugman	Mr Willis
Mr Dawkins	Mr Innes	Mr J. L. McMahon*	Mr Young
Dr Everingham	Mr Jacobi	Mr Martin	

\* Tellers

And so it was resolved in the affirmative.

And the question—That the words proposed to be omitted stand part of the question—being accordingly put—

## The House divided (the Acting Speaker, Mr Millar, in the Chair)—

AYES, 75

Mr Adermann	Mr Connolly	Mr Howard	Mr Neil
Mr Aldred	Mr Corbett*	Mr Hunt	Mr Newman
Mr Anthony	Mr Cotter	Mr Hyde	Mr O'Keefe
Mr Baillieu	Mr Dean	Mr Jarman	Mr Peacock
Mr Baume	Mr Dobie	Mr P. F. Johnson	Mr Porter
Mr Birney	Mr Drummond	Mr Johnston	Mr E. L. Robinson
Mr Bouchier	Dr Edwards	Mr Jull	Mr I. L. Robinson
Mr Bradfield	Mr Ellicott	Mr Katter	Mr Ruddock
Mr N. A. Brown	Mr Falconer	Mr Lloyd	Mr Sainsbury
Mr Bungey	Mr Fife	Mr Lucock	Mr Shack
Mr Burns	Mr Fisher	Mr MacKellar	Mr Shipton
Mr Burr	Mr Giles	Mr MacKenzie	Mr Sinclair
Mr Cadman	Mr Gillard	Mr McLean	Mr Staley
Mr Cairns	Mr Goodluck	Mr McLeay	Mr Street
Mr Calder	Mr Graham	Sir William McMahon	Mr Thomson
Mr D. M. Cameron	Mr Groom	Mr McVeigh	Mr Viner
Mr E. C. Cameron	Mr Haslem	Mr Macphee	Mr Wilson
Mr Carlton	Mr Hodges*	Mr Martyr	Mr Yates
Mr Chapman	Mr Hodgman	Mr Moore	

NOES, 27

Mr Armitage	Mr FitzPatrick	Mr James	Mr Morris
Dr Blewett	Mr Holding	Dr Jenkins	Mr Uren
Mr J. J. Brown	Mr Howe	Mr L. K. Johnson*	Mr Wallis
Mr Bryant	Mr Humphreys	Mr C. K. Jones	Mr West
Mr Cohen	Mr Hurford	Dr Klugman	Mr Willis
Mr Dawkins	Mr Innes	Mr J. L. McMahon*	Mr Young
Dr Everingham	Mr Jacobi	Mr Martin	

\* Tellers

And so it was resolved in the affirmative.

Question—That the House take note of the paper—put and passed.

17 CUSTOMS AMENDMENT BILL 1979: The order of the day having been read for the further consideration of the report of the legislation committee (*see pages 824–7*)—

Sir William McMahon moved the following amendment to the Bill:

Clause 8, page 8, proposed section 219G, omit paragraph (a) of sub-section (3).

Debate ensued.

Several Members rising to address the House—

*Closure:* Mr Hodges moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Acting Speaker, Mr Millar, in the Chair)—

AYES, 66

Mr Adermann	Mr Dean	Mr Jarman	Mr O'Keefe
Mr Aldred	Mr Dobie	Mr P. F. Johnson	Mr Peacock
Mr Anthony	Mr Drummond	Mr Johnston	Mr Porter
Mr Birney	Dr Edwards	Mr Jull	Mr E. L. Robinson
Mr Bouchier	Mr Ellicott	Mr Katter	Mr I. L. Robinson
Mr Bradfield	Mr Falconer	Mr Lloyd	Mr Ruddock
Mr N. A. Brown	Mr Fife	Mr Lucock	Mr Sainsbury
Mr Burns	Mr Fisher	Mr MacKellar	Mr Shack
Mr Burr	Mr Giles	Mr MacKenzie	Mr Shipton
Mr Cadman	Mr Gillard	Mr McLean	Mr Sinclair
Mr Cairns	Mr Goodluck	Mr McLeay	Mr Staley
Mr Calder	Mr Graham	Mr McVeigh	Mr Street
Mr E. C. Cameron	Mr Haslem	Mr Macphee	Mr Thomson
Mr Carlton	Mr Hodges*	Mr Martyr	Mr Viner
Mr Connolly	Mr Howard	Mr Moore	Mr Yates
Mr Corbett*	Mr Hunt	Mr Neil	
Mr Cotter	Mr Hyde	Mr Newman	

NOES, 30

Mr Armitage	Mr Hodgman	Dr Jenkins	Mr Morris
Dr Blewett	Mr Holding	Mr L. K. Johnson*	Mr Uren
Mr J. J. Brown	Mr Howe	Mr C. K. Jones	Mr Wallis
Mr Bryant	Mr Humphreys	Mr Kerin	Mr West
Mr Cohen	Mr Hurford	Dr Klugman	Mr Willis
Mr Dawkins	Mr Innes	Mr J. L. McMahon*	Mr Young
Dr Everingham	Mr Jacobi	Sir William McMahon	
Mr FitzPatrick	Mr James	Mr Martin	

\* Tellers

And so it was resolved in the affirmative.

And the question—That the amendment be agreed to—was put accordingly, and negatived.

Mr Wilson moved the following amendment to the Bill:

Clause 8, page 9, at the end of proposed section 219G add the following sub-sections:

“(4) Any person to whom information is communicated under sub-section (3), and any person or employee under his control, shall in respect of that information be subject to the same rights, privileges, obligations and liabilities as are imposed on persons under sub-section (1).

“(5) For the purposes of sub-sections (1) and (4), a person shall be deemed to have communicated such information to another person in contravention of those sub-sections if he communicates that information to any Minister.”.

*Adjournment negatived:* It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Fife (Minister for Business and Consumer Affairs) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate ensued.

Question—That the amendment be made to the Bill—put.

## The House divided (the Acting Speaker, Mr Millar, in the Chair)—

## AYES, 28

Mr Armitage	Mr Hodgman	Dr Jenkins	Mr Morris
Dr Blewett	Mr Holding	Mr L. K. Johnson*	Mr Uren
Mr J. J. Brown	Mr Howe	Mr C. K. Jones	Mr Wallis
Mr Bryant	Mr Humphreys	Mr Kerin	Mr West
Mr Cohen	Mr Hurford	Dr Klugman	Mr Willis
Mr Dawkins	Mr Innes	Mr J. L. McMahon*	Mr Wilson
Dr Everingham	Mr Jacobi	Sir William McMahon	Mr Young

## NOES, 65

Mr Adermann	Mr Cotter	Mr James	Mr Peacock
Mr Aldred	Mr Dean	Mr Jarman	Mr Porter
Mr Baillieu	Mr Dobie	Mr P. F. Johnson	Mr E. L. Robinson
Mr Birney	Mr Drummond	Mr Johnston	Mr I. L. Robinson
Mr Bouchier	Dr Edwards	Mr Jull	Mr Ruddock
Mr Bradfield	Mr Falconer	Mr Katter	Mr Sainsbury
Mr N. A. Brown	Mr Fife	Mr Lloyd	Mr Shack
Mr Bungey	Mr Fisher	Mr MacKellar	Mr Shipton
Mr Burns	Mr Giles	Mr MacKenzie	Mr Sinclair
Mr Burr	Mr Gillard	Mr McLean	Mr Staley
Mr Cadman	Mr Goodluck	Mr McLeay	Mr Street
Mr Cairns	Mr Groom	Mr McVeigh	Mr Thomson
Mr Calder	Mr Haslem	Mr Macphee	Mr Viner
Mr E. C. Cameron	Mr Hodges*	Mr Moore	Mr Yates
Mr Carlton	Mr Howard	Mr Neil	
Mr Connolly	Mr Hunt	Mr Newman	
Mr Corbett*	Mr Hyde	Mr O'Keefe	

## \* Tellers

And so it was negatived.

On the motion of Mr Fife, by leave, the following amendment was made to the Bill, after debate:

Clause 8, page 9, at the end of proposed section 219G add the following sub-section:  
 “(4) Where a person is prosecuted before a Court for an offence of a kind referred to in paragraph (a) of sub-section (3), the Court may, in its discretion, refuse to permit information referred to in that sub-section to be given in evidence in the proceedings if it is satisfied that it would be unfair to the accused to admit the information in evidence.”.

Mr Jacobi, by leave, amended the proposed Opposition amendment to proposed section 219J.

On the motion of Mr Jacobi, amendment No. (13) made by the legislation committee was omitted, and the following amendment substituted:

Clause 8, page 9, omit proposed section 219J, substitute the following section:

“219J. The Comptroller-General shall cause to be retained in the records of his Department all warrants issued under section 219B, all documents furnished to a Judge in connection with the issue of those warrants, and all instruments issued under section 219F revoking warrants so issued.”

Mr Jacobi, by leave, amended the proposed Opposition amendment to proposed section 219L.

On the motion of Mr Jacobi, the following amendment was made to the Bill:

Clause 8, page 10, omit proposed section 219L, substitute the following section:

“219L. (1) The Comptroller-General shall furnish to the Minister a copy of each warrant issued under section 219B, a copy of all documents furnished to a Judge in connection with the issue of the warrant and each instrument issued under section 219F revoking the warrant as soon as practicable after the issue or revocation of a warrant.

“(2) The Comptroller-General shall furnish to the Minister, in respect of each warrant issued under section 219B, a report in writing on the extent to which action taken under the warrant has assisted officers of Customs in narcotics inquiries that have been made by them.”.

Mr Jacobi moved the following amendment to the Bill:

Clause 8, page 10, at the end of proposed section 219L add the following sub-sections:

“(3) The Minister shall, as soon as practicable after 30 June each year, cause to be laid before both Houses of Parliament a report which shall compile in full the reports made to the Minister by the Comptroller under sub-section (1) during the preceding year.

“(4) Notwithstanding sub-section (3), the Minister shall not be required to disclose in a report under sub-section (3) any information which would or would be reasonably likely to—

- (a) prejudice the investigation of a breach or possible breach of the law or the enforcement of proper administration of the law in a particular instance;
- (b) prejudice the fair trial of a person or the impartial adjudication of a particular case;
- (c) disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law;
- (d) disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law, the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures; or
- (e) endanger the lives or physical safety of persons engaged in or in connection with law enforcement.

“(5) Where any information is withheld from a report to Parliament under sub-section (4), the report shall detail the number of cases to which sub-section (4) applies and the reason, being a reason specified in paragraph (a), (b), (c), (d) or (e) of sub-section (4), for non-disclosure of information in each case.

“(6) Any information withheld under sub-section (4) shall be detailed in an annual report to Parliament under sub-section (3) at the first available opportunity after the reason for non-disclosure, being a reason specified in paragraph (a), (b), (c), (d) or (e) of sub-section (4), is no longer applicable.’”.

Debate ensued.

The House continuing to sit until after 12 midnight—

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Debate continued.

Amendment negatived.

Clause 8, as further amended, agreed to.

Mr Hodgman, by leave, moved the following amendments to the Bill, together:

Clause 13—

Page 17, line 7, omit “shall”, substitute “may”.

Page 17, lines 10–12, omit “unless it is established to the satisfaction of the Court that the narcotic goods were not imported into Australia or were not imported into Australia in contravention of this Act”.

Debate ensued.

Amendments negatived.

Sir William McMahon moved—That amendment No. (14) made by the legislation committee be omitted, and the following amendment substituted:

Clause 13, page 17, omit proposed section 243E, substitute the following section:

“243E. In a proceeding under this matter, it is necessary for the Court to be satisfied concerning any matter beyond reasonable <sup>Degree of</sup> proof doubt.”.

Debate ensued.

Amendment negatived.

Mr Jacobi moved—That amendment No. (14) made by the legislation committee be omitted and the following amendment substituted:

Clause 13, page 17, omit proposed section 243E, substitute the following section:

“243E. In a proceeding under this matter, the degree to which the Court must be satisfied in respect of a matter shall be— Degree of proof

- (a) if the matter involves a question of fact as to whether a person has engaged in a particular prescribed narcotics dealing or has engaged in prescribed narcotics dealings during a particular period—satisfaction of the Court on the matter beyond reasonable doubt; or
- (b) any matter other than a matter involving a question specified in paragraph (a)—satisfaction of the Court on the matter on the balance of probabilities.”.

Debate ensued.

Amendment negatived.

On the motion of Mr Fife, amendment No. (14) made by the legislation committee was amended by omitting all words after “section 243E”, after debate.

Clause 13, as further amended, agreed to.

On the motion of Mr Jacobi, the following amendment was made to the Bill, after debate:

After clause 14, page 26, insert the following new clause:

“14A. Before section 274 of the Principal Act the following section is inserted in Part XVII:

‘273G. The Minister shall, from time to time, and not less frequently than once each year, arrange for the Leader of the Opposition in the House of Representatives to be briefed on matters relating to contraventions of this Act in respect of narcotic substances.’” Briefing of Leader of Opposition on certain matters

On the motion of Mr Fife, the following amendment was made to the Bill, after debate:

Clause 15, page 26, proposed Schedule VIII, omit—

“Lysergic Acid	..	..	..	..	..	..	..	..	0.2
Lysergide	..	..	..	..	..	..	..	..	0.2”
substitute—									
“Lysergic Acid	..	..	..	..	..	..	..	..	0.002
Lysergide	..	..	..	..	..	..	..	..	0.002”.

Clause 15, as amended, agreed to.

On the motion of Mr Fife, the Bill as reported, and as further amended, was agreed to, and, by leave, the Bill was read a third time.

18 ADJOURNMENT: Mr Fife (Minister for Business and Consumer Affairs) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 12.45 a.m., adjourned until this day at 2.15 p.m.

PAPERS: The following papers were deemed to have been presented on 29 May 1979, pursuant to statute:

Lands Acquisition Act—Land acquired for the erection of a Commonwealth Offices complex—Townsville, Qld.

Public Service Arbitration Act—Australian Conciliation and Arbitration Commission—C No. 1682—Determination—1978—No. 799—Australian Public Service Association (Fourth Division Officers).

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr C. R. Cameron, Dr Cass, Mr Fry, Mr L. R. Johnson, Mr B. O. Jones\*, Mr Keating, Mr Lusher, Mr Nixon, Mr Scholes, Mr Short and Sir Billy Snedden.

\*On leave

J. A. PETTIFER,  
Clerk of the House of Representatives