

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 101

WEDNESDAY, 19 OCTOBER 1994

1 The House met, at 9.30 a.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **MESSAGE FROM THE ADMINISTRATOR—ASSENT TO BILL**

A message from His Excellency the Administrator was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bill:

18 October 1994—Message No. 191—Witness Protection 1994.

3 **HUMAN RIGHTS (SEXUAL CONDUCT) BILL 1994**

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—*And on the amendment moved thereto by Mr Ruddock, viz.*—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House calls on the Federal Government to reform the treaty making process so that the Commonwealth Parliament, the State and Territory governments, and the community are properly consulted on the content and implications of treaties”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 70

Mr Adams	Mr Elliott	Mrs Kelly	Mr Quick
Mr Baldwin	Mr M. J. Evans	Mr Kerr	Mr Sawford*
Mr Beazley	Ms Fatin	Mr Knott	Mr Sciacca
Mr Beddall	Mr Ferguson	Mr Langmore	Mr L. J. Scott
Mr Bilney	Mr Fitzgibbon	Mr Latham	Mr Simmons
Mr Brereton	Mr Free	Mr Lavarch	Mrs S. J. Smith
Mr Brown	Mr Gear	Dr Lawrence	Mr S. F. Smith
Mr Campbell	Mr Gibson	Mr Lee	Mr Snow
Mr Chynoweth	Mr Grace*	Mr Lindsay	Mr Snowdon
Mr Cleary	Mr Griffin	Ms McHugh	Mr Swan
Mr Cleeland	Mr Griffiths	Mr McLeay	Mr Tanner
Ms Crawford	Mr Haviland	Mr Melham	Dr Theophanous
Mrs Crosio	Ms Henzell	Mr A. A. Morris	Mr Tickner
Mr Cunningham	Mr Holding	Mr P. F. Morris	Mr Walker
Mr Dodd	Mr Hollis	Mr Newell	Mr Willis
Mr Duffy	Mr Horne	Mr O'Connor	Mr Woods
Mr Duncan	Mr Jenkins	Mr O'Keefe	
Mr Easson	Mr Johns	Mr Price	

NOES, 55

Mr Abbott	Mrs Gallus	Mr Miles	Mr Sharp
Mr J. N. Andrew	Mr Hall	Mr Moore	Mr Sinclair
Mr Atkinson	Mr Halverson	Mrs Moylan	Mr Slipper
Mrs Bishop	Mr Hawker*	Mr Nehl	Mr Somlyay
Mr Bradford	Mr Hicks*	Mr Neville	Mrs Sullivan
Mr Cadman	Mr Howard	Mr Nugent	Mr Taylor
Mr Charles	Mr Jull	Mr Prosser	Mr Truss
Mr Cobb	Mr Katter	Mr Pyne	Mr Tuckey
Mr Connolly	Dr Kemp	Mr Reid	Mr Vaile
Mr Costello	Mr Lieberman	Mr Reith	Mr Wakelin
Mr Dobie	Mr Lloyd	Mr Rocher	Mr Williams
Mr Downer	Mr McArthur	Mr Ronaldson	Dr Wooldridge
Mr Fischer	Mr McGauran	Mr Ruddock	Ms Worth
Mr Forrest	Mr McLachlan	Mr B. C. Scott	

* Tellers

And so it was resolved in the affirmative.

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

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

AYES, 114

Mr Abbott	Ms Fatin	Mr Knott	Mr Ronaldson
Mr Adams	Mr Ferguson	Mr Langmore	Mr Ruddock
Mr Atkinson	Mr Fischer	Mr Latham	Mr Sawford*
Mr Baldwin	Mr Fitzgibbon	Mr Lavarch	Mr Sciacca
Mr Beazley	Mr Free	Dr Lawrence	Mr B. C. Scott
Mr Beddall	Mrs Gallus	Mr Lee	Mr L. J. Scott
Mr Bilney	Mr Gear	Mr Lieberman	Mr Sharp
Mrs Bishop	Mr Gibson	Mr Lindsay	Mr Simmons
Mr Breton	Mr Grace*	Mr Lloyd	Mr Sinclair
Mr Brown	Mr Griffin	Mr McGauran	Mrs S. J. Smith
Mr Campbell	Mr Griffiths	Ms McHugh	Mr S. F. Smith
Mr Charles	Mr Hall	Mr McLachlan	Mr Snow
Mr Chynoweth	Mr Halverson	Mr McLeay	Mr Snowdon
Mr Cleary	Mr Haviland	Mr Melham	Mr Somlyay
Mr Cleeland	Mr Hawker	Mr Moore	Mrs Sullivan
Mr Cobb	Ms Henzell	Mr A. A. Morris	Mr Swan
Mr Connolly	Mr Hicks	Mr P. F. Morris	Mr Tanner
Mr Costello	Mr Holding	Mrs Moylan	Dr Theophanous
Ms Crawford	Mr Hollis	Mr Nehl	Mr Tickner
Mrs Crosio	Mr Horne	Mr Newell	Mr Tuckey
Mr Cunningham	Mr Howard	Mr Nugent	Mr Vaile
Mr Dobie	Mr Humphreys	Mr O'Connor	Mr Walker
Mr Dodd	Mr Jenkins	Mr O'Keefe	Mr Williams
Mr Downer	Mr Johns	Mr Price	Mr Willis
Mr Duffy	Mr Jull	Mr Prosser	Mr Woods
Mr Duncan	Mr Keating	Mr Pyne	Dr Wooldridge
Mrs Easson	Mrs Kelly	Mr Quick	Ms Worth
Mr Elliott	Dr Kemp	Mr Reid	
Mr M. J. Evans	Mr Kerr	Mr Reith	

NOES, 4

Mr Katter*	Mr Neville	Mr Rocher*	Mr Truss
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* Tellers

And so it was resolved in the affirmative—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Lavarch (Attorney-General), the Bill was read a third time.

4 COPYRIGHT (WORLD TRADE ORGANIZATION AMENDMENTS) BILL 1994

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 Free (Minister for Schools, Vocational Education and Training), the Bill was read a third time.

5 CUSTOMS LEGISLATION (WORLD TRADE ORGANIZATION AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Mr Tuckey moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House urges the Government to:

- (1) significantly reduce the inquiry period for anti-dumping and countervailing cases; and
- (2) ensure that the administration of the anti-dumping system and particularly the material injury provisions in the Act, is no more stringent than the comparable policies adopted by the other members of the World Trade Organization”.

Question—That the words proposed to be omitted stand part of the question—put.

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

AYES, 69

Mr Adams	Mr M. J. Evans	Mrs Kelly	Mr Quick
Mr Baldwin	Ms Fatin	Mr Kerr	Mr Sawford*
Mr Beazley	Mr Ferguson	Mr Knott	Mr Sciacca
Mr Beddall	Mr Fitzgibbon	Mr Langmore	Mr L. J. Scott
Mr Bilney	Mr Free	Mr Latham	Mr Simmons
Mr Breerton	Mr Gear	Mr Lavarch	Mrs S. J. Smith
Mr Brown	Mr Gibson	Mr Lee	Mr S. F. Smith
Mr Campbell	Mr Grace*	Mr Lindsay	Mr Snowdon
Mr Chynoweth	Mr Griffin	Ms McHugh	Mr Swan
Mr Cleeland	Mr Griffiths	Mr McLeay	Mr Tanner
Mr Crean	Mr Haviland	Mr Melham	Dr Theophanous
Mrs Crosio	Ms Henzell	Mr A. A. Morris	Mr Tickner
Mr Cunningham	Mr Holding	Mr P. F. Morris	Mr Walker
Mr Dodd	Mr Hollis	Mr Newell	Mr Willis
Mr Duffy	Mr Horne	Mr O'Connor	Mr Woods
Mr Duncan	Mr Humphreys	Mr O'Keefe	
Mrs Easson	Mr Jenkins	Mr Price	
Mr Elliott	Mr Johns	Mr Punch	

NOES, 55

Mr Abbott	Mr Fischer	Mr McLachlan	Mr B. C. Scott
Mr J. N. Andrew	Mr Forrest	Mr Miles	Mr Sharp
Mr Atkinson	Mrs Gallus	Mr Moore	Mr Sinclair
Mr Beale	Mr Hall	Mrs Moylan	Mr Slipper
Mrs Bishop	Mr Halverson	Mr Nehl*	Mr Somlyay
Mr Bradford	Mr Hawker*	Mr Neville	Mrs Sullivan
Mr Cadman	Mr Howard	Mr Nugent	Mr Taylor
Mr Charles	Mr Jull	Mr Prosser	Mr Truss
Mr Cleary	Mr Katter	Mr Pyne	Mr Tuckey
Mr Cobb	Dr Kemp	Mr Reid	Mr Vaile
Mr Connolly	Mr Lieberman	Mr Reith	Mr Williams
Mr Costello	Mr Lloyd	Mr Rocher	Dr Wooldridge
Mr Dobie	Mr McArthur	Mr Ronaldson	Ms Worth
Mr Filing	Mr McGauran	Mr Ruddock	

* Tellers

And so it was resolved in the affirmative.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free, the Bill was read a third time.

6 CUSTOMS TARIFF (ANTI-DUMPING) (WORLD TRADE ORGANIZATION AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Mr Tuckey moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House urges the Government to:

- (1) significantly reduce the inquiry period for anti-dumping and countervailing cases; and
- (2) ensure that the administration of the anti-dumping system and particularly the material injury provisions in the Act, is no more stringent than the comparable policies adopted by the other members of the World Trade Organization”.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free, the Bill was read a third time.

7 CUSTOMS TARIFF (WORLD TRADE ORGANIZATION AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free, the Bill was read a third time.

8 PATENTS (WORLD TRADE ORGANIZATION AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free, the Bill was read a third time.

9 TRADE MARKS BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free, the Bill was read a third time.

10 DAIRY PRODUCE (WORLD TRADE ORGANIZATION AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Mr B. C. Scott moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House is gravely concerned that this legislation is being terminated ahead of the introduction of the GATT legal replacement legislation which will be needed to ensure confidence and investment is maintained in the Australian dairy industry”.

Amendment negatived.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free, the Bill was read a third time.

11 SALES TAX (WORLD TRADE ORGANIZATION AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr Free (Minister for Schools, Vocational Education and Training) moved—That the Bill be now read a second time.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Free, the Bill was read a third time.

12 TRADE PRACTICES AMENDMENT (ORIGIN LABELLING) BILL 1994

The order of the day having been read for the second reading—Ms McHugh (Minister for Consumer Affairs) moved—That the Bill be now read a second time.

Ms McHugh addressing the House—

It being 3 p.m., the speech was interrupted in accordance with standing order 101A, and Ms McHugh was given leave to continue her speech at a later hour this day.

13 CRASH LANDING OF ANSETT AIRLINES AIRCRAFT—STATEMENT BY MINISTER

Mr Brereton (Minister for Transport), by indulgence, made a statement concerning the crash landing of an Ansett Airlines 747 aircraft at Sydney (Kingsford-Smith) Airport today.

Mr Downer (Leader of the Opposition) also referred to the matter.

14 QUESTIONS

Questions without notice being asked—

Papers: Mr Brereton (Minister for Transport) presented the following papers:

Aviation safety strategy—Copy of letter from Mr Brereton to General Peter Gration AC OBE, Chairman, Civil Aviation Authority, 19 July 1994.

Loss of RAAF Nomad aircraft A18-401—Copies of letters from—

General Gration to Mr Brereton, 30 August 1994, together with attachment.

Ms Philippa Smith, Commonwealth and Defence Force Ombudsman to Mr Brereton, 6 July 1994, together with attachment.

Questions without notice continued.

Paper: Mr Beazley (Minister for Finance) presented the following paper:

Sexual Privacy Bill—Copy of media release from the National Party of Australia, Tasmania.

Questions without notice continued.

15 PAPER

Mr Fischer (Leader of the National Party of Australia), by leave, during a personal explanation, presented the following paper:

Wagga Daily Advertiser—Copy of letter from Mr Fischer to the Editor, *Wagga Daily Advertiser*, 19 October 1994.

16 AUDITOR-GENERAL'S REPORT—PUBLICATION OF PAPER

The Speaker presented the following paper:

Audit Act—Auditor-General—Audit report No. 2 of 1994-95—Department of Defence: Follow-up audit—Management of Army Training Areas; and preliminary study—Acquisition of additional F-111 aircraft.

Mr Beazley (Leader of the House), by leave, moved—That:

- (1) this House authorises the publication of the Auditor-General's audit report No. 2 of 1994-95; and
- (2) the report be printed.

Question—put and passed.

17 PAPERS

The following papers were presented:

Archives Act—

Advisory Council on Australian Archives—Report for 1993-94.

Australian Archives—Report for 1993-94.

Australia-Japan Foundation Act—Australia-Japan Foundation—Report for 1993-94.

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Report for 1993-94.

Australian Institute of Health and Welfare Act—Australian Institute of Health and Welfare—Report for 1993-94.

Australian National Training Authority Act—Australian National Training Authority—Report for 1993-94.

Australian Nuclear Science and Technology Organisation Act—Australian Nuclear Science and Technology Organisation—Report for 1993-94.

Australian Science and Technology Council Act—Australian Science and Technology Council—Report for 1993-94.

Australian Sports Commission Act—Australian Sports Commission—Report for 1993-94.

Australian Tourist Commission Act—Australian Tourist Commission—Report for 1993-94.

Australian War Memorial Act—Australian War Memorial—Report for 1993-94.

Bankruptcy Act—Report for 1993-94.

Commonwealth Electoral Act—Australian Electoral Commission—Report for 1993-94.

Defence Force Retirement and Death Benefits Act—Defence Force Retirement and Death Benefits Authority—Report for 1993-94.

Employment, Education and Training Act—National Board of Employment, Education and Training—Report for 1993-94.

Export Finance and Insurance Corporation Act—Export Finance and Insurance Corporation—Report for 1993-94.

Family Law Act—Family Law Council—Report for 1993-94.

Genetic Manipulation Advisory Committee—Report for 1993-94.

Housing Assistance Act—Report on operation of Commonwealth-State Housing agreement for 1992-93.

Industry Commission Act—Industry Commission—Report for 1993-94.

Insurance and Superannuation Commission—Report for 1993-94.

Law Reform Commission Act—Law Reform Commission—Report for 1993-94.

Members of Parliament (Staff) Act—Report on consultants engaged under section 4, for 1993-94.

Military Superannuation and Benefits Act—Military Superannuation and Benefits Board of Trustees No. 1—Report for 1993-94.

National Crime Authority Act—National Crime Authority—
Report for 1993-94.

Statement by Mr Kerr (Minister for Justice) together with attachment.

National Parks and Wildlife Conservation Act—Australian Nature Conservation Agency—Report for 1993-94.

Papua New Guinea (Staffing Assistance) Act—Commissioner for Superannuation—Report on the Papua New Guinea Superannuation Scheme and certain other schemes, for 1993-94.

Primary Industries and Energy Research and Development Act—Energy Research and Development Corporation—Report for 1993-94.

Public Service Act—

Department of Communications and the Arts—Report for 1993-94.

Department of Defence—Report for 1993-94.

Department of Employment, Education and Training—Report for 1993-94.

Department of Housing and Regional Development—Report, including a report on the administration and operation of the First Home Owners Act, for 1993-94.

Department of Human Services and Health—Report, including information on the transfer of nursing education from hospitals to tertiary education institutions pursuant to the States Grants (Nurse Education Transfer Assistance) Act and on the Commonwealth Rehabilitation Service and Therapeutic Goods Administration, for 1993-94.

Department of Primary Industries and Energy—Report for 1993-94.

Department of the Environment, Sport and Territories—Report, including reports on the operation of the Hazardous Waste (Regulation of Exports and Imports) Act and the Ozone Protection Act, for 1993-94.

Royal Australian Mint—Report for 1993-94.

Radiocommunications Act—Spectrum Management Agency—Report for 1993-94.

Science and Industry Research Act—Commonwealth Scientific and Industrial Research Organisation—Report for 1993-94.

Social Security Act and Public Service Act—Department of Social Security—Report for 1993-94.

Superannuation Act 1976—

Commissioner for Superannuation—Report, incorporating a report on the administration of Commonwealth Superannuation Administration, for 1993-94.

Commonwealth Superannuation Board of Trustees No. 2—Report for 1993-94.

Superannuation Act 1990—Commonwealth Superannuation Board of Trustees No. 1—Report for 1993-94.

Taxation statistics 1992-93.

Telecommunications Act 1991—Australian Telecommunications Authority (AUSTEL)—Report for 1993-94.

Veterans' Entitlements Act and Public Service Act—Reports of the Repatriation Commission and the Department of Veterans' Affairs, for 1993-94.

Veterans' Entitlements Act—Veterans' Review Board—Report for 1993-94.

War Graves Act—Office of Australian War Graves, Department of Veterans' Affairs—Report for 1993-94.

18 PAPERS—MOTION TO TAKE NOTE OF PAPERS

Mr Beazley (Leader of the House) moved—That the House take note of the following papers:

Archives Act—

Advisory Council on Australian Archives—Report for 1993-94.

Australian Archives—Report for 1993-94.

Australia-Japan Foundation Act—Australia-Japan Foundation—Report for 1993-94.

Australian Institute of Health and Welfare Act—Australian Institute of Health and Welfare—Report for 1993-94.

Australian National Training Authority Act—Australian National Training Authority—Report for 1993-94.

Australian Sports Commission Act—Australian Sports Commission—Report for 1993-94.

Australian Tourist Commission Act—Australian Tourist Commission—Report for 1993-94.

Australian War Memorial Act—Australian War Memorial—Report for 1993-94.

Bankruptcy Act—Report for 1993-94.

Commonwealth Electoral Act—Australian Electoral Commission—Report for 1993-94.

Defence Force Retirement and Death Benefits Act—Defence Force Retirement and Death Benefits Authority—Report for 1993-94.

Export Finance and Insurance Corporation Act—Export Finance and Insurance Corporation—Report for 1993-94.

Family Law Act—Family Law Council—Report for 1993-94.

Housing Assistance Act—Report on operation of Commonwealth-State Housing agreement for 1992-93.

Industry Commission Act—Industry Commission—Report for 1993-94.

Insurance and Superannuation Commission—Report for 1993-94.

Law Reform Commission Act—Law Reform Commission—Report for 1993-94.

Members of Parliament (Staff) Act—Report on consultants engaged under section 4, for 1993-94.

Military Superannuation and Benefits Act—Military Superannuation and Benefits Board of Trustees No. 1—Report for 1993-94.

National Crime Authority Act—National Crime Authority—
Report for 1993-94.

Statement by Mr Kerr (Minister for Justice) together with attachment.

National Parks and Wildlife Conservation Act—Australian Nature Conservation Agency—Report for 1993-94.

Primary Industries and Energy Research and Development Act—Energy Research and Development Corporation—Report for 1993-94.

Public Service Act—

Department of Defence—Report for 1993-94.

Department of Employment, Education and Training—Report for 1993-94.

Department of Housing and Regional Development—Report, including a report on the administration and operation of the First Home Owners Act, for 1993-94.

Department of Human Services and Health—Report, including information on the transfer of nursing education from hospitals to tertiary education institutions pursuant to the States Grants (Nurse Education Transfer Assistance) Act and on the Commonwealth Rehabilitation Service and Therapeutic Goods Administration, for 1993-94.

Department of Primary Industries and Energy—Report for 1993-94.

Department of the Environment, Sport and Territories—Report, including reports on the operation of the Hazardous Waste (Regulation of Exports and Imports) Act and the Ozone Protection Act, for 1993-94.

Science and Industry Research Act—Commonwealth Scientific and Industrial Research Organisation—Report for 1993-94.

Social Security Act and Public Service Act—Department of Social Security—Report for 1993-94.

Superannuation Act 1976—

Commissioner for Superannuation—Report, incorporating a report on the administration of Commonwealth Superannuation Administration, for 1993-94.

Commonwealth Superannuation Board of Trustees No. 2—Report for 1993-94.

Superannuation Act 1990—Commonwealth Superannuation Board of Trustees No. 1—Report for 1993-94.

Veterans' Entitlements Act and Public Service Act—Reports of the Repatriation Commission and the Department of Veterans' Affairs, for 1993-94.

Veterans' Entitlements Act—Veterans' Review Board—Report for 1993-94.

War Graves Act—Office of Australian War Graves, Department of Veterans' Affairs—Report for 1993-94.

Debate adjourned (Mr Howard), and the resumption of each debate made an order of the day for the next sitting.

19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MINISTER FOR TRANSPORT

The House was informed that Mr Sharp had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The concerns resulting from the Minister for Transport's self admitted claim that he had paid insufficient attention to the problems of air safety in Australia, leading to a loss of confidence in the Minister's ability".

The proposed discussion having received the necessary support—

Mr Sharp addressed the House.

Discussion ensued.

Discussion concluded.

20 MESSAGES FROM THE ADMINISTRATOR—ASSENT TO BILLS

Messages from His Excellency the Administrator were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

18 October 1994—Message—

No. 192—Drought Relief Payment 1994.

No. 193—

National Environment Protection Council 1994.

Australian Trade Commission Amendment 1994.

21 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Primary Industries Legislation Amendment Bill 1994 had been fully considered in the Main Committee and agreed to with amendments, and an amended title (*see item No. 2, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments and amended title made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, the Bill was read a third time.

22 EXCISE TARIFF LEGISLATION AMENDMENT BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Excise Tariff Legislation Amendment Bill 1994 had been fully considered in the Main Committee and agreed to without amendment, and presented a certified copy of the Bill.

Bill agreed to.

On the motion of Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, the Bill was read a third time.

23 EVIDENCE BILL 1993—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Evidence Bill 1993 had been fully considered in the Main Committee and agreed to with amendments (*see item No. 5, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, the Bill was read a third time.

24 EVIDENCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994—REPORT FROM MAIN COMMITTEE

The Deputy Speaker reported that the Evidence (Transitional Provisions and Consequential Amendments) Bill 1994 had been fully considered in the Main Committee and agreed to with amendments (*see item No. 6, Minutes of Proceedings of the Main Committee*), and presented a certified copy of the Bill together with a schedule of amendments.

Amendments made by the Main Committee agreed to.

Bill, as amended, agreed to.

On the motion of Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs), by leave, the Bill was read a third time.

25 MESSAGE FROM THE SENATE—CARRIAGE OF GOODS BY SEA ACT—PART 3 AND SCHEDULE 2

The following message from the Senate was reported:

Message No. 343

Mr Speaker,

The Senate having considered message no. 365 of the House of Representatives, has agreed to the following resolution:

That, in accordance with paragraph 2(3)(b) of the *Carriage of Goods by Sea Act 1991*, the question of the repeal of Part 3 and Schedule 2 of the Act be reconsidered after a further period of 3 years and no later than 31 October 1997.

MICHAEL BEAHAN
President

The Senate

Canberra, 19 October 1994

26 MESSAGE FROM THE SENATE—TAXATION LAWS AMENDMENT BILL (NO. 3) 1994

The following message from the Senate was reported:

Message No. 342

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act to amend the law relating to taxation*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN
President

The Senate

Canberra, 17 October 1994

Ordered—That the amendments be considered forthwith.

Power of Senate to amend bills—Statement by Deputy Speaker

The Deputy Speaker made the following statement:

Although I have not had the opportunity to study the Senate amendments carefully, there appears to be some uncertainty about the effect of parts of amendment No. 4 in terms of a possible charge or burden on the people. The point arises as to whether the Senate was able to amend the Bill in this way or whether that particular matter should have been dealt with by way of request.

Given the uncertainty and a desire to ensure that the legislation is not unduly delayed because of this possible procedural point, I suggest that it may suit the convenience of the House to consider the amendments forthwith.

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Clause 5, page 6, proposed paragraph 220AF(1)(c), line 3, omit "1 November 1994", substitute "1 December 1994".

No. 2—Clause 5, page 8, proposed subsection 220AJ(4), lines 21 to 23, omit the subsection (but not the penalty at the end of proposed section 220AJ), substitute the following subsection:

Section not to apply to pre-1 December 1994 payments

"(4) This section does not apply to a reportable payment made before 1 December 1994."

No. 3—Clause 51, page 44, paragraphs (b) and (c), lines 22 to 26, omit the paragraphs, substitute the following paragraph:

"(b) to reduce a taxpayer's entitlement to a rebate of tax in respect of a dependent spouse if home child care allowance is paid to the spouse."

No. 4—Clause 57, line 32 (page 46) to line 33 (page 47), omit the clause, substitute the following clause:

Rebates for dependants

"57. Section 159J of the Principal Act is amended:

(a) by inserting after subsection (5D) the following subsections:

'(5E) If:

(a) after taking into account any reduction because of the application of any other provision of this section, a rebate is allowable to a taxpayer under this section for a year of income in respect of a dependant who is the spouse of the taxpayer; and

- (b) an amount or amounts of home child care allowance (within the meaning of the *Social Security Act 1991*) were paid to the spouse at any time during the year of income;

the rebate is to be reduced or further reduced, as the case requires, by the amount, or the sum of the amounts, of the home child care allowance.

‘(5F) If, during a full year of income, the spouse of a taxpayer qualified for the maximum rate of home child care allowance (within the meaning of the *Social Security Act 1991*), the taxpayer is not entitled to claim all or part of a rebate in respect of that spouse under this section.

‘(5G) If, in a year of income, as a result of the operation of subsection (5E), a rebate is reduced or further reduced, as the case requires, by an amount, or the sum of amounts, of home child care allowance (within the meaning of the *Social Security Act 1991*), then, in spite of any other law, that rebate is not payable until the end of that year.’;

- (b) by inserting ‘home child care allowance, child care cash rebate,’ before ‘or a child disability allowance’ in paragraph (a) of the definition of ‘separate net income’ in subsection (6).”.

No. 5—Clause 58, page 48, paragraph (c), definition of “**Qualifying reductions**”, proposed subparagraph (pa)(iii), lines 22 to 27, omit the subparagraph, substitute the following subparagraph:

“(iii) if the preceding year of income is the 1994-95 year of income or any later year of income and neither of the following applies:

(A) on 30 June 1995, or on 30 June of the later preceding year of income, as the case may be, an amount of home child care allowance (within the meaning of the *Social Security Act 1991*) became payable to the spouse;

(B) that 30 June occurred less than 14 days after a day on which an amount of such home child care allowance became payable;

100%”.

No. 6—Clause 60, page 49, subclause (1), definition of “**Pre-29 Sep component (old law)**”, paragraph (a), line 11, omit “, and subsection 159J(4).”.

No. 7—Clause 60, page 49, subclause (1), at end of definition of “**Pre-29 Sep component (old law)**”, add the following paragraph:

“(d) that the reference in subsection 159J(4) to \$282 were instead a reference to \$70;”.

No. 8—Clause 60, page 49, subclause (1), definition of “**Post-28 Sep component (new law)**”, paragraph (d), line 29, omit the paragraph, substitute the following paragraph:

“(d) that the reference in subsection 159J(4) to \$282 were instead a reference to \$212.”.

No. 9—Clause 60, pages 49 and 50, subclauses (2) and (3), line 30 (page 49) to line 24 (page 50), omit the subclauses.

No. 10—Part 2, Division 6, line 33 (page 50) to line 30 (page 51), omit the Division.

No. 11—Clause 96, page 60, paragraph (b), proposed subsection 140R(1A), formula, omit “**Amount of ETP**”, substitute “**RBL amount of the ETP**”.

No. 12—Clause 97, page 61, paragraph (b), proposed subsection 140T(2B), formula, omit “**Amount of ETP**”, substitute “**RBL amount of the ETP**”.

No. 13—After clause 98, page 62, insert the following clause:

RBL amount—ETP paid by life assurance company or registered organisation

“98A. Section 140ZI of the Principal Act is amended by omitting all the words before paragraph (c) and substituting:

‘140ZI. If an ETP in relation to a person is paid by a life assurance company or a registered organisation, the RBL amount of the ETP is the whole of the ETP, other than any part of the ETP that consists of:’.

No. 14—Clause 114, page 67, before proposed section 160ZZV, insert the following sections:

Object

“ ‘160ZZVA.(1) The object of this Part is:

- (a) to assist in calculating that part of a foreign bank’s taxable income that is referable to certain activities of its Australian branch; and
- (b) to make it clear that withholding tax will apply to amounts that are taken by this Part to be interest paid by the branch to the bank.

‘(2) For the purpose of achieving the object mentioned in subsection (1), this Part requires, in the circumstances stated in this Part and not otherwise, that the Australian branch is to be treated as if it were a separate legal entity from the bank.

Application

‘160ZZVB.(1) It is the intention that, in so far as this Part is to be applied to identify amounts of income and expenditure that are taken into account in calculating that part of a foreign bank’s taxable income of a year of income that is referable to certain activities of its Australian branch, the provisions of this Part are to be applied in their entirety.

‘(2) If, as a result of the application of this Part:

- (a) the taxable income of a year of income of a foreign bank that is attributable to activities carried on by the bank through its Australian branch is greater than the amount that would be that taxable income if this Part did not apply; or
- (b) a foreign bank would be taken not to incur a loss in a year of income in respect of activities carried on by the bank through its Australian branch that it would be taken to have incurred if this Part did not apply; or
- (c) the amount of a loss that a foreign bank would be taken to incur in a year of income in respect of activities carried on by the bank through its Australian branch is less than the amount of the loss that it would be taken to have incurred if this Part did not apply;

and an agreement within the meaning of the *Income Tax (International Agreements) Act 1953* that has the force of law applies in relation to the bank, the bank may elect that this Part is not to apply in the calculation of its taxable income of that year of income.

- (3) If a foreign bank makes an election as mentioned in subsection (2):
- (a) this Part does not apply in the calculation of the bank's taxable income of the year of income to which the election relates and the bank may furnish returns, and is liable to pay tax, accordingly; but
 - (b) the election does not affect the operation of this Part in respect of the application of withholding tax to amounts that are taken by this Part to be interest paid by the branch to the bank."
- No. 15—Clause 114, page 67, proposed section 160ZZV, definition of **"accounting records"**, lines 7 and 8, omit the definition, substitute the following definition:
- "**'accounting records'** includes:
- (a) invoices, receipts, vouchers and other documents of prime entry; and
 - (b) any working papers and other documents that are necessary to explain the methods and calculations by which accounts are made up;"
- No. 16—Clause 114, page 67, proposed section 160ZZV, definition of **"wholly-owned subsidiary"**, lines 27 and 28, omit the definition.
- No. 17—Clause 114, page 67, proposed subsection 160ZZW(1), line 31, omit "and (3)", substitute ", (3), (3A) and (4)".
- No. 18—Clause 114, page 68, proposed subsection 160ZZW(3), lines 12 and 13, omit "that is or was a wholly-owned subsidiary of the bank", substitute "having a share capital all the shares in which are or were beneficially owned by the bank".
- No. 19—Clause 114, page 68, after proposed subsection 160ZZW(3), insert the following subsection:
- "(3A) The branch is taken to be a non-resident and to have been a non-resident since the time of its establishment."
- No. 20—Clause 114, page 68, proposed section 160ZZY, line 24, omit "income derived through its Australian branch", substitute "interest received by its Australian branch from a place outside Australia".
- No. 21—Clause 114, page 68, at end of proposed section 160ZZZ, add the following subsection:
- "(2) If an amount has been made available by the branch to the bank in purported repayment of an amount that is taken, under subsection (1), to have been borrowed by the branch from the bank and the amount so made available is recorded in the branch's accounting records as having been repaid by the branch to the bank, the amount that was so taken to have been borrowed is taken, for the purposes of this Act, to have been repaid by the branch to the bank when the amount became so available and to have been so repaid in the currency in which the amount became so available."
- No. 22—Clause 114, page 69, proposed paragraph 160ZZZA(1)(c), line 11, omit "by reference to", substitute "at".
- No. 23—Clause 114, page 69, proposed paragraph 160ZZZA(1)(c), line 14, omit ", for the purposes only of this section and section 160ZZZB,".
- No. 24—Clause 114, page 69, proposed paragraph 160ZZZA(1)(c), lines 18 and 19, omit "by reference to", substitute "at".

No. 25—Clause 114, page 70, proposed subsection 160ZZZB(3), line 18, omit the subsection.

No. 26—Clause 114, page 70, at end of proposed section 160ZZZD, add “in respect of income derived by the bank through that branch”.

No. 27—Clause 114, pages 70 and 71, proposed sections 160ZZZE and 160ZZZF, line 30 (page 70) to line 8 (page 71), omit the sections, substitute the following sections:

Notional derivative transactions between branch and bank

“160ZZZE. If the accounting records of an Australian branch of a foreign bank reflect a derivative transaction notionally entered into by the branch with the bank:

- (a) the notional transaction is taken to be a transaction entered into by the branch with the bank; and
- (b) any amount entered in the branch’s accounting records as a payment or receipt in respect of the notional transaction is taken, for the purposes of this Act, to be an amount paid or received by the branch, as the case may be, in respect of the derivative transaction when the amount was so entered.

Notional foreign exchange transactions between branch and bank

“160ZZZF. If the accounting records of an Australian branch of a foreign bank reflect a foreign exchange transaction notionally entered into by the branch with the bank:

- (a) the notional transaction is taken to be a transaction entered into by the branch with the bank; and
- (b) any amount entered in the branch’s accounting records as a payment or receipt in respect of the notional transaction is taken, for the purposes of this Act, to be an amount paid or received by the branch, as the case may be, in respect of the foreign exchange transaction when the amount was so entered.”.

No. 28—Clause 114, page 71, proposed paragraph 160ZZZJ(1)(b), line 28, omit “section 128B”, substitute “sections 128B and 221YL”.

No. 29—Clause 114, page 71, proposed subsection 160ZZZJ(2), line 32, omit “Section 128B applies”, substitute “Sections 128B and 221YL apply”.

No. 30—Clause 114, page 72, proposed subsection 160ZZZJ(4), lines 5 to 25, omit the subsection.

No. 31—Clause 129, page 75, at end of clause, add “and provide for sales tax credits in respect of parts used in re-manufacturing goods sold to or leased by exempt users”.

No. 32—After clause 132, page 76, insert the following clause:

Meaning of “eligible short-term lease” etc.

“132A. Section 15A of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

'(2) The Commissioner and a person ("the lessor") who grants leases of goods in the course of a business may agree on a percentage (other than nil) as the exempt percentage in relation to goods of a particular kind. The percentage agreed on must be the percentage of the statutory period during which it is agreed to be likely that the goods will be used by the lessor for lease (other than eligible long-term lease) to persons who, or whose sublessees, intend to use the goods during the whole of the term of the lease or sublease so as to satisfy one or more exemption Items.

'(2A) The Commissioner and the lessor who grants leases of Australian-used goods in the course of a business may agree on a percentage (other than nil) as the exempt percentage in relation to eligible repair goods incorporated in Australian-used goods of a particular kind. The percentage agreed on must be the percentage of the statutory period during which it is agreed to be likely that the Australian-used goods will be used by the lessor for lease (other than eligible long-term lease) to persons who, or whose sublessees, intend to use the Australian-used goods during the whole of the term of the lease or sublease so as to satisfy the exemption Items covered by subsection 15C(2).'

No. 33—After clause 132, page 76, insert the following clause:

Eligible repair goods

"132B. Section 15C of the Principal Act is amended:

(a) by omitting from subsection (1) paragraphs (c) and (d), and substituting the following paragraphs:

'(c) after the goods become an integral part of the Australian-used goods:

- (i) property in the Australian-used goods passes under a contract from the claimant to another person ("the exemption user"); or
- (ii) the Australian-used goods are leased by the claimant to the exemption user for a term at least as long as the statutory period; or
- (iii) the Australian-used goods are sold by the claimant to a person for lease by that person to the exemption user for a term at least as long as the statutory period; and

(d) where:

- (i) subparagraph (c)(i) or (ii) applies—the exemption user gives a declaration under subsection (2) to the claimant; or
- (ii) subparagraph (c)(iii) applies—the exemption user gives a declaration under subsection (2) to the lessor of the Australian-used goods and a copy of that declaration is supplied by the lessor to the claimant.'

(b) by omitting from subsection (2) 'and 38' and substituting ', 38 and any other exemption Item which provides exemption for goods for use by an "always-exempt person" within the meaning of the *Sales Tax (Exemptions and Classifications) Act 1992*';

(c) by omitting subsection (3) and substituting the following subsection:

'(3) The time when the goods become eligible repair goods is the later of:

- (a) if subparagraph (1)(c)(i) applies—the time when the property in the Australian-used goods passes to the exemption user; or
 - (b) if subparagraph (1)(c)(ii) or (iii) applies—the time when the Australian-used goods are leased to the exemption user;
- and the time when the declaration, or a copy of the declaration, is given to the claimant.'”.

No. 34—Clause 155, page 84, subclause (6), lines 5 to 11, omit the subclause, substitute the following subclause:

“(6) A company is a **‘pre-approved company’** if:

- (a) before 15 December 1993, the Treasurer, or another Minister, agreed in writing to provide the company with:
 - (i) a sales tax exemption for equipment; or
 - (ii) compensation for sales tax paid on equipment;

where the equipment was imported into Australia and was owned by the company for at least 9 months before importation; or

- (b) on or after 15 December 1993, and before the commencement of this section, the Treasurer agreed in writing to give the company conditional approval as an RHQ company.”.

On the motion of Mr Gear (Assistant Treasurer), Senate amendments Nos. 1 to 3 were together agreed to.

Mr Gear moved—That Senate amendment No. 4 be disagreed to, but, in place thereof, the Bill be amended as follows:

Clause 57, page 46 (line 32) to page 47 (line 33), omit the clause, substitute the following clause:

Rebates for dependants

“57. Section 159J of the Principal Act is amended:

- (a) by omitting from subsection (1B) ‘1 or’;
- (b) by inserting after subsection (5D) the following subsection:

‘(5E) If:

- (a) after taking into account any reduction because of the application of any other provision of this section, a rebate is allowable to a taxpayer under this section for a year of income in respect of a dependant who is the spouse of the taxpayer; and
- (b) an amount or amounts of home child care allowance (within the meaning of the *Social Security Act 1991*) were paid to the spouse at any time during the year of income;

the rebate is to be reduced or further reduced, as the case requires, by the amount, or the sum of the amounts, of the home child care allowance.’;

- (c) by inserting ‘home child care allowance,’ before ‘or a child disability allowance’ in paragraph (a) of the definition of ‘separate net income’ in subsection (6).”.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr Reid, in the Chair)—

AYES, 70

Mr Adams	Mrs Easson	Mrs Kelly	Mr Quick
Mr Baldwin	Mr Elliott	Mr Kerr	Mr Sawford*
Mr Beazley	Mr M. J. Evans	Mr Knott	Mr Sciacca
Mr Beddall	Ms Fatin	Mr Langmore	Mr L. J. Scott
Mr Bilney	Mr Ferguson	Mr Latham	Mr Simmons
Mr Brereton	Mr Fitzgibbon	Mr Lavarch	Mrs S. J. Smith
Mr Brown	Mr Free	Mr Lee	Mr S. F. Smith
Mr Campbell	Mr Gear	Mr Lindsay	Mr Snow
Mr Chynoweth	Mr Gibson	Ms McHugh	Mr Snowdon
Mr Cleary	Mr Grace*	Mr McLeay	Mr Swan
Mr Cleeland	Mr Griffin	Mr Melham	Mr Tanner
Mr Crean	Mr Haviland	Mr A. A. Morris	Dr Theophanous
Mrs Crosio	Ms Henzell	Mr P. F. Morris	Mr Tickner
Mr Cunningham	Mr Holding	Mr Newell	Mr Walker
Ms Deahm	Mr Hollis	Mr O'Connor	Mr Willis
Mr Dodd	Mr Horne	Mr O'Keefe	Mr Woods
Mr Duffy	Mr Humphreys	Mr Price	
Mr Duncan	Mr Jenkins	Mr Punch	

NOES, 51

Mr Abbott	Mr Forrest	Mr McLachlan	Mr Sharp
Mr J. N. Andrew	Mrs Gallus	Mr Moore	Mr Sinclair
Mr Atkinson	Mr Hall	Mrs Moylan	Mr Slipper
Mr Beale	Mr Halverson	Mr Nehl	Mr Somlyay
Mrs Bishop	Mr Hawker*	Mr Neville	Mrs Sullivan
Mr Bradford	Mr Hicks*	Mr Nugent	Mr Taylor
Mr Charles	Mr Jull	Mr Prosser	Mr Truss
Mr Cobb	Mr Katter	Mr Pyne	Mr Tuckey
Mr Connolly	Dr Kemp	Mr Reith	Mr Vaile
Mr Dobie	Mr Lieberman	Mr Rocher	Mr Williams
Mr R.D.C. Evans	Mr Lloyd	Mr Ronaldson	Dr Wooldridge
Mr Filing	Mr McArthur	Mr Ruddock	Ms Worth
Mr Fischer	Mr McGauran	Mr B. C. Scott	

* Tellers

And so it was resolved in the affirmative.

On the motion of Mr Gear, Senate amendments Nos. 5 to 30 were together agreed to.

Mr Gear moved—That Senate amendments Nos. 31 to 33 be disagreed to.

Debate ensued.

Question—put.

The House divided (the Deputy Speaker, Mr Reid, in the Chair)—

AYES, 68

Mr Adams	Mrs Easson	Mr Jenkins	Mr Punch
Mr Baldwin	Mr Elliott	Mrs Kelly	Mr Quick
Mr Beazley	Mr M. J. Evans	Mr Kerr	Mr Sawford*
Mr Beddall	Ms Fatin	Mr Knott	Mr Sciacca
Mr Bilney	Mr Ferguson	Mr Langmore	Mr L. J. Scott
Mr Brereton	Mr Fitzgibbon	Mr Latham	Mr Simmons
Mr Brown	Mr Free	Mr Lee	Mrs S. J. Smith
Mr Campbell	Mr Gear	Mr Lindsay	Mr S. F. Smith
Mr Chynoweth	Mr Gibson	Ms McHugh	Mr Snow
Mr Cleeland	Mr Grace*	Mr McLeay	Mr Snowdon
Mr Crean	Mr Griffin	Mr Melham	Mr Swan
Mrs Crosio	Mr Haviland	Mr A. A. Morris	Mr Tanner
Mr Cunningham	Ms Henzell	Mr P. F. Morris	Dr Theophanous
Ms Deahm	Mr Holding	Mr Newell	Mr Tickner
Mr Dodd	Mr Hollis	Mr O'Connor	Mr Walker
Mr Duffy	Mr Horne	Mr O'Keefe	Mr Willis
Mr Duncan	Mr Humphreys	Mr Price	Mr Woods

NOES, 52

Mr Abbott	Mr Forrest	Mr McLachlan	Mr B. C. Scott
Mr J. N. Andrew	Mrs Gallus	Mr Miles	Mr Sharp
Mr Atkinson	Mr Hall	Mr Moore	Mr Sinclair
Mr Beale	Mr Halverson	Mrs Moylan	Mr Slipper
Mrs Bishop	Mr Hawker*	Mr Nehl	Mr Somlyay
Mr Bradford	Mr Hicks*	Mr Neville	Mrs Sullivan
Mr Charles	Mr Jull	Mr Nugent	Mr Taylor
Mr Cobb	Mr Katter	Mr Prosser	Mr Truss
Mr Connolly	Dr Kemp	Mr Pyne	Mr Tuckey
Mr Dobie	Mr Lieberman	Mr Reith	Mr Vaile
Mr R.D.C.Evans	Mr Lloyd	Mr Rocher	Mr Williams
Mr Filing	Mr McArthur	Mr Ronaldson	Dr Wooldridge
Mr Fischer	Mr McGauran	Mr Ruddock	Ms Worth

* Tellers

And so it was resolved in the affirmative.

On the motion of Mr Gear, Senate amendment No. 34 was agreed to.

Mr Gear moved—That Mrs S. J. Smith, Mr McLeay and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments Nos. 31 to 33 of the Senate.

Question—put and passed.

Mr Gear, on behalf of the committee, brought up such reasons, which were circulated, and are as follows:

Reasons of the House of Representatives for disagreeing to amendments Nos. 31 to 33 of the Senate

Senate amendments Nos. 31, 32 and 33 are not acceptable because:

A credit ground for parts used in remanufacturing goods sold to exempt users is unwarranted in terms of the basic structure of the sales tax law. The purpose of analogous credit grounds in the sales tax law for goods producers is to prevent the 'cascading' of sales tax through different levels of the production chain. Exempt users are predominantly service providers and therefore not taxable on their outputs, so there is no question of needing to ensure their inputs are free of sales tax to avoid 'cascading'.

The amendments would also introduce unwarranted complexity into the tax law and its administration.

On the motion of Mr Gear, the committee's reasons were adopted, after debate.

27 TRADE PRACTICES AMENDMENT (ORIGIN LABELLING) BILL 1994

Ms McHugh (Minister for Consumer Affairs) completed her second reading speech on the motion—That the Bill be now read a second time (*see* entry No. 12).

Debate ensued.

28 ADJOURNMENT

It being approximately 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at 7.52 p.m., adjourned until tomorrow at 9.30 a.m.

PAPERS

The following papers were deemed to have been presented on 19 October 1994: Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal 1994 No. 29.

Australian National University Act—Statutes Nos. 233, 234, 235.

ATTENDANCE

All Members attended (at some time during the sitting) except Mr Aldred, Mr Anderson, Mr K. J. Andrews, Mr Bevis, Mr Braithwaite*, Mr Cameron, Mr Gorman, Dr Hewson, Mr Howe, Mr Jones, Mr Mack and Mr Staples*.

*On leave

L. M. BARLIN

Clerk of the House of Representatives

1993-94

HOUSE OF REPRESENTATIVES
SUPPLEMENT TO VOTES AND PROCEEDINGS

No. 101

MAIN COMMITTEE

MINUTES OF PROCEEDINGS

WEDNESDAY, 19 OCTOBER 1994

1. The Main Committee met at 10 a.m.
-

Suspension of sitting: At 10 a.m., the Deputy Speaker left the Chair.

Resumption of sitting: At 10.01 a.m., the Deputy Speaker resumed the Chair.

2 PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr O'Keefe (Parliamentary Secretary to the Minister for Transport) moved—That the Bill be now read a second time.

Debate ensued.

Question—put and passed—Bill read a second time.

Consideration in detail

Clause 1 agreed to.

Clause 2—

On the motion of Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology), the following amendment was made:

Page 1, line 7, omit "Parts 1 and 2 commence", substitute "Part 1 commences".

Clause, as amended, agreed to.

Part 2 (clauses 3 to 5), by leave, taken as a whole and negatived.

Parts 3 and 4, by leave, taken together and agreed to.

Title—

On the motion of Mr Lindsay, the title was amended by omitting "the *Australian Meat and Live-stock (Quotas) Act 1990*".

Title, as amended, agreed to.

Bill, as amended, agreed to, with an amended title.

Paper: Mr Lindsay presented a supplementary explanatory memorandum to the Bill.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments and with an amended title.

3 EXCISE TARIFF LEGISLATION AMENDMENT BILL 1994

The order of the day having been read for the second reading—Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved—That the Bill be now read a second time.

Debate ensued.

Question—put and passed—Bill read a second time.

Leave granted for the motion for the Bill to be reported to be moved forthwith.

On the motion of Mr Lindsay, Bill to be reported to the House without amendment.

4 EVIDENCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994

The order of the day having been read for the second reading—Mr Duncan (Parliamentary Secretary to the Attorney-General) moved—That the Bill be now read a second time.

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

5 EVIDENCE BILL 1993

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.

Mr Reith addressing the Committee—

Suspension of sitting: At 11.47 a.m., a division having been called in the House, the proceedings were suspended.

Resumption of sitting: At 12.15 p.m., the proceedings were resumed.

Debate continued.

Question—put and passed—Bill read a second time.

Consideration in detail

Clauses 1 to 117, by leave, taken together.

On the motion of Mr Kerr (Minister for Justice), by leave, the following amendments were made together:

Clause 2, page 2, subclause (3), line 17, omit “1 January 1995”, substitute “18 April 1995”.

Clause 4—

Page 3, paragraph (1)(d), line 2, omit the paragraph, substitute the following paragraph:

“(d) subject to subsection (1A), relate to sentencing.”.

Page 3, after subclause (1) insert the following subclauses:

“(1A) If such a proceeding relates to sentencing:

- (a) this Act applies only if the court directs that the law of evidence applies in the proceeding; and
- (b) if the court specifies in the direction that the law of evidence applies only in relation to specified matters—the direction has effect accordingly.

“(1B) The court must make a direction if:

- (a) a party to the proceeding applies for such a direction in relation to the proof of a fact; and
- (b) in the court’s opinion, the proceeding involves proof of that fact, and that fact is or will be significant in determining a sentence to be imposed in the proceeding.

“(1C) The court must make a direction if the court considers it appropriate to make such a direction in the interests of justice.”.

Clause 5, page 4, omit from the Table “Parliamentary proceedings”, substitute “Documents published by authority of Parliaments etc.”.

Clause 8—

Page 4, subclauses (1) and (2), lines 13 and 19, omit the subclauses, substitute the following subclauses:

“(1) This Act does not affect the operation of the provisions of any other Act, other than sections 68, 79, 80 and 80A of the *Judiciary Act 1903*.

“(2) This Act does not affect the operation of regulations that:

- (a) are made under an Act other than this Act; and
- (b) are in force on the commencement of this section.

However, this subsection ceases to apply to a regulation once it is amended after that commencement.”.

Page 5, subclause (4), lines 3 and 4, omit “the following have effect despite this Act.”, substitute “this Act does not affect the operation of the following.”.

Clause 9—

Page 5, before subclause (1) insert the following subclause:

“(1A) For the avoidance of doubt, this Act does not affect an Australian law so far as the law relates to a court’s power to dispense with the operation of a rule of evidence or procedure in an interlocutory proceeding.”.

Page 5, paragraph (1)(b), lines 31 and 32, omit the paragraph, substitute the following paragraph:

“(b) bail; or”.

Clause 15, page 8, paragraph (2)(b), line 2, omit the paragraph, substitute the following paragraph:

“(b) a meeting of a committee of that House or that Parliament, being a committee of which he or she is a member.”.

Clause 18, page 8, subclause (2), line 25, after “A person who” insert “, when required to give evidence,”.

Clause 20—

Page 10, subclause (3), lines 9 to 13, omit the subclause, substitute the following subclause:

“(3) The judge or any party (other than the prosecutor) may comment on a failure to give evidence by a person who, at the time of the failure, was:

- (a) the defendant’s spouse or defacto spouse; or
- (b) a parent or child of the defendant.”.

Page 10, paragraph (5)(b), lines 24 to 26, omit the paragraph, substitute the following paragraph:

“(b) comment is made by any of those persons on the failure of any of those persons or of the spouse or defacto spouse, or a parent or child, of any of those persons to give evidence;”.

Page 10, subclause (6), lines 29 to 31, omit the subclause.

Clause 21, page 10, subclause (2), lines 36 to 39, omit the subclause, substitute the following subclauses:

“(2) Subsection (1) does not apply to a person who gives unsworn evidence under subsection 13(2).

“(2A) A person who is called merely to produce a document or thing to the court need not take an oath or make an affirmation before doing so.”.

Clause 32, page 13, paragraph (2)(a), line 10, after “fact” insert “or opinion”.

Clause 48, page 20, paragraph (1)(f), add at the end the following word and subparagraph:

“; or (iii) by authority of an Australian Parliament, a House of an Australian Parliament, a committee of such a House or a committee of an Australian Parliament.”.

Clause 60, page 25, lines 38 to 41, omit the clause, substitute the following clause:

Exception: evidence relevant for a non-hearsay purpose

“60. The hearsay rule does not apply to evidence of a previous representation that is admitted because it is relevant for a purpose other than proof of the fact intended to be asserted by the representation.”.

Clause 61, page 26, after subclause (1), insert the following subclause:

“(1A) This section does not apply to a contemporaneous representation made by a person about his or her health, feelings, sensations, intention, knowledge or state of mind.

Note: For the admissibility of such contemporaneous representations, see section 72.”.

Clause 65, page 27, lines 36 to 39 and page 28, lines 1 to 4, paragraphs (2)(d) and (e), omit the paragraphs.

Clause 65—

Page 28, after subclause (2) insert the following subclause:

“(2A) The hearsay rule does not apply to evidence of a previous representation made in the course of giving evidence in an Australian or overseas proceeding if, in that proceeding, the defendant in the proceeding to which this section is being applied:

- (a) cross-examined the person who made the representation about it; or
- (b) had a reasonable opportunity to cross-examine the person who made the representation about it.

Note: Section 67 imposes notice requirements relating to this subsection.”

Page 28, paragraph (3)(b), line 11, omit “paragraph (2)(d)”, substitute “subsection (2A)”.

Page 28, subclause (4), line 15, omit “paragraph (2)(e) and subsection (3)”, substitute “subsections (2A) and (3)”.

Page 28, subclause (5), lines 21 and 22, omit “paragraph (2)(d) or (e)”, substitute “subsection (2A)”.

Clause 67—

Page 29, subclause (1), line 34, omit “65(2) and (7)”, substitute “65(2), (2A) and (7)”.

Page 29, after subclause (1) insert the following subclause:

“(1A) Notices given under subsection (1) are to be given in accordance with any regulations or rules of court made for the purposes of this section.”

Clause 68, page 30, subclause (1), line 18, omit “7 days”, substitute “21 days”.

Clause 69, page 30, subparagraph (1)(a)(i), line 33, after “kept by” insert “a person, body or organisation in the course of, or for the purposes of,”.

Clause 82, page 35, paragraph (b), lines 1 and 2, omit the paragraph, substitute the following paragraph:

“(b) it is a document in which the admission is made.”

Clause 85—

Page 35, subclause (1), lines 27 to 35, omit the subclause, substitute the following subclause:

“(1) This section applies only in a criminal proceeding and only to evidence of an admission made by a defendant:

- (a) in the course of official questioning; or
- (b) as a result of an act of another person who is capable of influencing the decision whether a prosecution of the defendant should be brought or should be continued.”

Page 36, subparagraph (3)(b)(ii), line 10, omit “the threat”, substitute “any threat”.

Page 36, subclause (4), line 12, omit the subclause.

Clause 87—

Page 36, subclause (1), lines 29 to 31, omit the subclause.

Page 36, subclause (2), line 32, omit “The representation is also taken to have been made by a party if”, substitute “For the purpose of determining whether a previous representation made by a person is also taken to be an admission by a party, the court is to admit the representation if”.

Clause 114—

Page 46, subclause (2), lines 6 to 14, omit the subclause, substitute the following subclause:

“(2) Visual identification evidence adduced by the prosecutor is not admissible unless:

- (a) an identification parade that included the defendant was held before the identification was made; or
- (b) it would not have been reasonable to have held such a parade; or
- (c) the defendant refused to take part in such a parade;

and the identification was made without the person who made it having been intentionally influenced to identify the defendant.”.

Page 46, subparagraph (3)(c)(i), line 22, omit “refused”, substitute “failed”.

Page 46, subparagraph (3)(c)(i), line 24, omit “refusal”, substitute “failure”.

Page 46, after subclause (3) insert the following subclause:

“(3A) It is presumed that it would not have been reasonable to have held an identification parade if it would have been unfair to the defendant for such a parade to have been held.”.

Page 46, paragraph (4)(a), line 31, omit “cooperate in the conduct of”, substitute “take part in”.

Clause 115, page 47, after subclause (4) insert the following subclauses:

“(4A) Picture identification evidence adduced by the prosecutor is not admissible if, when the pictures were examined, the defendant was in the custody of a police officer of the police force investigating the commission of the offence with which the defendant has been charged, unless:

- (a) the defendant refused to take part in an identification parade; or
- (b) the defendant’s appearance had changed significantly between the time when the offence was committed and the time when the defendant was taken into that custody; or
- (c) it would not have been reasonable to have held an identification parade that included the defendant.

“(4B) Subsections 114(3), (3A), (4) and (5) apply in determining, for the purposes of paragraph (4A)(c) of this section, whether it would have been reasonable to have held an identification parade.”.

Clause 116, page 48, add at the end the following subclause:

“(2) It is not necessary that a particular form of words be used in so informing the jury.”.

Clauses, as amended, agreed to.

Clauses 118 to 120, by leave, taken together.

Mr Reith, by leave, moved the following amendments together:

Clause 118, page 49, line 23, omit “sole”, substitute “dominant”.

Clause 119, page 49, line 33, omit “sole”, substitute “dominant”.

Clause 120, page 50, line 9, omit “sole”, substitute “dominant”.

Amendments negatived.

Clauses agreed to.

Remainder of Bill, by leave, taken as whole.

On the motion of Mr Kerr, by leave, the following amendments were made together, after debate:

Clause 120, page 50, subclause (2), line 12, omit “paragraphs (b) to (f)”, substitute “paragraphs (b), (d), (e) and (f)”.

Clause 130—

Page 55, subclause (1), line 30, omit “admitted into evidence”, substitute “adduced as evidence”.

Page 55, subclause (4), line 38, omit “admitting it into evidence”, substitute “adducing it as evidence”.

Clause 131, page 57, after paragraph (2)(e) insert the following paragraph:

“(ea) the proceeding in which it is sought to adduce the evidence is a proceeding to enforce an agreement between the persons in dispute to settle the dispute, or a proceeding in which the making of such an agreement is in issue; or”.

Clause 142, page 62, add at the end the following subclause:

“(2) In determining whether it is so satisfied, the matters that the court must take into account include:

(a) the importance of the evidence in the proceeding; and

(b) the gravity of the matters alleged in relation to the question.”.

Clause 154, page 67, lines 22 to 39, and page 68, lines 1 to 23, omit the clause, substitute the following clause:

Documents published by authority of Parliaments etc.

“154. It is presumed, unless the contrary is proved, that a document purporting to have been printed by authority of an Australian Parliament, a House of an Australian Parliament, a committee of such a House or a committee of an Australian Parliament:

(a) is what it purports to be; and

(b) was published on the day on which it purports to have been published.

Note 1: The NSW Act has no equivalent provision for section 154.

Note 2: Section 5 extends the application of this section to proceedings in all Australian courts.”.

Clause 165, page 74, subclause (2), lines 1 to 7, omit the subclause.

Clause 171, page 78, subclause (3), definition of “**authorised person**”, paragraph (d), line 27, omit “approved”, substitute “authorised”.

Clause 189, page 85, after paragraph (1)(a) insert the following paragraph:

“(aa) evidence can be used against a person; or”.

Clause 193, page 88, subclause (2), lines 20 to 23, omit the subclause, substitute the following subclauses:

“(2) The power of a person or body to make rules of court extends to making rules, not inconsistent with this Act or the regulations, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

“(2A) Without limiting subsection (2), rules made under that subsection may provide for the discovery, exchange, inspection or disclosure of intended evidence, documents and reports of persons intended to be called by a party to give evidence in a proceeding.”.

Dictionary—

Page 92, definition of **Commonwealth record**, paragraph (b), omit the paragraph, substitute the following:

“(b) the Parliament, a House of the Parliament, a committee of a House of the Parliament or a committee of the Parliament; or”.

Page 93, definition of **criminal proceeding**, omit the definition, substitute the following definition:

“**criminal proceeding** means a prosecution for an offence and includes:

- (a) a proceeding for the committal of a person for trial or sentence for an offence; and
- (b) a proceeding relating to bail;

but does not include a prosecution for an offence that is a prescribed taxation offence within the meaning of Part III of the *Taxation Administration Act 1953*.”.

Page 96, definition of **public document**, omit “presented to, a House of an Australian Parliament or the legislature of a foreign country.”, substitute:

“presented to:

- (e) an Australian Parliament, a House of an Australian Parliament, a committee of such a House or a committee of an Australian Parliament; and
- (f) a legislature of a foreign country, including a House or committee (however described) of such a legislature.”.

Clause 1 of Part 2, paragraph (1)(e), omit the paragraph, substitute the following paragraphs:

- “(e) the proceedings of an Australian Parliament, a House of an Australian Parliament, a committee of such a House or a committee of an Australian Parliament;
- (f) the proceedings of a legislature of a foreign country, including a House or committee (however described) of such a legislature.”.

Remainder of bill, as amended, agreed to.

Paper: Mr Kerr presented a supplementary explanatory memorandum to the Bill.

Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

6 EVIDENCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994

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.

Consideration in detail

Bill, by leave, taken as a whole.

On the motion of Mr Kerr (Minister for Justice), by leave, the following amendments were made together:

Amendments—

Clause 2—

Page 2, subclause (1), line 2, omit “Part 2”, substitute “Parts 2 and 3”.

Page 2, after subclause (5) insert the following subclauses:

“(5A) Section 9A of this Act commences:

(a) on the day on which section 114 of the *Evidence Act 1994* commences;
or

(b) on a day fixed by Proclamation;

whichever is earlier.

“(5B) Section 9B of this Act commences:

(a) on the day on which section 115 of the *Evidence Act 1994* commences;
or

(b) on a day fixed by Proclamation;

whichever is earlier.”

Page 2, subclause (8), line 20, omit “Sections 12 and 14”, substitute “Sections 12, 13A and 14”.

Clause 4, page 3, subclause (1), line 13, omit “A provision”, substitute “Subject to this Part, a provision”.

New clauses—

After clause 4, page 3, insert the following new clauses:

Prior operation of notification provisions

“4A.(1) If, before the commencement of a notification provision, a document of a kind referred to in that provision is given or served:

- (a) in the circumstances provided for in that provision; and
- (b) in accordance with such requirements (if any) as would apply to the giving or serving of the document under that provision after its commencement;

the document is taken to have been given or served under that provision.

“(2) The following provisions of the *Evidence Act 1994* are notification provisions for the purposes of subsection (1):

- (a) paragraph 33(2)(c);
- (b) paragraph 49(a);
- (c) paragraph 50(2)(a);
- (d) subsection 67(1);
- (e) subsection 68(2);
- (f) paragraph 73(2)(b);
- (g) subsection 168(1);
- (h) subsection 168(3);
- (i) subsection 168(5);
- (j) subsection 168(6);
- (k) subsection 173(1);
- (l) subsection 177(2);
- (m) subsection 177(5).

“(3) If a notice given before the commencement of subsection 67(1) of the *Evidence Act 1994* is taken because of this section to have been given under that subsection, the period for an objection to be made under section 68 of that Act to the tender of evidence to which the notice relates is the period ending:

- (a) 7 days after the commencement of that section; or
- (b) 21 days after the notice was given to the party concerned;

whichever is later.

“(4) If a notice given before the commencement of subsection 168(1) or (3) of the *Evidence Act 1994* is taken because of this section to have been given under one of those subsections, the period for a request to be made under that subsection in connection with the notice is the period ending:

- (a) 7 days after the commencement of that section; or
- (b) 21 days after the notice was given to the party concerned;

whichever is later.

“(5) If a copy of a document served before the commencement of subsection 168(5) or (6) of the *Evidence Act 1994* is taken because of this section to have been served under one of those subsections, the period for a request to be made under that subsection in connection with the document is the period ending:

- (a) 7 days after the commencement of that section; or
- (b) 21 days after the document was served on the party concerned;

whichever is later.

Proof of voluminous or complex documents

“4B. A person is taken, for the purposes of paragraph 50(2)(b) of the *Evidence Act 1994*, to have been given a reasonable opportunity to examine or copy documents if such an opportunity was given to the person before the commencement of section 50 of the *Evidence Act 1994*.

Notices for the purposes of sections 97 and 98 of the *Evidence Act 1994*

“4C. References in paragraphs 97(1)(a) and 98(1)(a) of the *Evidence Act 1994* to giving notice are taken to include references to giving notice of the kind referred to in those paragraphs before the commencement of section 97 of that Act or section 98 of that Act, as the case requires.

Requests under section 167 of the *Evidence Act 1994*

“4D. The reference in section 167 of the *Evidence Act 1994* to making a request is taken to include a reference to making a request of the kind referred to in that section before the commencement of that section.

Approval of persons for the purposes of section 171 of the *Evidence Act 1994*

“4E. The reference in paragraph (d) of the definition of “authorised person” in subsection 171(3) of the *Evidence Act 1994* to a person authorised by the Attorney-General is taken to include a reference to:

- (a) any person who, immediately before the commencement of section 171 of the *Evidence Act 1994*, was a person authorised by the Attorney-General under paragraph 7J(4)(b) of the *Evidence Act 1905*; and
- (b) any person who, before that commencement, is authorised by the Attorney-General under this section.

Requests under section 173 of the *Evidence Act 1994*

“4F. The reference in subsection 173(2) of the *Evidence Act 1994* to a request is taken to include a reference to a request of the kind referred to in that subsection made before the commencement of section 173 of the *Evidence Act 1994*.

Agreements under section 191 of the *Evidence Act 1994*

“4G. The reference in paragraph 191(3)(a) of the *Evidence Act 1994* to an agreement is taken to include a reference to an agreement of the kind referred to in that paragraph entered into before the commencement of section 191 of the *Evidence Act 1994*.”.

Amendment—

Clause 5, page 3, add at the end the following subclause:

“(2) Section 115 of the *Evidence Act 1994* does not apply in relation to an identification made before the commencement of that section.”.

New clauses—

After clause 9, page 4, insert the following new clauses:

Identification parades

“9A. Section 3ZM of the *Crimes Act 1914* is amended:

(a) by inserting after subsection (2) the following subsection:

“(2A) Without limiting the matters that may be taken into account in determining whether it is reasonable in the circumstances to hold an identification parade, the following must be taken into account:

- (a) the kind of offence, and the gravity of the offence, concerned;
- (b) the likely importance in the circumstances of the evidence of identification;
- (c) the practicality of holding an identification parade, having regard, among other things:
 - (i) if the suspect fails to cooperate in the conduct of the parade—to the manner and extent of, and the reason (if any) for, the failure; and
 - (ii) in any case—to whether an identification was made at or about the time of the commission of the offence; and
- (d) the appropriateness of holding an identification parade, having regard, among other things, to the relationship (if any) between the suspect and the person who may make an identification at the identification parade.”;

(b) omitting from subsection (7) ‘The following questions are to be decided according to the common law:’ and substituting ‘Nothing in this Act affects the determination of the following questions:’.

Identification by means of photographs

“9B. Section 3ZO of the *Crimes Act 1914* is amended:

(a) by inserting after paragraph (1)(a) the following paragraph:

‘(aa) the suspect’s appearance has changed significantly since the offence was committed; or’;

(b) by inserting after subsection (1) the following subsection:

‘(1A) Without limiting the matters that may be taken into account in determining whether it would be unreasonable in the circumstances to hold an identification parade, the following must be taken into account:

- (a) the kind of offence, and the gravity of the offence, concerned;
- (b) the likely importance in the circumstances of the evidence of identification;

- (c) the practicality of holding an identification parade, having regard, among other things:
 - (i) if the suspect fails to cooperate in the conduct of the parade—to the manner and extent of, and the reason (if any) for, the failure; and
 - (ii) in any case—to whether an identification was made at or about the time of the commission of the offence; and
- (d) the appropriateness of holding an identification parade, having regard, among other things, to the relationship (if any) between the suspect and the person who may make an identification at the identification parade.’;
- (c) by inserting after paragraph (2)(b) the following paragraph:
 - ‘(ba) the photographs or pictures shown to the witness must not suggest that they are photographs or pictures of persons in police custody;’.”.

After clause 13, page 5, insert the following new clause:

Oaths and affirmations

“**13A.** Section 474 of the *Industrial Relations Act 1988* is amended by omitting subsections (2) and (3).”.

Paper: Mr Kerr presented a supplementary explanatory memorandum to the Bill. Bill, as amended, agreed to.

Consideration in detail concluded.

Ordered—That the Bill be reported to the House with amendments.

7 ADJOURNMENT

On the motion of Mr Kerr (Minister for Justice), the Main Committee adjourned at 1.02 p.m.

The Deputy Speaker fixed tomorrow at 10 a.m. for the next meeting of the Main Committee.

I. C. HARRIS

Clerk of the Main Committee