

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 16

WEDNESDAY, 17 APRIL 1985

1 MEETING OF SENATE: The Senate met at 10 a.m., pursuant to adjournment. The President (Senator the Honourable Douglas McClelland) took the Chair.

2 PRAYERS.

3 PETITIONS: The following 15 petitions, lodged with the Clerk by the Senators indicated, were received:

Senators Chipp and Zakharov, from 252 and 36 petitioners, respectively, praying that the Senate legislate to close the joint Australian-United States electronic communications facilities at the Watsonia Army Barracks, Victoria.

Senator Reynolds, from 302 petitioners praying that the Senate reverse any decision which commits Australia to participate in the testing of MX Peacemaker missiles, and ensure that Australia's commitment to a nuclear-free zone in the South Pacific be maintained.

Senator Reid, from 48 petitioners praying that the Senate reject the recommendation of the Vinson inquiry that an abortion clinic be established in Canberra.

Senator Macklin, from 11 petitioners praying that post-secondary tuition fees and any form of the user-pays principle in education not be introduced, that student financial assistance be increased and that visa charges on private overseas students be removed.

Senator Parer, from 9 petitioners praying that the Senate repeal the Labor Government's iniquitous and unfair assets test.

Senators McKiernan and Robertson, from 44 and 22 petitioners, respectively, praying that the Senate support the New Zealand Government in its stand for a nuclear-free South Pacific.

Senator Robertson, from 21 petitioners praying that a Senate Select Committee on Nuclear Disarmament and Peace be established to investigate the creation of a Ministry of Peace and Nuclear Disarmament.

Senator Collard, from 74 petitioners praying that the Australian flag be not changed without the consent of the people in a referendum.

Senator Macklin, from 39 petitioners praying that the Senate legislate to ensure that no nuclear weapons are allowed into Australia, that all uranium mining cease in Australia and that the Senate urge the Government to encourage the United States and the Soviet Union to stop the nuclear arms race.

Senator Bjelke-Petersen, from 262 petitioners praying that the Senate ensure that allowances and privileges granted to homosexual and de facto partners are withdrawn and that the position of the traditional family unit in the Australian community is consolidated.

Senator Archer, from 259 petitioners praying that the Senate reject the Industries Assistance Commission recommendation that no assistance be provided to the frozen pea industry and support measures which assist the industry.

Senator Brownhill, from 17 petitioners praying that the Senate protect the rights of private enterprise and reject the introduction of any inequitable additional taxes such as capital gains taxes.

Senator Mason, from 4 petitioners praying that certain claims of misconduct of legal advisors associated with the Australian Legal Aid Office be immediately investigated.

4 NOTICES: Notices of Motion were given, as follows—

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coates): To move 12 sitting days after today—That the National Crime Authority Regulations (Amendment), as contained in Statutory Rules 1985 No. 3 and made under the *National Crime Authority Act 1984*, be disallowed.

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

Senator Messner: To move on the next day of sitting—That the Senate, noting that—

- (a) 600 farmers attended a meeting in Penola, South Australia on Monday, 15 April 1985, to plan a rally to protest against the disastrous impact that Labor's assets test is having on farmers and their families;
 - (b) the meeting passed a motion calling upon the Federal Government to reinstate all pensions until either it makes the assets test more equitable or abolishes it altogether;
 - (c) both the Minister for Social Security and the Minister for Veterans' Affairs refused to attend the meeting;
 - (d) concerns expressed at the Penola meeting are typical of the difficulties and hardships being experienced right across rural Australia as a result of the introduction of Labor's anomalous assets test; and
 - (e) despite claims by Ministers of the Hawke Government that the hardship provisions would resolve the difficulties which farmers may experience, very few applications have been successful under those provisions,
- condemns the Hawke Labor Government for its apathy in failing to either acknowledge or rectify the anomalies contained in the assets test which are having such a devastating impact upon Australia's farming community.

Senator Mason: To move on the next day of sitting—That leave be given to introduce a Bill for an Act to amend the *Defence Act 1903* to provide for Parliamentary approval of overseas service by members of the Defence Force.

Senator Harradine: To move 4 sitting days after today—That leave be given to introduce a Bill for an Act to prohibit experiments involving the use of human embryos created in vitro.

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

- (a) the Government's inability to provide adequate nursing home accommodation for the aged of Canberra; and
- (b) the plight of 140 aged persons who have been assessed as requiring nursing home care, but for whom no accommodation is available.

The Leader of the Australian Democrats (Senator Chipp): To move on the next day of sitting—That the Senate—

- (a) calls upon the Government to remove all foreign bases and installations from Australian soil unless it can be positively shown that:
 - (i) the bases and installations do not form any part of the nuclear strategy of the United States,
 - (ii) the management of the bases is genuinely under the joint and equal control of the Australian and U.S. Governments, and
 - (iii) all information handled by the bases and installations is shared with the Australian Government;
- (b) calls upon the Government:
 - (i) at least 6 months prior to the expiration of any lease, and in sufficient time to give notice of termination or variation, to establish a Joint Parliamentary Committee to investigate whether the conditions for the continuation of the bases have been met, and

- (ii) in any case to complete inquiries into all bases and installations before December 1986; and
 - (c) calls upon the Government:
 - (i) to establish whether any Australian defence installations provide information or research for any nuclear weapons or strategies, and
 - (ii) where it is established that this is the case, to cease such operations forthwith.
- Senator Vigor: To move 12 sitting days after today—That the *Trading Hours (Amendment) Ordinance 1984*, as contained in Australian Capital Territory Ordinance No. 66 of 1984 and made under the *Seat of Government (Administration) Act 1910*, be disallowed.
- Senator Jones: To move on the next day of sitting—That the Senate notes with alarm the industrial relations situation in Queensland, and condemns the Government of that State for—
- (a) refusing a reasoned request from the Prime Minister for meaningful talks in a sincere bid to resolve the long-running Queensland power dispute;
 - (b) deliberately attacking the fabric of the trade union movement, and the State Industrial Commission, with a series of hastily-debated legislative moves;
 - (c) prolonging the hardship of the families of more than 800 sacked former employees of the South East Queensland Electricity Board who have now been out of work for 2 months; and
 - (d) deliberately prolonging industrial disputation to draw attention away from Queensland's flagging economy and soaring unemployment rate.

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

Acts Interpretation Act—Correspondence relating to a further extension of specified period for presentation of the Anglo-Australian Telescope Board Annual Report 1983-84.

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

Dairy Produce Act—Australian Dairy Corporation—Annual Report (9th) 1983-84, together with financial statements and the Auditor-General's Report thereon.

Law Reform Commission Act—Law Reform Commission—Annual Report (10th) 1983-84, together with financial statements and the Auditor-General's Report thereon.

Parliament House Construction Authority Act—Parliament House Construction Authority—Annual Report (5th) 1983-84, together with financial statements and the Auditor-General's Report thereon.

Snowy Mountains Hydro-electric Power Act—Snowy Mountains Hydro-electric Authority—Annual Report (35th) 1983-84, together with financial statements and the Auditor-General's Report thereon.

Stevedoring Industry Finance Committee Act—Stevedoring Industry Finance Committee—Annual Report 1983-84, together with financial statements and the Auditor-General's Report thereon.

Sugar Agreement Act—Fruit Industry Sugar Concession Committee—Annual Report 1983-84, together with financial statements and the Auditor-General's Report thereon.

6 AUTOMOTIVE INDUSTRY AUTHORITY AMENDMENT BILL 1985: The Minister for Community Services (Senator Grimes), at the request of the Minister for Industry, Technology and Commerce (Senator Button) and pursuant to Notice of Motion not objected to as a Formal Motion, moved—That leave be given to introduce a Bill for an Act to amend the *Automotive Industry Authority Act 1984* to promote the development of motor vehicles, and motor vehicle components, of Australian design, and for related purposes.

Question—put and passed.

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

Suspension of Standing Orders: Senator Grimes, pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bill being passed through its remaining stages without delay.

Question—put and passed.

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

On the motion of the Leader of the Opposition in the Senate (Senator Chaney) the debate was adjourned.

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

- 7 **POSTPONEMENT:** The Manager of Government Business (Senator Grimes) moved—That Government Business, Notice of Motion No. 2 standing in the name of the Minister for Resources and Energy (Senator Gareth Evans) relating to the introduction of a Bill, be postponed till the next day of sitting.

Question—put and passed.

- 8 **CONSTITUTION ALTERATION (DEMOCRATIC ELECTIONS) BILL 1985:** Senator Macklin, pursuant to Notice of Motion not objected to as a Formal Motion, moved—That leave be given to introduce a Bill for an Act to alter the Constitution so as to ensure that the Members of the Parliament of the Commonwealth and of the Parliaments of the States and of self-governing Territories are chosen directly and democratically by the People.

Question—put and passed.

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

Senator Macklin, by leave, moved—That this Bill be now read a second time.

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

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

- 9 **GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY:** Order of the Day read for the adjourned debate on the motion of Senator Aulich—That the following Address-in-Reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech which you have been pleased to address to Parliament.

And on the amendment moved thereto by the Leader of the Opposition in the Senate (Senator Chaney), viz: That the following words be added to the Address-in-Reply

“, but the Senate is of the opinion that the Government's program outlined in the Governor-General's Speech fails to address critical problems facing Australia in that—

- (a) it fails to reassure the Australian people that the country's defence arrangements within the western alliance will be preserved and strengthened following:

- (i) the Prime Minister's capitulation to internal party pressures on the issue of Australia providing logistical assistance to the United States for its testing of the MX missile, and
- (ii) increasing uncertainty as to the future of the ANZUS Treaty fuelled by members of the Labor Government, including a Cabinet Minister;

- (b) it contains no coherent economic strategy at a time when recovery is threatened by:

- (i) record government taxation and spending,
- (ii) continuing pressure within the Government for new taxes on assets,
- (iii) growing demands for higher wages and other extra cost burdens on industry,
- (iv) the level of public debt repayments, and

- (v) loss of value of the currency reflecting world concern about Australia's competitiveness and government instability; and
- (c) it endorses a rigid, centralised wage determining structure which imposes the same cost burdens on commerce and industry regardless of ability to pay".

Debate resumed.

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

The Senate divided—

AYES, 28

Senators—			
Archer	Guilfoyle,	Lewis	Sheil
Baume	Dame Margaret	MacGibbon	Short
Bjelke-Petersen	Hamer	Messner	Teague
Boswell	Hill	Missen	Vanstone
Brownhill	Jessop	Parer	Withers
Carrick, Sir John	Kilgariff (Teller)	Puplick	
Collard	Knowles	Rae, Peter	
Durack	Lajovic	Scott	

NOES, 36

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

And so it was negatived.

Question—That the Address-in-Reply be agreed to—put and passed.

Ordered—That the Address-in-Reply be presented to His Excellency the Governor-General by the President and such Senators as may desire to accompany him.

Presentation to the Governor-General: The President informed the Senate that His Excellency the Governor-General would be pleased to receive the Address-in-Reply at Government House on Friday, 19 April 1985, at 3.30 p.m., and invited honourable Senators to accompany him on the occasion of its presentation.

10 AUSTRALIAN MEAT AND LIVE-STOCK RESEARCH AND DEVELOPMENT CORPORATION BILL 1985

AUSTRALIAN MEAT AND LIVE-STOCK LEGISLATION (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 1985

LIVE-STOCK SLAUGHTER LEVY AMENDMENT BILL 1985

LIVE-STOCK EXPORT CHARGE AMENDMENT BILL 1985:

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

Debate resumed.

Senator Archer moved an amendment, viz: At end of motion, add “, but, in relation to the Australian Meat and Live-stock Research and Development Corporation Bill 1985, the Senate is of the opinion that factors such as heavily increased export inspection charges are adversely affecting competitiveness on vital export markets”.

Debate continued.

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

Question—That these Bills be now read a second time—put and passed.

Bills read a second time.

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

In the Committee

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

Bills to be reported without amendment or requests.

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

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

11 EXTRADITION (COMMONWEALTH COUNTRIES) AMENDMENT BILL 1985
EXTRADITION (FOREIGN STATES) AMENDMENT BILL 1985:

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

Debate resumed.

On the motion of the Minister for Education (Senator Ryan) the debate was adjourned.

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

And it being 2 p.m.—

12 QUESTIONS.

- 13 PERSONAL EXPLANATION:** The Leader of the Australian Democrats (Senator Chipp), by leave, made a personal explanation relating to an article in the newspaper, *The Sydney Morning Herald*, dated 16 April 1985.

- 14 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE:** The President informed the Senate that the Leader of the Opposition in the Senate (Senator Chaney) had proposed that a matter of public importance be submitted to the Senate for discussion, viz: "The failure of the Government to protect the people of Australia from abuses of trade union power".

And at least 4 Senators having risen in support of the proposed discussion—

The President called upon Senator Chaney to speak.

Discussion ensued.

And the discussion having reached the limit of 2 hours allowed by Standing Order 64, the business of the day was called on.

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

- 15 GOVERNMENT PAPERS—CONSIDERATION:** The following Government Papers, tabled earlier this day (*see Entry No. 5 above*), were considered pursuant to Sessional Order:
- Australian Dairy Corporation—Annual Report 1983-84—Motion to take note of Paper moved by Senator Archer, debated and agreed to.
 - Parliament House Construction Authority—Annual Report 1983-84—Motion to take note of Paper moved by Senator Reid and agreed to.

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

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- 16 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND 3RD ALERT DIGEST:** The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Tate) tabled the following Report and Paper:
- 2nd Report, dated 17 April 1985.

Alert Digest No. 3, dated 17 April 1985.
Ordered—That the Report be printed.

17 PAPERS: The following Papers were tabled:

Christmas Island Act—Ordinance 1985—No. 1—Criminal Procedure Code (Amendment).
Export Control Act—Regulations—Statutory Rules 1985 No. 37.
Health Insurance Act—Regulation—Statutory Rules 1985 No. 36.
National Health Act—Regulations—Statutory Rules 1985 No. 32.
Public Service Act—Regulations—Statutory Rules 1985 No. 34.
Seat of Government (Administration) Act—
Ordinances 1985—
No. 14—Dog Control (Amendment).
No. 15—Lakes (Amendment).
Regulations 1985—
No. 9 (Building and Services Ordinance).
Student Assistance Act—Regulations—Statutory Rules 1985 No. 35.
Superannuation Act—Regulations—Statutory Rules 1985 No. 33.

**18 TAXATION (UNPAID COMPANY TAX) ASSESSMENT AMENDMENT BILL 1985
DIVIDEND RECOUPMENT TAX BILL 1985—**

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

MR PRESIDENT, Message No. 34

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Taxation (Unpaid Company Tax) Assessment Act 1982', and for related purposes*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 17 April 1985

H. A. JENKINS,
Speaker

MR PRESIDENT,

Message No. 35

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to impose a tax in respect of certain unpaid income tax*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 17 April 1985

H. A. JENKINS,
Speaker

Suspension of Standing Orders to deal with Bills together: The Minister for Community Services (Senator Grimes) moved—That so much of the Standing Orders be suspended as would prevent the Questions with regard to the several stages for the passage through the Senate of the Bills being put in one motion at each stage, and the consideration of such Bills together in Committee of the Whole.

Question—put and passed.

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

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

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

On the motion of Senator Collard the debate was adjourned.

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

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

19 VIDEO MATERIAL—SELECT COMMITTEE—REPORT: Order of the Day read for the adjourned debate on the motion of Senator Jones—That the Senate take note of the Report.

Debate resumed.

Question—put and passed.

- 20 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Manager of Government Business (Senator Grimes) moved—That the Senate proceed to the consideration of Government Business forthwith.
Question—put and passed.

21 **EXTRADITION (COMMONWEALTH COUNTRIES) AMENDMENT BILL 1985**

EXTRADITION (FOREIGN STATES) AMENDMENT BILL 1985:

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

Debate resumed.

Question—put and passed.

Bills read a second time.

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

In the Committee

Ordered—That the Extradition (Commonwealth Countries) Amendment Bill 1985 be first considered.

EXTRADITION (COMMONWEALTH COUNTRIES) AMENDMENT BILL 1985—

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4 debated and negatived.

Remainder of Bill, by leave, taken as a whole.

On the motion of the Minister for Resources and Energy (Senator Gareth Evans) the following amendments were, by leave, taken together and agreed to:

Pages 5 and 6, paragraph 9 (b), line 38 (page 5) to line 13 (page 6), leave out the paragraph.

Page 6, after clause 9, insert the following new clause:

“9A. After section 14 of the Principal Act the following sections are inserted:

Searches after apprehension

‘14A. (1) A Police Officer who apprehends a person pursuant to a warrant issued under section 14 may search the person or the clothing that the person is wearing, and any property under the control of the person, if the Police Officer has reasonable grounds for suspecting that there is concealed, on, or in the clothing of, the person or in that property, any article, including a sum of money—

(a) that may be material as evidence in proving an offence to which the requisition for the surrender of the person relates; or

(b) that has been acquired by the person as a result of such an offence.

‘(2) Sub-section (1) does not authorize a Police Officer to remove, or to require the person to remove, any of the clothing that the person is wearing.

‘(3) A Police Officer may seize any article found as a result of a search in accordance with sub-section (1) and may retain any article so seized pending any direction from the Attorney-General as to the manner in which the article is to be dealt with.

‘(4) The powers conferred by this section are in addition to, and not in derogation of, any other powers conferred by law.

‘(5) In this section, “Police Officer” means a member or special member of the Australian Federal Police or a member of the Police Force of a State or Territory.

Search warrants

‘14B. (1) Where an information on oath is laid before a Magistrate alleging that there are reasonable grounds for suspecting that there may be upon any land, or upon or in any premises, vessel, aircraft or vehicle, any article, including a sum of money, that may be material as evidence in proving an offence to which the requisition for the surrender of a person relates or that has been acquired by a person as a result of such

an offence, and the information sets out those grounds, the Magistrate may issue a search warrant in accordance with the appropriate form prescribed for the purposes of this sub-section authorizing a Police Officer named in the warrant, with such assistance as the Police Officer thinks necessary, and if necessary by force—

- (a) to enter upon the land or upon or into the premises, vessel, aircraft or vehicle;
- (b) to search the land, premises, vessel, aircraft or vehicle for any such article; and
- (c) to seize any such article found upon the land or upon or in the premises, vessel, aircraft or vehicle.

‘(2) A Magistrate shall not issue a warrant under sub-section (1) unless—

- (a) the informant or some other person has given to the Magistrate, either orally or by affidavit, such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.

‘(3) There shall be stated in a warrant issued under this section—

- (a) a statement of the purpose for which the warrant is issued, which shall include a reference to the nature of the offence in relation to which the entry and search are authorized;
- (b) whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night;
- (c) a description of the kind of articles authorized to be seized; and
- (d) a day, not being later than one month after the day of issue of the warrant, upon which the warrant ceases to have effect.

‘(4) If, in the course of searching in accordance with a warrant issued under this section, for an article, including a sum of money, that may be material as evidence in proving an offence or has been acquired as a result of an offence, being an article of a kind specified in the warrant, a Police Officer finds any article, including a sum of money, that the Police Officer believes on reasonable grounds to be connected with the offence, although not of a kind specified in the warrant, and the Police Officer believes on reasonable grounds that it is necessary to seize that article in order to prevent its concealment, loss or destruction, the warrant shall be deemed to authorize the Police Officer to seize that article.

‘(5) Where a Police Officer seizes an article found as a result of a search in accordance with this section, the Police Officer may retain the article pending any direction from the Attorney-General as to the manner in which the article is to be dealt with.

‘(6) In this section, “Police Officer” has the same meaning as in section 14A.’”.

Page 12, clause 16, lines 4 to 22, leave out the clause, insert the following clause:

“16. After section 25 of the Principal Act the following sections are inserted:

Searches after apprehension

‘25A. (1) A Police Officer who apprehends a person pursuant to a warrant issued under section 24 or 25 may search the person or the clothing that the person is wearing, and any property under the control of the person, if the Police Officer has reasonable grounds for suspecting that there is concealed, on, or in the clothing of, the person or in that property, any article, including a sum of money—

- (a) that may be material as evidence in proving an offence in respect of which the warrant was issued; or
- (b) that has been acquired by the person as a result of such an offence.

‘(2) Sub-section (1) does not authorize a Police Officer to remove, or to require the person to remove, any of the clothing that the person is wearing.

‘(3) A Police Officer may seize any article found as a result of a search in accordance with sub-section (1) and may retain any article so seized pending any direction from the Attorney-General as to the manner in which the article is to be dealt with.

‘(4) The powers conferred by this section are in addition to, and not in derogation of, any other powers conferred by law.

‘(5) In this section, “Police Officer” means a member or special member of the Australian Federal Police or a member of the Police Force of a State or Territory.

Search warrants

‘25B. (1) Where an information on oath is laid before a Magistrate alleging that there are reasonable grounds for suspecting that there may be upon any land, or upon or in any premises, vessel, aircraft or vehicle, any article, including a sum of money, that may be material as evidence in proving an offence in respect of which a warrant for the apprehension of a person was issued under section 24 or 25 or that has been acquired by a person as a result of such an offence, and the information sets out those grounds, the Magistrate may issue a search warrant in accordance with the appropriate form prescribed for the purposes of this sub-section authorizing a Police Officer named in the warrant, with such assistance as the Police Officer thinks necessary, and if necessary by force—

- (a) to enter upon the land or upon or into the premises, vessel, aircraft or vehicle;
- (b) to search the land, premises, vessel, aircraft or vehicle for any such article; and
- (c) to seize any such article found upon the land or upon or in the premises, vessel, aircraft or vehicle.

‘(2) A Magistrate shall not issue a warrant under sub-section (1) unless—

- (a) the informant or some other person has given to the Magistrate, either orally or by affidavit, such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.

‘(3) There shall be stated in a warrant issued under this section—

- (a) a statement of the purpose for which the warrant is issued, which shall include a reference to the nature of the offence in relation to which the entry and search are authorized;
- (b) whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night;
- (c) a description of the kind of articles authorized to be seized; and
- (d) a day, not being later than one month after the day of issue of the warrant, upon which the warrant ceases to have effect.

‘(4) If, in the course of searching in accordance with a warrant issued under this section, for an article, including a sum of money, that may be material as evidence in proving an offence or has been acquired as a result of an offence, being an article of a kind specified in the warrant, a Police Officer finds any article, including a sum of money, that the Police Officer believes on reasonable grounds to be connected with the offence, although not of a kind specified in the warrant, and the Police Officer believes on reasonable grounds that it is necessary to seize that article in order to prevent its concealment, loss or destruction, the warrant shall be deemed to authorize the Police Officer to seize that article.

‘(5) Where a Police Officer seizes an article found as a result of a search in accordance with this section, the Police Officer may retain the article pending any direction from the Attorney-General as to the manner in which the article is to be dealt with.

‘(6) In this section, “Police Officer” has the same meaning as in section 25A.’.”

Bill, as amended, agreed to.

EXTRADITION (FOREIGN STATES) AMENDMENT BILL 1985—

Bill, by leave, taken as a whole.

On the motion of Senator Gareth Evans the following amendments were, by leave, taken together and agreed to:

Page 3, paragraph 4 (a), after proposed sub-section (1A), insert the following sub-section:

“(1B) If, after the commencement of this sub-section, an extradition treaty comes into force between Australia and a foreign state specified in the Schedule, this Act has effect as if the reference in the Schedule to that foreign state were omitted.”; and”.

Pages 4 and 5, paragraph 7 (b), line 26 (page 4) to line 2 (page 5), leave out the paragraph.

Page 5, after clause 7, insert the following new clause:

“7A. After section 16 of the Principal Act the following sections are inserted:

Searches after apprehension

‘16A. (1) A Police Officer who apprehends a person pursuant to a warrant issued under section 16 may search the person or the clothing that the person is wearing, and any property under the control of the person, if the Police Officer has reasonable grounds for suspecting that there is concealed, on, or in the clothing of, the person or in that property, any article, including a sum of money—

- (a) that may be material as evidence in proving an offence to which the requisition for the surrender of the person relates; or
- (b) that has been acquired by the person as a result of such an offence.

‘(2) Sub-section (1) does not authorize a Police Officer to remove, or to require the person to remove, any of the clothing that the person is wearing.

‘(3) A Police Officer may seize any article found as a result of a search in accordance with sub-section (1) and may retain any article so seized pending any direction from the Attorney-General as to the manner in which the article is to be dealt with.

‘(4) The powers conferred by this section are in addition to, and not in derogation of, any other powers conferred by law.

‘(5) In this section, “Police Officer” means a member or special member of the Australian Federal Police or a member of the Police Force of a State or Territory.

Search warrants

‘16B. (1) Where an information on oath is laid before a Magistrate alleging that there are reasonable grounds for suspecting that there may be upon any land or upon or in any premises, vessel, aircraft or vehicle, any article, including a sum of money, that may be material as evidence in proving an offence to which the requisition for the surrender of a person relates or that has been acquired by a person as a result of such an offence, and the information sets out those grounds, the Magistrate may issue a search warrant in accordance with the appropriate form prescribed for the purposes of this sub-section authorizing a Police Officer named in the warrant, with such assistance as the Police Officer thinks necessary, and if necessary by force—

- (a) to enter upon the land or upon or into the premises, vessel, aircraft or vehicle;
- (b) to search the land, premises, vessel, aircraft or vehicle for any such article; and
- (c) to seize any such article found upon the land or upon or in the premises, vessel, aircraft or vehicle.

‘(2) A Magistrate shall not issue a warrant under sub-section (1) unless—

- (a) the informant or some other person has given to the Magistrate, either orally or by affidavit, such further information (if any) as the Magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.

‘(3) There shall be stated in a warrant issued under this section—

- (a) a statement of the purpose for which the warrant is issued, which shall include a reference to the nature of the offence in relation to which the entry and search are authorized;
- (b) whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night;
- (c) a description of the kind of articles authorized to be seized; and

(d) a day, not being later than one month after the day of issue of the warrant, upon which the warrant ceases to have effect.

‘(4) If, in the course of searching in accordance with a warrant issued under this section, for an article, including a sum of money, that may be material as evidence in proving an offence or has been acquired as a result of an offence, being an article of a kind specified in the warrant, a Police Officer finds any article, including a sum of money, that the Police Officer believes on reasonable grounds to be connected with the offence, although not of a kind specified in the warrant, and the Police Officer believes on reasonable grounds that it is necessary to seize that article in order to prevent its concealment, loss or destruction, the warrant shall be deemed to authorize the Police Officer to seize that article.

‘(5) Where a Police Officer seizes an article found as a result of a search in accordance with this section, the Police Officer may retain the article pending any direction from the Attorney-General as to the manner in which the article is to be dealt with.

‘(6) In this section, “Police Officer” has the same meaning as in section 16A.’.”

Bill, as amended, agreed to.

Bills to be reported with amendments.

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

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

- 22 **QUESTION TIME—VARIATION OF SESSIONAL ORDER:** The Minister for Resources and Energy (Senator Gareth Evans) moved—That on Thursday, 18 April 1985, Question Time take place at 12 noon.
Question—put and passed.

- 23 **ORDER OF BUSINESS—RE-ARRANGEMENT:** The Minister for Resources and Energy (Senator Gareth Evans) moved—

- (1) That, unless otherwise ordered, intervening business be postponed till after consideration of General Business, Orders of the Day Nos 1 to 3 relating to Government Papers, and other General Business, Orders of the Day to take note of Government Papers.
- (2) That so much of the Standing Orders be suspended as would prevent the foregoing procedure having effect.

Question—put and passed.

- 24 **FAMILY LAW COUNCIL—REPORT ON ADMINISTRATION OF FAMILY LAW IN AUSTRALIA—PAPER:** Order of the Day read for the adjourned debate on the motion of the Leader of the Opposition in the Senate (Senator Chaney)—That the Senate take note of the Paper.

Debate resumed.

On the motion of Senator Sheil the debate was adjourned.

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

- 25 **HUMAN RIGHTS COMMISSION—REPORT ON COMMUNITY SERVICES (ABORIGINES) ACT—PAPER:** Order of the Day read for the adjourned debate on the motion of Senator Baume—That the Senate take note of the Paper.

Question—put and passed.

- 26 **HUMAN RIGHTS COMMISSION—REPORT ON HUMAN RIGHTS OF AUSTRALIAN-BORN CHILDREN—PAPER:** Order of the Day read for the adjourned debate on the motion of Senator Puplick—That the Senate take note of the Paper.

Question—put and passed.

- 27 **HUMAN RIGHTS COMMISSION—REPORT ON HUMAN RIGHTS OF THE TERMINALLY ILL—PAPER:** Order of the Day read for the adjourned debate on the motion of Senator Walters—That the Senate take note of the Paper.

Debate resumed.

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

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

- 28 **AIRLINES AGREEMENT ACT—JOINT REPORT ON CONSULTATIONS HELD DURING 1984—PAPER:** Order of the Day read for the adjourned debate on the motion of Senator Brownhill—That the Senate take note of the Paper.

Debate resumed.

Senator Maguire addressing the Chair—

And it being 7 p.m.—

- 29 **ADJOURNMENT:** The President, under Sessional Order, put the Question—That the Senate do now adjourn.

Debate ensued.

Papers: The Minister for Education (Senator Ryan), at the request of the Minister for Finance (Senator Walsh), tabled the following Papers:

Queensland Economy—

Copy of paper by Senator Maguire entitled 'Inside the Faltering Queensland Economy', dated 15 April 1985.

Economic Indicators—Background paper.

Debate continued.

Question—resolved in the affirmative.

The Senate adjourned at 7.07 p.m. till tomorrow at 10 a.m.

- 30 **ATTENDANCE:** Present, all Senators except Senators Coleman (on leave), Crichton-Browne and Georges.

A. R. CUMMING THOM,
Clerk of the Senate