Legislative Assembly for the Australian Capital Territory

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Standing Committee on Justice and Community Safety

(incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee)

SCRUTINY REPORT NO. 3 OF 1999

23 March 1999

TERMS OF REFERENCE

(1) A Standing Committee on Justice and Community Safety be appointed (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee).

(2) The Committee will consider whether:

(a) any instruments of a legislative nature which are subject to disallowance and or disapproval by the Assembly (including a regulation, rule or by-law) made under an Act:

(i) meet the objectives of the Act under which it is made;

(ii) unduly trespass on rights previously established by law;

(iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or

(iv) contain matter which should properly be dealt with in an Act of the Legislative Assembly.

(b) the explanatory statement meets the technical or stylistic standards expected by the Committee.

(c) clauses of bills introduced in the Assembly:

(i) do not unduly trespass on personal rights and liberties;

(ii) do not make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;

(iii) do not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;

(iv) inappropriately delegate legislative powers; or

(v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.

(d) the explanatory memorandum meets the technical or stylistic standards expected by the Committee.

(3) The Committee shall consist of four members.

(4) If the Assembly is not sitting when the Committee is ready to report on Bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.

(5) The Committee be provided with the necessary additional staff, facilities and resources.

(6) The foregoing provisions of the resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

MEMBERS OF THE COMMITTEE

Mr Paul Osborne, MLA (Chair)
Mr John Hargreaves, MLA (Deputy Chair)
Mr Trevor Kaine, MLA
Mr Harold Hird, MLA

Legal Advisor: Mr Peter Bayne
Secretary: Mr Tom Duncan
Assistant Secretary (Scrutiny of Bills and Subordinate Legislation): Ms Celia Harsdorf

ROLE OF THE COMMITTEE

The Committee examines all Bills and subordinate legislation presented to the Assembly. It does not make any comments on the policy aspects of the legislation. The Committee's terms of reference contain principles of scrutiny that enable it to operate in the best traditions of totally non-partisan, non-political technical scrutiny of legislation. These traditions have been adopted, without exception, by all scrutiny committees in Australia. Non-partisan, non-policy scrutiny allows the Committee to help the Assembly pass into law Acts and subordinate legislation which comply with the ideals set out in its terms of reference.

BILLS

Bills - No Comment

The Committee has examined the following Bills and offers no comment on them.

Casino Control (Amendment) Bill 1999

This Bill would amend the *Casino Control Act 1988* to the effect that the Minister may determine the designation of a Casino by a regulation (and not, as at present, by a notice published in the *Gazette*).

Energy Efficiency Ratings (Sale of Premises) (Amendment) Bill 1999

This Bill would amend the *Energy Efficiency Ratings (Sale of Premises) Act 1997* to clarify the coverage of the Act in relation to premises that may be used for residential purposes, to provide that an energy efficiency statement may form part of a contract for sale of premises, and to create new offences in relation to the making of a false or misleading energy efficiency statement.

Stock (Amendment) Bill 1999

This Bill would amend the *Stock Act 1991* to the effect of banning the feeding of certain mammalian materials to ruminants (being, in particular, sheep, cattle and goats). The Bill is designed to be part of legislative reform in all Australian jurisdictions to deal with concerns about the link between 'Mad Cow' disease and a form of Creutzfeld-Jakob Disease (CJD). The Bill makes provision for a number of offences in relation to the feeding of certain mammalian materials to stock and ruminants, for powers of entry and inspection to be conferred on inspectors, and for the analysis of samples taken by inspectors.

Bill - Comment

The Committee has examined the following Bill and offers these comments on it.

Public Health (Consequential Amendments) Bill 1999

This Bill would amend two Acts and four sets of regulations. The amendments would in the first place relieve some persons, such as bus drivers, taxi drivers, and those who manage public baths, from obligations in respect of persons who have a "transmissible notifiable condition" (as that term has been defined in the *Public Health Act 1997*). In the second place, the amendments would relieve persons who suffer from such a condition from certain obligations.

Comment on the Explanatory Memorandum

The Explanatory Memorandum which accompanies this Bill is not very clear as to just what effect the proposed amendments would have. At points the expression is poor, and some sentences are not complete.

Subordinate Legislation - No Comment

The Committee has examined the following subordinate legislation and offers no comment on them.

Determination No. 17 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 18 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 19 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 20 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 21 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 22 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 23 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 24 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 25 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 26 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 27 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 28 of 1999 made under section 131 of the *Drugs of Dependence Act 1989* appoints a specified person as a member of the Treatment Assessment Panels.

Determination No. 29 of 1999 made under section 133 of the *Drugs of Dependence Act 1989* appoints a specified person as a Presiding member of the Treatment Assessment Panels.

Determination No. 30 of 1999 made under section 133 of the *Drugs of Dependence Act 1989* appoints a specified person as a Presiding member of the Treatment Assessment Panels.

Determination No. 31 of 1999 made under section 133 of the *Drugs of Dependence Act 1989* appoints a specified person as a Presiding member of the Treatment Assessment Panels.

Determination No. 32 of 1999 made under section 134 of the *Drugs of Dependence Act 1989* appoints a specified person as an Acting Presiding member of the Treatment Assessment Panels.

Determination No. 33 of 1999 made under section 134 of the *Drugs of Dependence Act 1989* appoints a specified person as an Acting Presiding member of the Treatment Assessment Panels.

Determination No. 35 of 1999 made under paragraph 75 (1) (b) of the *Tenancy Tribunal Act 1994* is a variation to the Commercial and Retail Leases Code of Practice.

Determination No. 36 of 1999 made under paragraph 5 (1) (a) of the *Blood Donation (Transmittable Diseases) Act* 1985 is an approval of a new Donor Declaration Form.

Determination No. 38 of 1999 made under sections 40 and 42 of the *University of Canberra Act 1989* is an approval of Statute No. 37, Courses and Awards Amendment Statute 1999, which amends the Courses and Awards Statute 1995.

Determination No. 39 of 1999 made under paragraph 12C (1) (c) of the *Liquor Act 1975* appoints a specified person to be a member of the Liquor Licensing Board until 31 December 1999.

Determination No. 41 of 1999 made under subsection 11 (1) of the *Board of Senior Secondary Studies Act 1997* appoints a specified person an Alternate Member of the Board of Senior Secondary Studies until 31 December 2000.

Determination No. 42 of 1999 made under subsection 22A (1) of the *Cemeteries Act 1933*, revokes Determination No. 126 of 24 June 1998 and determines that the fees payable for the purposes of the Act shall be as set out in the attached schedule.

Determination No. 43 of 1999 made under subregulation 33 (4) of the Motor Traffic Regulations declares the period 1 April to 5 April 1999 (inclusive) as a holiday period.

Subordinate Law No. 1 of 1999 being the Firearms Regulations (Amendment) made under section 126 of the *Firearms Act 1996* repeals regulation 10A of the Principal Regulations and substitutes a new regulation 10A which authorises the possession and use of air guns by interstate operators of air gun shooting galleries who hold an appropriate interstate licence for the duration of the 1999 Royal Canberra Show and the 1999 Canberra National Multicultural Festival.

Subordinate Law No. 2 of 1999 being the Motor Vehicle (Third Party Insurance) Regulations (Amendment) made under subsection 88 (1) of the *Motor Traffic Act 1936* amends the regulations by establishing a new CTP insurance premium motor vehicle category for goods vehicles with a tare weight not exceeding 975 kilograms, and sets the premium for the new category at the same level as for a Class 1 motor vehicle.

Subordinate Legislation - Comments

The Committee has examined the following subordinate legislation and offers these comments:

Determination No. 15 of 1999 made under section 11 of the *Health and Community Care Services Act 1996* appoints a specified person as a member of the Health and Community Care Services Board.

The Committee notes incorrect references to the Principal Act in the *Gazette* notice, the instrument and explanatory statement as the "Health and Community Care Service Act 1996". The correct title of the Act is the *Health and Community Care Services Act 1996.*

Determination No. 16 of 1999 made under section 16 of the *Independent Pricing and Regulatory Commission Act 1997* varies the requirements specified in Determination No. 119 of 1998 in relation to the conduct of an investigation by the Commission in relation to maximum taxi fares. These requirements included a reporting date of 30 March 1999 for IPARC's final report to the Minister. Determination No. 16 of 1999 determines that the final reporting date for the investigation be extended until 30 March 2000.

The Committee notes an incorrect referral to the Principal Act in the explanatory statement as the "Independent Pricing and regulatory Commission Act 1977" (sic). Separate instrument dated 15 June 1998 (no *Gazette* or Instrument number) not attached as specified in the explanatory statement. Perhaps the Act meant to be referred to is the *Independent Pricing and Regulatory Commission Act 1997.*

Determination No. 34 of 1999 made under subsections 3 (1), 5 (1) and 26 (1) of the *Subsidies (Liquor and Diesel) Act 1998* revokes Determination No. 235 of 1998 and determines the rate of subsidy for low-alcohol liquor and diesel products and other related matters.

The Committee draws attention to the description of the instrument in the *Gazette* notice. The instrument is described only as determining the diesel subsidy rate. No description is given that the instrument also determines the subsidy rate for low-alcohol liquor.

Determination No. 37 of 1999 made under section 55 of the *Psychologists Act 1994* determines new fees payable under the Act.

The Committee draws attention to what appears to be an incorrect reference in the instrument to section 85 of the *Psychologists Act 1994.* The latest copy of the *Psychologists Act 1994* has 59 sections. Perhaps the reference should read "section 55".

Determination No. 40 of 1999 made under section 11 of the *Health and Community Care Services Act 1996* appoints a specified person as the Deputy Chairperson of the Health and Community Care Services Board until 27 January 2003.

The Committee notes incorrect references to the Principal Act in the *Gazette* notice, the instrument and explanatory statement as the "Health and Community Care Service Act 1996". The correct title of the Act is the *Health and Community Care Services Act 1996.*

Other matter

Workers' Compensation Act 1951

A notice of a determination of fees made pursuant to section 27C of the *Workers' Compensation Act 1951* has been made in *Gazette* No. 10, dated 10 March 1999. This would appear to be a disallowable instrument as under section 6 of the *Subordinate Laws Act 1989* all determinations of fees are disallowable except as otherwise specified. However the instrument has not been identified as a disallowable instrument in the normal manner.

STATEMENT OF POLICY IN RELATION TO THE DISPLACEMENT OF THE PRIVILEGE AGAINST SELF-INCRIMINATION

Background

In its Report No 15 of 1998 the Committee reported on the Gaming and Racing Control Bill 1998, being a Bill to establish an ACT Gaming and Racing Commission. The Commission would be responsible for regulating and controlling gaming, racing and wagering activities in the Territory.

The Committee noted that paragraphs 18(1)(e) and (f) of the Bill enabled an authorised officer to require a person on certain premises to (i) answer questions and furnish information, and (ii) to give access to documents in that person's custody and control. It was then noted that under clause 22 a person was not excused from compliance with a provision of the Bill on the ground that that might tend to incriminate the person, but that if the person made an objection to compliance on that ground, the information or document was not admissible against the person in any criminal proceeding other than for an offence with respect to providing false or misleading information or for perjury (see subclause 22(2)).

The Committee noted that the protection afforded by subclause 22(2) was not as extensive as might have been provided. It did not provide against a derivative use of the information or document which the person was compelled to provide. That is, while this information or document might not be used in any criminal proceeding, it might be used as a means of deriving other information which might be so used. The Committee considered that there should be justification offered for such a limited protection.

In a response to this aspect of Report No 15 of 1998, the Chief Minister said that it was thought that any extension of the protection afforded by clause 22 would seriously impair the Commission's ability to protect the gaming and racing industry from criminal influence.

The policy context

The Committee does not propose to the Assembly that it should, in the context of what is now the *Gaming and Racing Commission Act 1998*, revisit the issue of the scope of the protections to be afforded to a person who may be compelled to incriminate themselves.

This issue does, however, arise from time to time, and in contexts where there is less force in the kinds of argument advanced by the Chief Minister in relation to the Gaming and Racing Commission Bill. The Committee also notes that the Chief Minister advised the Committee that "[government] policy on the privilege against self-incrimination is currently being reviewed by the Department of Justice and Community Safety. If this review results in changes to ACT Government standards, these provisions [of the Gaming and Racing Commission Bill] will be reconsidered". (Presumably, the Assembly would not be advised if no change was proposed to current policy.)

The Committee is of the view that policy (or standards) in this respect is primarily an issue to be addressed by the Assembly. Thus, the Committee wishes to state its general policy in relation to this matter.

Two major issues of policy arise when it is proposed in a Bill to displace the privilege against self-incrimination. The first is whether the privilege should be displaced; the second is what level (if any) of protection should be afforded to a person who is compelled to self-incriminate?

It is widely accepted that the privilege in respect of self incrimination is one of the personal rights and liberties with which scrutiny committees should be concerned. It may assist the Assembly to state in some detail the nature of this privilege.

The nature of the privilege against self-incrimination

The core concept is that a person should not be compelled to provide information - whether orally or by provision of documents - which may tend to show that he or she has committed a criminal offence or would be subject to a civil penalty.

(As stated by S Odgers, *Uniform Evidence Law* (3rd ed, 1998, 409) "[a]t common law a civil penalty is involved where a pecuniary payment is required as punishment rather than compensation to an injured party or enforcement of an agreement to pay money. Fines imposed under legislation are penalties. In addition, dismissal from employment or reduction in rank can constitute a penalty" (footnotes omitted)).

The privilege is established by the common law, and is applied primarily in the application of common law and statutes which govern the adducing of evidence to a court, and statutes which authorise a non-judicial person or body to compel the production of information to that person or body.

The privilege has its origins in a "rule of criminal procedure (which) protected the accused from the perils of curial inquisition" (*Sorby v The Commonwealth* (1983) 152 CLR 281 at 318 per Brennan J). Against the background of the works of the Court of Star Chamber and of the Court of High Commission (which were both abolished by Parliament in 1641), the English judges adopted the principle that they should not compel a person to confess to or to accuse her or himself of a crime. This principle was later extended to preclude such questioning by lawyers involved in the trial. It was also extended in two other ways: first, "to protect not only the accused at a criminal trial but also persons bound to give discovery and persons bound to testify as witnesses in curial proceedings" (ibid) and, secondly, to apply in civil proceedings as well as criminal.

In *Pyneboard v Trade Practices Commission* (1983) 152 CLR 328 at 346, Murphy J offered a succinct statement of the common law basis of the principle, its rationale, and its recognition in significant rights documents:

> The privilege against compulsory self-incrimination is part of the common law of human rights. It is based on the desire to protect personal freedom and human dignity. These social values justify the impediment the privilege presents to judicial or other investigation. It protects the innocent as well as the guilty from the indignity and invasion of privacy which occurs in compulsory self-incrimination; it is society's acceptance of the inviolability of the human personality. In the widest sense it prohibits compulsory admission of criminality, that is, infamy, even where there is no prospect of punishment, because, for example, of a pardon, of the expiration of the time limited for prosecution. In a narrow sense, it is privilege against exposure to jeopardy of criminal prosecution, and is available only where there is a real danger of prosecution and conviction. The privilege developed in England out of concern for lack of due process in Star Chamber and criminal proceedings. It was introduced into the constitutions of several of the American States following the 1788 Revolution, and entrenched in the federal Bill of Rights. (See *The Constitution of the United States of America - Annotated*, 1106-1107.) It is referred to in the *International Covenant on Civil and Political Rights*, Art. 14(3)(g).

The scope of application of the privilege

As noted, the privilege applies to the conduct of proceedings before courts. (It should be noted that it cannot be claimed by a defendant on a criminal trial in respect of evidence sought to be adduced to prove her or his guilt in respect of the crime for which he or she stands charged.) In the 1980s, the High Court held that the privilege had a much wider scope of operation.

Until the 1980s, there was some doubt whether common law principle applied to situations other than trials before a court. In *Pyneboard v Trade Practices Commission* (1983) 152 CLR 328 the High Court held that it did. In that case, the question was "whether a corporation or person served with a notice under s 155 of the *Trade Practices Act 1974* (Cth) … requiring the recipient to answer questions can refuse to answer questions, relying on the privilege against exposing itself to civil liability to penalties" (ibid at 332). This provision empowered a member of the Trade Practices Commission – a body which was not a court - to require a person to answer questions in relation to whether that person had committed a breach of the Act. By majority, the High Court held that a person to whom a requirement was addressed could refuse to answer questions to the extent that an answer might self-incriminate.

The judgment of Mason ACJ, Wilson and Dawson JJ argued that "the privilege against self-incrimination stands apart from other forms of privilege. The rule of the common law *nemo tenetur seipsum accusare* is seen as too fundamental a bulwark of liberty to be categorized simply as a rule of evidence applicable to judicial and quasi-judicial proceedings" (ibid at 340). On that basis, they held that that the privilege was capable of application in non-judicial proceedings.

Thus, although the courts and some administrative bodies have power to compel those who come before them to answer questions and otherwise provide information, the effect of the privilege is that such persons cannot be compelled to provide information which may tend to show that he or she has committed a criminal offence or would be subject to a civil penalty.

Factors relevant to the displacement of the privilege by legislation

But the privilege may be displaced by statute or subordinate legislation which makes it clear that the court or the non-judicial body does have the power to compel the giving of information which would otherwise be protected from disclosure by the privilege. As was said by Gibbs CJ in *Sorby*, "the Parliament may take away the privilege and enact that a party may be bound to accuse himself" (above, at 289). But "[a]lthough the legislature may abrogate the privilege, there is a presumption that it does not intend to alter so important a principle of the common law" (ibid).

In *Pyneboard*, Mason ACJ, Wilson and Dawson JJ said that "statute will not be construed to take away a common law right unless the legislative intent to do so clearly emerges, whether by express words or by necessary implication …" (above, at 341). In the context of that case, involving the power of the Trade Practices Commission to compel the production of information, their Honours said:

> In deciding whether a statute impliedly excludes the privilege much depends on the language and character of the provision and the purpose which it is designed to achieve. The privilege will be impliedly excluded if the obligation to answer, provide information or produce documents is expressed in general terms and it appears from the character and purpose of the provision that the obligation was not intended to be subject to any qualification. This is so when the object of imposing the obligation is to ensure the full investigation in the public interest of matters involving the possible commission of offences which lie peculiarly within the knowledge of persons who cannot reasonably be expected to make their knowledge available otherwise than under a statutory obligation. In such cases it will be so, notwithstanding that the answers given may be used in subsequent legal proceedings (ibid at 342).

Their Honours pointed to another factor which would indicate that the privilege would be impliedly excluded. This was "where the obligation to answer questions or provide information does not form part of an examination on oath. The obligation to give an answer not on oath to an executive inquiry provides an illustration" (ibid at 343).

These general factors might be applicable in the context of a legislative judgment as to whether to displace in an administrative context.

On the other hand, their Honours said that an implication that the privilege had been excluded "will be less readily drawn in cases where the obligation to answer questions and produce documents is an element in an examination on oath before a judicial officer whether or not an object of that examination is to ascertain whether an offence has been committed with a view to the institution of a prosecution for that offence" (ibid). In such situations, the focus of concern will be whether the "interests of justice require that the witness give the evidence" (compare section 128 of the *Evidence Act 1995* (Cth), and the commentary in G Bellamy and P Meibusch, *Commonwealth Evidence Law* (2nd ed, 1998) at para 128.9). S. Odgers *Uniform Evidence Law* (3rd ed, 1998, 413) also suggests a number of factors which might be taken into account in the decision of a court to require the privilege to be displaced, and some of these factors might be relevant to a legislative judgment as to whether to displace in a curial or administrative context.

Having regard to what has been said by the courts and commentators, the kinds of factors which might influence a legislative judgment as to whether to displace the privilege would include:

- the importance of the information to be gathered by displacement, having regard to the objects of the legislative scheme under which displacement would occur;
- the nature of the inquiry being made by the judicial or non-judicial body under the relevant legislative scheme;
- the nature of the offence or liability or penalty to which the person providing the information might be exposed if displacement of the privilege occurs; and
- the likelihood of that revelation of the information will result in a proceeding to prosecute the offence or recover the penalty.

The derivative use of information

The core notion is that a person should not be compelled to provide information which may tend to show that he or she has committed a criminal offence or would be subject to a civil penalty. The words "tend to show" may explain why it was said in *Sorby* that

> the privilege protects the witness not only from incriminating himself directly under a compulsory process, but also from making a disclosure which may lead to incrimination or to the discovery of real evidence of an incriminating character (at 310, per Mason, Wilson and Dawson JJ).

This indirect disclosure is spoken of as a derivative use of the information which would otherwise have been supplied by the person who claimed the privilege. It may be that this dimension of the privilege would not be of much practical use to a witness who is questioned on a trial, or to a person to whom some direction is given by an administrative body (see S McNicol, *Law of Privilege* (1992) at 213-215).

But the concept of derivative use of information is often employed in legislation which, while abrogating the privilege, at the same time affords protection to the person required to self-incriminate. The provisions of the *Evidence Act 1995* (Cth) are illustrative. That Act applies to trials in a court of law. Section 128(5) gives to the trial judge a power – to be exercised if "the interests of justice" so require - to compel a witness to give evidence despite that evidence being of a kind which may tend to show that he or she has committed a criminal offence or would be subject to a civil penalty. But the court is then required to give that witness a certificate "in respect of the evidence" (section 128(6)). Section 128(7) then provides:

> (7) In any proceeding in an Australian court:
>
> (a) evidence given by a person in respect of which a certificate under this section has been given; and
>
> (b) evidence of any information, document or thing obtained as a direct or indirect consequence of the person having given evidence;
>
> cannot be used against the person. However, this does not apply to a criminal proceeding in respect of the falsity of the evidence.

This kind of provision is commonly found in Commonwealth statutes which authorise the displacement of the privilege in non-curial contexts - that is, where some administrative body is empowered to obtain information and documents; (for example, see clause 36 of the Textile, Clothing and Footwear Strategic Investment Program Bill 1999).

The Committee's view of the appropriate policy

1. Should the privilege should be displaced?

A proponent of a Bill which would displace the privilege should provide adequate justification in this respect. The discussion above under the heading 'Factors relevant to the displacement of the privilege by legislation' indicates in general terms the kinds of considerations which might bear upon whether there is adequate justification. What is said above is not meant to be a complete statement of the kinds of justifications for displacement of the privilege.

2. If there is displacement, what level (if any) of protection should be afforded to a person who is compelled to self-incriminate?

The Committee's view is that the starting point should be that there is protection against immediate and derivative use of the information provided by the person except in relation to a proceeding based on the falsity of the information provided. This is the policy reflected in section 128 of the *Evidence Act 1995* (see above).

If the Bill proposes a lesser degree of protection, then its proponent should provide adequate justification in this respect.

GOVERNMENT RESPONSE

The Committee has received a response in relation to comments made concerning:

- Duties Bill 1998, Gaming and Racing Control Bill 1998 and the Taxation Administration Bill 1998 (Report No. 15 of 1998).

A copy of the response is attached.

The Committee thanks the Chief Minister for her helpful response.

Paul Osborne, MLA
Chair

March 1999