

2004

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 4

MONDAY, 29 NOVEMBER 2004

Contents

1	Meeting of Senate	117
2	Consideration of Legislation.....	117
3	Corporations and Financial Services—Joint Statutory Committee— Appointment.....	117
4	Telecommunications (Interception) Amendment (Stored Communications) Bill 2004	117
5	Questions	118
6	Regional Australia—Regional Partnerships Program—Answers to Questions	118
7	Aboriginal Deaths In Custody—Answer to Question.....	118
8	Death of Former Senator Janine Haines, AM	118
9	Petitions	118
10	Notices.....	119
11	Postponements.....	120
12	Leave of Absence.....	121
13	Foreign Affairs—Western Sahara	121
14	National Capital and External Territories—Joint Standing Committee— Government Response—Proposal for Pay Parking in the Parliamentary Zone	122
15	Government Documents	122
16	Auditor-General—Audit Report No. 15 of 2004-05—Document.....	122
17	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document.....	122
18	Taxation—Charities—Document.....	123
19	Scrutiny of Bills—Standing Committee—Matters Referred to Committee in Previous Parliament	123
20	Documents.....	123
21	Committees—Changes in Membership.....	125
22	Employment, Workplace Relations and Education Legislation Committee— Report—Workplace Relations Amendment (Agreement Validation) Bill 2004	127

23	Telecommunications (Interception) Amendment (Stored Communications) Bill 2004	127
24	Order of Business—Rearrangement	129
25	Fisheries (Validation of Plans of Management) Bill 2004.....	129
26	Family Law Amendment (Annuities) Bill 2004	129
27	Bankruptcy and Family Law Legislation Amendment Bill 2004.....	129
28	Governor-General’s Opening Speech—Address-in-Reply.....	129
29	Adjournment	129
30	Attendance.....	130

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 CONSIDERATION OF LEGISLATION

The Minister for Justice and Customs (Senator Ellison), at the request of the Minister for the Environment and Heritage (Senator Ian Campbell), amended government business notice of motion no. 1 by leave and, pursuant to notice, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills:

Bankruptcy and Family Law Legislation Amendment Bill 2004
Disability Discrimination Amendment (Education Standards) Bill 2004
Family Law Amendment (Annuities) Bill 2004
Fisheries (Validation of Plans of Management) Bill 2004.

Question put and passed.

**3 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
APPOINTMENT**

Order of the day read for the consideration of message no. 4 from the House of Representatives (*see entry no. 25, 18 November 2004*).

The Minister for Justice and Customs (Senator Ellison) moved—That the Senate concurs with the resolution of the House of Representatives contained in message no. 4 relating to the appointment of the Parliamentary Joint Committee on Corporations and Financial Services.

Senator Chapman moved the following amendment:

At the end of the motion, add “, subject to the following modification:

Omit paragraph (a), substitute:

- (a) That the committee consist of 10 members drawn from the House of Representatives and the Senate, with 5 nominated from the Government party, including at least 1 Member of the House of Representatives to be nominated by the Government Whip or Whips and at least 1 Senator to be nominated by the Leader of the Government in the Senate; four nominated from the Opposition party, including at least 1 Member of the House of Representatives to be nominated by the Opposition Whip or Whips and at least 1 Senator to be nominated by the Leader of the Opposition in the Senate; and 1 Senator to be nominated by any minority groups or independent Senators.”.

Debate ensued.

Question—That the amendment be agreed to—put and passed.

Main question, as amended, put and passed.

**4 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED
COMMUNICATIONS) BILL 2004**

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while the Minister for Justice and Customs (Senator Ellison) was speaking.

5 QUESTIONS

Questions without notice were answered.

6 REGIONAL AUSTRALIA—REGIONAL PARTNERSHIPS PROGRAM—ANSWERS TO QUESTIONS

Senator Carr moved—That the Senate take note of the answers given by the Minister for the Environment and Heritage (Senator Ian Campbell) and the Minister for Defence (Senator Hill) to questions without notice asked today relating to the Regional Partnerships program.

Debate ensued.

Question put and passed.

7 ABORIGINAL DEATHS IN CUSTODY—ANSWER TO QUESTION

Senator Ridgeway moved—That the Senate take note of the answer given by the Minister for Justice and Customs (Senator Ellison) to a question without notice asked by Senator Ridgeway today relating to Aboriginal deaths in custody.

Question put and passed.

8 DEATH OF FORMER SENATOR JANINE HAINES, AM

The President informed the Senate of the death, on 20 November 2004, of Janine Haines, AM, a senator for the state of South Australia from 1977 to 1978 and 1981 to 1990, and Leader of the Australian Democrats from 1986 to 1990.

The Leader of the Government in the Senate (Senator Hill), by leave, moved—That the Senate records its deep regret at the death, on 20 November 2004, of Janine Haines, AM, former senator for South Australia and Leader of the Australian Democrats, and places on record its appreciation of her long and meritorious public service and tenders its profound sympathy to her family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

9 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Boswell, from 744 petitioners, requesting that the Senate take action to allow the Watson family and Pat Mansill to be granted permanent residency.

Senator Payne, from 2 380 petitioners, requesting that the Senate take action to ban the production, transfer, importation and use of anti-vehicle mines.

Senator Stott Despoja, from 651 petitioners, requesting that the Senate take action to extend the Educational Textbook Subsidy Scheme indefinitely.

Document: Senator Stephens, by leave, tabled the following document:

Immigration—Detention of asylum seekers—Petitioning document from 5 317 signatories, requesting support for a favourable decision in the case of Mr Peter Qasim.

The President drew attention to the amendment made to standing order 69 on 6 March 1997 relating to the presentation of petitions not in accordance with the standing orders.

10 NOTICES

Senator Murray: To move on the next day of sitting—That the Joint Standing Committee on Electoral Matters inquire into and report, as soon as practicable, on:

- (a) the matter relating to electoral funding and disclosure, which was adopted by the committee in the 39th and 40th Parliaments, and any amendments to the Commonwealth Electoral Act necessary to improve disclosure of donations to political parties and candidates and the true source of those donations; and
- (b) submissions and evidence received by the committee in relation to those inquiries in the 39th and 40th Parliaments. (*general business notice of motion no. 18*)

Senators Allison and Ridgeway: To move on the next day of sitting—That the Senate—

- (a) congratulates the Northern Territory Government on announcing a new maternity services package that will allow independently practicing midwives to practice in the Northern Territory by indemnifying them through the government health department;
- (b) notes that:
 - (i) community midwifery is the most appropriate care for 80 per cent of pregnant women, and
 - (ii) the inability of independently practicing midwives to obtain medical indemnity insurance has restricted the provision of optimal care and choice for Australian women during the birth process;
- (c) calls on the governments of other states and territories to follow the Northern Territory, which has joined South Australia and Western Australia in providing indemnity insurance arrangements which allow independent midwives to practice; and
- (d) calls on the Government to consider Medicare funding for independent midwifery consultations. (*general business notice of motion no. 19*)

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to copyright, and for related purposes. ***Copyright Legislation Amendment Bill 2004.***

Senator Brown: To move on 1 December 2004—That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 15 March 2005:

- (a) the operation of the Regional Partnerships program, with particular reference to:
 - (i) the nature and extent of the respective roles of the administering department and minister, the Deputy Prime Minister, any other senators or members and their advisers and staff in the process of selection of successful applications,
 - (ii) the funding and announcement of the six ‘regional icon’ projects,

- (iii) the role of the public service, in particular the administering department and the Department of Finance and Administration, in assuring the financial viability of the projects and safeguarding against political bias, and
- (iv) the role of the Auditor-General in assuring the financial viability of the projects and safeguarding against political bias;
- (b) with respect to the future administration of similar programs, any safeguards or guidelines which might be put in place to ensure proper accountability for the expenditure of public money;
- (c) funding for other rural or regional programs including higher education funding announced in the lead-up to the federal election; and
- (d) any related matters.

Senator Brown: To move on the next day of sitting—That the Senate, alarmed by the death in custody of an Aboriginal citizen on Palm Island and the destruction of property consequent on his death, and the operations of riot police involving men, women and children on Palm Island and responding to the unacceptable status and life outcomes of Aboriginal Australians on Palm Island and throughout the nation:

- (a) expresses to the Palm Island community its deepest regret and concern; and
- (b) calls on the Federal and Queensland Governments to intervene, using all available powers and persuasion, to end hostilities, investigate the events and put in place tangible measures to improve Aboriginal affairs on Palm Island. (*general business notice of motion no. 20*)

Senator Nettle: To move on the next day of sitting—

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Criminal Code Amendment (Workplace Death and Serious Injury) Bill 2004 be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the last session of the Parliament. (*general business notice of motion no. 21*)

Senator Brown: To move on the next day of sitting—

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Constitution Alteration (Right to Stand for Parliament—Qualification of Members and Candidates) 1998 (No. 2) [2002] be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the last session of the Parliament. (*general business notice of motion no. 22*)

Senator Marshall: To move on the next day of sitting—That a standard outdoor size replica of the Eureka flag be displayed on a flagstaff in public view in the main Senate entry foyer from dawn to dusk on Friday, 3 December 2004 in commemoration of the 150th anniversary of the Eureka Stockade. (*general business notice of motion no. 23*)

11 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, proposing the disallowance of the Customs (Prohibited Imports) Amendment Regulations 2004 (No. 3), postponed till 30 November 2004.

Business of the Senate notice of motion no. 2 standing in the name of Senator Stott Despoja for today, proposing the reference of matters to the Legal and Constitutional References Committee, postponed till 30 November 2004.

General business notice of motion no. 3 standing in the name of Senator Allison for today, relating to high-intensity active naval sonar, postponed till 1 December 2004.

General business notice of motion no. 9 standing in the name of Senator Nettle for today, relating to Iraq, postponed till 30 November 2004.

General business notice of motion no. 15 standing in the name of Senator Allison for today, relating to drug use in Australian prisons, postponed till 30 November 2004.

12 LEAVE OF ABSENCE

Senator Denman, by leave, moved—That leave of absence be granted to Senator Cook for the period 29 November to 9 December 2004, on account of ill health.

Question put and passed.

Senator Allison, by leave, moved—That leave of absence be granted to Senator Stott Despoja for the period 29 November to 9 December 2004, on account of health reasons.

Question put and passed.

13 FOREIGN AFFAIRS—WESTERN SAHARA

Senator Allison amended general business notice of motion no. 2 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) the United Nations (UN) Security Council resolution 1570 of 28 October 2004 reaffirms its commitment to the self-determination of the people of Western Sahara,
- (ii) the republic of South Africa extended full recognition and established diplomatic relations with the Saharawi Republic on 15 September 2004, and
- (iii) the Saharawi Arab Democratic Republic is a fully-fledged member of the African Union recognised by over 70 countries worldwide; and

(b) urges the Government to:

- (i) extend full support to the organisation of a free, fair and transparent referendum of self-determination for the people of Western Sahara,
- (ii) vote in favour of the resolution on Western Sahara in the UN General Assembly,
- (iii) use its best efforts to persuade Morocco to accept the latest UN peace plan that is based on the organisation of a referendum of self-determination in Western Sahara,
- (iv) provide humanitarian assistance to the Saharawi refugees who need food and medicine urgently, and
- (v) positively consider extending diplomatic recognition to the Saharawi Arab Democratic Republic at the appropriate time.

Question put and passed.

14 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—PROPOSAL FOR PAY PARKING IN THE PARLIAMENTARY ZONE

The Acting Deputy President (Senator Bolkus) tabled the following document received on 23 November 2004:

National Capital and External Territories—Joint Standing Committee—Report—Not a town centre: Proposal for pay parking in the Parliamentary Zone—Government response, dated November 2004.

15 GOVERNMENT DOCUMENTS

The Acting Deputy President (Senator Bolkus) tabled the following documents received on the dates indicated:

Airservices Australia—Report for 2003-04. [*Received 23 November 2004*]

Australian Competition and Consumer Commission—Report for 2003-04. [*Received 26 November 2004*]

Australian Sports Commission—Report for 2003-04. [*Received 23 November 2004*]

Australian Tourist Commission—Report for 2003-04. [*Received 24 November 2004*]

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2003-04. [*Received 23 November 2004*]

Department of Defence—Report for 2003-04. [*Received 22 November 2004*]

National Competition Council—Report for 2003-04. [*Received 26 November 2004*]

Payments System Board—Report for 2003-04. [*Received 26 November 2004*]

16 AUDITOR-GENERAL—AUDIT REPORT NO. 15 OF 2004-05—DOCUMENT

The Acting Deputy President (Senator Bolkus) tabled the following document received on 23 November 2004:

Auditor-General—Audit report no. 15 of 2004-05—Performance audit—Financial management of special appropriations.

Senator Murray, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

17 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 30 May 1996, as amended, the Acting Deputy President (Senator Bolkus) tabled the following document received on 26 November 2004:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2004—Statement of compliance—Department of Finance and Administration, Australian Electoral Commission, Commonwealth Grants Commission, ComSuper, Public Sector Superannuation Scheme (PSS) Board and Commonwealth Superannuation Scheme (CSS) Board.

18 TAXATION—CHARITIES—DOCUMENT

The Acting Deputy President (Senator Bolkus) tabled the following document:

Taxation—Charities—Letter to the President of the Senate from the Minister for Revenue and Assistant Treasurer (Mr Brough) responding to the resolution of the Senate of 1 April 2004, dated 17 November 2004.

19 SCRUTINY OF BILLS—STANDING COMMITTEE—MATTERS REFERRED TO COMMITTEE IN PREVIOUS PARLIAMENT

Senator Buckland, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following report:

The Scrutiny of Bills Committee met on 18 November 2004 and resolved to recommend to the Senate that the following inquiry, not disposed of at the end of the 40th Parliament, be re-adopted:

Inquiry into entry, search and seizure provisions in Commonwealth legislation.

Robert Ray

Chair

29 November 2004.

Senator Buckland, by leave, moved—That the report be adopted.

Question put and passed.

20 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Family Assistance) Act—Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2004 (No. 1).

Air Services Act—Direction under section 16—Directions Nos 3 and 4 of 2004.

Class Rulings CR 2004/120-CR 2004/128.

Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(e)—Variation of membership in Bundanon Trust.

Defence Act—Determinations under section 58B—Defence Determinations 2004/44-2004/46.

Designs Act—Regulations—Statutory Rules 2004 No. 325.

Environment Protection and Biodiversity Conservation Act—

Instrument amending list of exempt native specimens under section 303DB, dated 11 October 2004.

Notice of proposed accreditation of the Heard Island and McDonald Islands Fishery Management Plan 2002 (as amended), dated 16 July 2004.

Excise Act—Regulations—Statutory Rules 2004 No. 329.

Family Law Act—Regulations—

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2004 (No. 5).

Statutory Rules 2004 No. 319.

Federal Magistrates Act—Regulations—Statutory Rules 2004 No. 320.

Financial Management and Accountability Act—Financial Management and Accountability Determination—

2004/17 — Campaign Account Variation and Abolition 2004.

2004/18 — Campaign Advertising Special Account Establishment 2004.

2004/19 — Media Commissions Account Variation and Abolition 2004.

2004/20 — Media Commissions Special Account Establishment 2004.

Fisheries Management Act—

Heard Island and McDonald Islands Fishery Management Plan Amendment 2004 (No. 1).

Northern Prawn Fishery Management Plan 1995—

Determination No. NPF02.

NPF Direction No. 82.

Fisheries Management Act and Fishing Levy Act—Regulations—Statutory Rules 2004 No. 318.

Health Insurance Act—Regulations—Statutory Rules 2004 No. 324.

Income Tax Assessment Act 1997—Regulations—Statutory Rules 2004 No. 330.

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].

Military Superannuation and Benefits Act—Military Superannuation Benefits (Eligible Member) Declaration 2004.

Miscellaneous Taxation Ruling MT 2004/1.

National Health Act—Determinations PHB 18/2004-PHB 20/2004.

Navigation Act—Marine Orders—Order No. 10 of 2004.

Nuclear Non-Proliferation (Safeguards) Act—Regulations—Statutory Rules 2004 No. 323.

Ozone Protection and Synthetic Greenhouse Gas Management Act—Notice of Grant of Exemption under section 40, dated 1 October 2004.

Petroleum (Submerged Lands) Act—Regulations—Statutory Rules 2004 No. 326.

Petroleum (Submerged Lands) Fees Act—Regulations—Statutory Rules 2004 No. 327.

Petroleum (Submerged Lands) (Registration Fees) Act—Regulations—Statutory Rules 2004 No. 328.

Product Rulings—

PR 2002/142 (Notice of Withdrawal).

PR 2003/67 (Notice of Withdrawal).

PR 2004/103-PR 2004/108.

Radiocommunications Act—Australian Radiofrequency Spectrum Plan, dated 10 November 2004.

Remuneration Tribunal Act—Regulations—Statutory Rules 2004 No. 321.

Renewable Energy (Electricity) Act—Regulations—Statutory Rules 2004 No. 322.

Social Security Act—Social Security (Class of Visas—Newly Arrived Resident's Waiting Period for Special Benefit) Determination 2004 (No. 2).

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 9/04 [12 dispensations].

Taxation Determination TD 2004/63.

21 **COMMITTEES—CHANGES IN MEMBERSHIP**

The Acting Deputy President (Senator Bolkus) informed the Senate that the President had received letters requesting changes in the membership of various committees.

The Minister for Justice and Customs (Senator Ellison), by leave, moved—That senators be discharged from and appointed to committees as follows:

ASIO, ASIS and DSD—Joint Statutory Committee—

Appointed—Senators Ferguson and Sandy Macdonald

Australian Crime Commission—Joint Statutory Committee—

Appointed—Senators Ferris, Greig and McGauran

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—

Appointed—Senator Ferris

Community Affairs Legislation Committee—

Appointed—Participating members: Senators George Campbell and Lundy

Community Affairs References Committee—

Appointed—Participating member: Senator George Campbell

Economics Legislation Committee—

Appointed—Participating member: Senator Hogg

Electoral Matters—Joint Standing Committee—

Appointed—Senators Brandis, Mason and Murray

Employment, Workplace Relations and Education Legislation Committee—

Appointed—

Substitute member: Senator Carr to replace Senator Wong for matters relating to the Education portfolio

Participating members: Senators George Campbell, Hogg and Lundy

Employment, Workplace Relations and Education References Committee—

Appointed—

Substitute member: Senator Carr to replace Senator Crossin for matters relating to the Education portfolio

Participating member: Senator George Campbell

Environment, Communications, Information Technology and the Arts Legislation Committee—

Discharged—Senator Mackay

Appointed—

Senator Lundy

Participating members: Senators Crossin and Hogg

Environment, Communications, Information Technology and the Arts References Committee—

Discharged—Senator Mackay

Appointed—

Senator Lundy

Participating member: Senator Crossin

Finance and Public Administration Legislation Committee—

Appointed—Participating members: Senators Hogg, Lundy, Moore, Stephens and Webber

Finance and Public Administration References Committee—

Appointed—Participating members: Senators Stephens and Webber

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed—Senators Eggleston, Ferguson, Harradine, Johnston, Sandy Macdonald, Payne and Stott Despoja

Foreign Affairs, Defence and Trade Legislation Committee—

Discharged—Senator Marshall

Appointed—

Senator Mackay

Participating members: Senators George Campbell, Crossin, Kirk and Lundy

Foreign Affairs, Defence and Trade References Committee—

Discharged—Senator Marshall

Appointed—

Senator Mackay

Participating members: Senators George Campbell, Crossin, Forshaw and Kirk

Legal and Constitutional Legislation Committee—

Appointed—Participating members: Senators George Campbell, Hogg, Kirk and Lundy

Legal and Constitutional References Committee—

Appointed—Participating member: Senator George Campbell

Migration—Joint Standing Committee—

Appointed—Senators Bartlett, Eggleston and Tchen

National Capital and External Territories—Joint Standing Committee—

Appointed—Senators Lightfoot, Scullion and Stott Despoja

Native Title and the Aboriginal and Torres Strait Islander Land Fund—Joint Statutory Committee—

Appointed—Senators Johnston and Scullion

Public Accounts and Audit—Joint Statutory Committee—

Appointed—Senators Humphries, Murray, Scullion and Watson

Public Works—Joint Statutory Committee—

Appointed—Senators Ferguson and Troeth

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—Participating members: Senators George Campbell, Hogg, Lundy and O'Brien

Rural and Regional Affairs and Transport References Committee—

Appointed—Participating members: Senators George Campbell and McLucas

Treaties—Joint Standing Committee—

Appointed—Senators Bartlett, Mason, Santoro and Tchen.

Question put and passed.

22 EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION LEGISLATION COMMITTEE—REPORT—WORKPLACE RELATIONS AMENDMENT (AGREEMENT VALIDATION) BILL 2004

Pursuant to order, Senator Ferris, at the request of the Acting Chair of the Employment, Workplace Relations and Education Legislation Committee (Senator Barnett), tabled the following report and documents:

Employment, Workplace Relations and Education Legislation Committee—Workplace Relations Amendment (Agreement Validation) Bill 2004—Report, dated November 2004, Hansard record of proceedings, documents presented to the committee and submissions [7].

Report ordered to be printed on the motion of Senator Ferris.

23 TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.

Senator Greig moved the following amendment:

Schedule 1, page 3 (after line 31), at the end of the Schedule, add:

5 After section 17

Insert:

17A Annual report by Minister about warrants

- (1) The Minister shall, as soon as practicable after each 30 June, cause to be prepared a written report that relates to the year ending on that 30 June and complies with section 17B.
- (2) The Minister must table a copy of a report under subsection (1) before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

17B Report to contain information about requests made and warrants issued

The report required in accordance with section 17A shall set out:

- (a) the number of requests for warrants that the Organisation has made pursuant to section 9 during that year; and
- (b) the number of warrants that the Minister has issued pursuant to section 9 during that year; and
- (c) the number of requests for warrants that the Organisation has made pursuant to section 9A during that year; and

- (d) the number of warrants that the Minister has issued pursuant to section 9A during that year; and
- (e) the number of requests for further warrants that the Organisation has made pursuant to subsection 9B(4) during that year; and
- (f) the number of further warrants that the Minister has issued pursuant to subsection 9B(4) during that year; and
- (g) the number of warrants issued by the Director-General of Security pursuant to section 10 during that year; and
- (h) the number of requests for warrants that the Organisation has made pursuant to section 11A during that year; and
- (i) the number of warrants that the Minister has issued pursuant to section 11A during that year; and
- (j) the number of requests for warrants that the Organisation has made pursuant to section 11B during that year; and
- (k) the number of warrants that the Minister has issued pursuant to section 11B during that year; and
- (l) the number of requests for warrants that the Organisation has made pursuant to section 11C during that year;
- (m) the number of warrants that the Minister has issued pursuant to section 11C during that year; and
- (n) the number of requests for further warrants that the Organisation has made during that year in respect of a telecommunication service, a person or part of a telecommunication system (as the case may be) in relation to whom a warrant has, or warrants have, been previously issued;
- (o) the number of further warrants that the Minister has issued during that year in respect of a telecommunication service, a person or part of a telecommunication system (as the case may be) in relation to whom a warrant has, or warrants have, been previously issued; and
- (p) the total expenditure (including expenditure of a capital nature) incurred by the Organisation in connection with the execution of warrants during the year to which the report relates.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

The Acting Deputy President (Senator Ferguson) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Minister for Justice and Customs (Senator Ellison) the report from the committee was adopted and the bill read a third time. Senators Brown and Nettle and all Australian Democrats senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

24 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Justice and Customs (Senator Ellison) moved—That government business order of the day no. 3 (Surveillance Devices Bill 2004) be postponed till the next day of sitting.

Question put and passed.

25 FISHERIES (VALIDATION OF PLANS OF MANAGEMENT) BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

On the motion of Senator McGauran the debate was adjourned till the next day of sitting.

26 FAMILY LAW AMENDMENT (ANNUITIES) BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

Debate resumed.

On the motion of Senator Ian Campbell the debate was adjourned till the next day of sitting.

27 BANKRUPTCY AND FAMILY LAW LEGISLATION AMENDMENT BILL 2004

Order of the day read for the adjourned debate on the motion of the Minister for the Environment and Heritage (Senator Ian Campbell)—That this bill be now read a second time.

On the motion of Senator Ludwig the debate was adjourned till the next day of sitting.

28 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY

Order of the day read for the adjourned debate on the motion of Senator Knowles—That the address-in-reply be agreed to (*see entry no. 9, 17 November 2004*)—and on the amendment moved by the Leader of the Australian Democrats (Senator Bartlett):

That the following words be added to the address-in-reply:

“, but the Senate is of the opinion that the Government's failure to ratify the Kyoto Protocol, to take strong action to reduce Australia's greenhouse emissions and to urge the United States of America to do likewise, is putting at risk international efforts on climate change”.

Debate resumed.

At 9.50 pm: Debate was interrupted.

29 ADJOURNMENT

The Acting Deputy President (Senator Hutchins) proposed the question—That the Senate do now adjourn.

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 10.31 pm till Tuesday, 30 November 2004 at 12.30 pm.

30 ATTENDANCE

Present, all senators except Senators Bishop, Cook*, Harradine*, Harris, Johnston, Murphy, Stott Despoja* and Tierney* (* on leave).

HARRY EVANS
Clerk of the Senate