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Contents

1	Meeting of Senate	735
2	Parliamentary Zone—Capital Works Proposal—Approval	735
3	Tax Laws Amendment (2005 Measures No. 3) Bill 2005	735
4	New International Tax Arrangements (Foreign-owned Branches and Other Measures) Bill 2005	736
5	Questions	736
6	Employment—Training—Answers to Questions	736
7	Immigration—Falun Gong Practitioners—Answer to Question	736
8	Petitions	736
9	Notices	737
10	Leave of Absence	739
11	Postponements	739
12	Law and Justice—Airport Security—Order for Production of Documents	739
13	Procedure—Standing Committee—Reference	740
14	Foreign Affairs—Nuclear Non-Proliferation Treaty Review	740
15	Immigration—Asylum Seekers—Nauru	741
16	Death of Mr Alex Freeleagus	741
17	National Animal Welfare Bill 2005	742
18	Economics Legislation Committee—Leave to Meet During Sitting	742
19	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting	742
20	Law and Justice—Mr Mark Felt	742
21	Foreign Affairs—Falun Gong—Human Rights	743
22	Foreign Affairs—United Nations Charter	743
23	Legal and Constitutional Legislation Committee—Report—Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005	744
24	Auditor-General—Audit Report No. 52 of 2004-05—Document	744
25	Law and Justice—Airport Security—Order for Production of Documents— Statement by Leave	744
26	Treaties—Joint Standing Committee—65th Report	744

27	Treaties—Joint Standing Committee—Statement—United States Nationals and the International Criminal Court.....	744
28	Postponement.....	745
29	Documents.....	745
30	Advisory Council on Australian Archives—Senate Member of Council.....	749
31	Tax Laws Amendment (2005 Measures No. 2) Bill 2005.....	749
32	Native Title and the Aboriginal and Torres Strait Islander Land Account—Joint Statutory Committee—Change in Membership.....	749
33	Legislation Committees—Reports—Budget Estimates 2005-06.....	749
34	New International Tax Arrangements (Foreign-owned Branches and Other Measures) Bill 2005.....	750
35	Family and Community Services Legislation Amendment (Family Assistance and Related Measures) Bill 2005.....	750
36	Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 [2005].....	751
37	Notice.....	757
38	Family Law Amendment Bill 2005.....	757
39	Environment and Heritage Legislation Amendment Bill 2005.....	760
40	Order of Business—Rearrangement.....	761
41	Criminal Code Amendment (Suicide Related Material Offences) Bill 2005....	761
42	Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005.....	761
43	Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005.....	761
44	Adjournment.....	761
45	Attendance.....	762

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 **PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL**

The Minister for Justice and Customs (Senator Ellison), pursuant to notice, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services to further extend the time for temporary vehicle barriers to 31 December 2005.

Debate ensued.

Question put and passed.

3 **TAX LAWS AMENDMENT (2005 MEASURES NO. 3) BILL 2005**

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

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

Tax Laws Amendment (2005 Measures No. 3) Bill 2005—‘Recent examples of tax law errors under Brough’—Table.

Senator Sherry moved the following amendment:

At the end of the motion, add “but the Senate condemns the Government for:

- (a) failing to pursue meaningful structural income tax reform;
- (b) failing to seriously address the problem of effective marginal tax rates in the 2005-06 Budget; and
- (c) continuing to introduce tax bills with significant errors and anomalies requiring costly and cumbersome legislative correction”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the bill was read a third time.

4 NEW INTERNATIONAL TAX ARRANGEMENTS (FOREIGN-OWNED BRANCHES AND OTHER MEASURES) BILL 2005

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 157, dated 16 June 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Communications, Information Technology and the Arts (Senator Coonan) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Coonan moved—That this bill be now read a second time.

Debate ensued.

Senator Sherry moved the following amendment:

At the end of the motion, add “but the Senate:

- (a) notes that the bill contains a number of corrections of errors in relation to legislation introduced in 2004; and
- (b) calls on the Government to take steps to reduce the incidence of such errors recurring in taxation bills requiring subsequent legislative amendment”.

Debate ensued.

At 2 pm: Debate was interrupted while Senator Murray was speaking.

5 QUESTIONS

Questions without notice were answered.

6 EMPLOYMENT—TRAINING—ANSWERS TO QUESTIONS

Senator Wong moved—That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked today relating to employment and training.

Debate ensued.

Question put and passed.

7 IMMIGRATION—FALUN GONG PRACTITIONERS—ANSWER TO QUESTION

Senator Stott Despoja moved—That the Senate take note of the answer given by the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) to a question without notice asked by Senator Bartlett today relating to Falun Gong practitioners.

Question put and passed.

8 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Cherry, from 331 petitioners, requesting that the Senate take action to oppose the removal of Mr Alkhousi from Australia and to grant him permanent residency status.

Senator Murray, from 458 petitioners, requesting that the Senate establish a select committee to investigate the conduct of banks in relation to certain matters.

9 NOTICES

The Chair of the Economics Legislation Committee (Senator Brandis): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the Tax Laws Amendment (2005 Measures No. 1) Bill 2005 be extended to 22 June 2005. (*general business notice of motion no. 177*)

The Chair of the Environment, Communications, Information Technology and the Arts References Committee (Senator Cherry): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on the performance of the Australian telecommunications regulatory regime be extended to 9 August 2005. (*general business notice of motion no. 178*)

The Chair of the Finance and Public Administration References Committee (Senator Forshaw): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on the Gallipoli Peninsula be extended to 18 August 2005. (*general business notice of motion no. 179*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Hutchins): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on duties of Australian personnel in Iraq be extended to 9 August 2005. (*general business notice of motion no. 180*)

Senator Bartlett, also on behalf of Senator Murray: To move on the next day of sitting—That the ‘Communications Allowance’, being clauses 10.4 to 10.13 of Determination 2005/09: Members of Parliament – Entitlements, made pursuant to subsections 7(1), (2) and (4) of the *Remuneration Tribunal Act 1973*, be disapproved.

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

- (a) recognises that:
 - (i) 11 July 2005 is World Population Day and that the day’s theme is ‘equality empowers’, and
 - (ii) the empowerment of women will greatly help to alleviate global poverty;
- (b) acknowledges that 500 000 women die each year due to the lack of adequate reproductive health services; and
- (c) calls on the Government to use Australia’s unique position in our region to advocate for the empowerment of women and to ensure that the human rights of women and girls are respected, protected and promoted through gender-sensitive policies and legislation and through the provision of appropriate services. (*general business notice of motion no. 181*)

Senators Ferguson, Murray and Sandy Macdonald: To move on the next day of sitting—That the Senate—

- (a) notes the current grave situation in Zimbabwe, in which:
 - (i) Operation Murambatsvina, ‘Operation Restore Order’, has demolished the shanty homes and informal businesses of Zimbabwe’s city dwellers, leaving more than 200 000 families homeless and destitute,
 - (ii) non-government organisations have been prevented from assisting these men, women and children,
 - (iii) severe food shortages are causing unimaginable suffering to more than 6 million Zimbabweans, and
 - (iv) soaring rates of HIV/AIDS infections continue to inflict misery on the population;
- (b) expresses its strong concern about ongoing events in Zimbabwe;
- (c) commends the Australian Government’s public condemnation of the brutal operations being carried out in Zimbabwe by the Mugabe Government; and
- (d) calls on the Australian Government to encourage the international community to do everything in its power to stop these continual abuses of basic human rights in Zimbabwe. (*general business notice of motion no. 182*)

Senator Crossin: To move on the next day of sitting—That the Senate—

- (a) notes the outcome of the election in the Northern Territory on Saturday, 18 June 2005, being a landslide victory to the Australian Labor Party (ALP) with a swing of at least 12 per cent;
- (b) acknowledges the election of another two Indigenous people to an Australian Parliament, Ms Alison Anderson and Ms Barbara McCarthy;
- (c) notes the comments from Senator Scullion that this was a ‘political tsunami’ for the Country Liberal Party; and
- (d) congratulates Chief Minister Clare Martin and the ALP team on conducting a positive and energetic campaign and on being re-elected for another term. (*general business notice of motion no. 183*)

The Minister for Justice and Customs (Senator Ellison): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005, allowing it to be considered during this period of sittings.

Document: Senator Ellison tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005 in the 2005 winter sittings.

Senator Brown: To move on 22 June 2005—That the Senate calls on the Government to bring the 31 asylum seekers on Christmas Island to mainland Australia. (*general business notice of motion no. 184*)

Senator Brown: To move on the next day of sitting—That there be laid on the table by the Minister for the Environment and Heritage, no later than 3.30 pm on Wednesday, 22 June 2005, all correspondence between the Minister and the Assistant Treasurer, the Australian Taxation Office, or the Institute of Public Affairs in 2004 and 2005 relating to the issue of deductible gift recipient status of environment groups. (*general business notice of motion no. 185*)

10 LEAVE OF ABSENCE

Senator Ferris, by leave, moved—That leave of absence be granted to Senator Payne for the period 15 June 2005 to the end of the 2005 winter sittings, on account of family matters.

Question put and passed.

11 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, proposing the reference of a matter to the Legal and Constitutional References Committee, postponed till 22 June 2005 (*but see entry no. 28*).

General business notice of motion no. 123 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to reproductive health, postponed till 9 August 2005.

General business notice of motion no. 166 standing in the name of Senator Brown for today, relating to Colombia and the indigenous Wayuu people, postponed till 22 June 2005.

General business notice of motion no. 167 standing in the name of Senator Brown for today, relating to Colombian President Uribe and the indigenous Wayuu people, postponed till 22 June 2005.

General business notice of motion no. 173 standing in the name of Senator Stott Despoja for today, proposing the introduction of the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005, postponed till 22 June 2005.

12 LAW AND JUSTICE—AIRPORT SECURITY—ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of the Australian Democrats (Senator Allison) amended general business notice of motion no. 150 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table by the Minister for Justice and Customs, no later than 5 pm on Monday, 20 June 2005, copies of all reports prepared by the Australian Customs Service since 1 January 2004 which refer to issues of airport security, including the report completed in September 2004, referred to on page 1 of *The Australian* on 31 May 2005 ('Airport staff "smuggling drugs"'), other than material specifically relating to current ongoing investigations.

Question put and passed.

13 PROCEDURE—STANDING COMMITTEE—REFERENCE

The Minister for Justice and Customs (Senator Ellison), at the request of the Leader of the Government in the Senate (Senator Hill) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—

- (1) That the following matter be referred to the Procedure Committee for inquiry and report:

The adequacy and appropriateness of the Register of Senators' Interests in relation to the issue of share market activity by senators, their spouses or partners and dependants having regard to:

- (a) whether the requirements under Resolution 1 of the resolutions relating to the registration and declaration of interests, agreed to on 17 March 1994, adequately reflect changing practices in the nature of Australian shareholdings and the growth of share trading;
 - (b) the appropriateness of the advice requirements in Resolution 1 in relation to changes in the nature of shareholding interests where share trading occurs on a frequent basis; and
 - (c) any related matters.
- (2) That the Procedure Committee may seek advice from, and take into account the views of, the Standing Committee of Senators' Interests.

Question put and passed.

14 FOREIGN AFFAIRS—NUCLEAR NON-PROLIFERATION TREATY REVIEW

The Leader of the Australian Democrats (Senator Allison) amended general business notice of motion no. 161 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
- (i) the lack of a final result, and the deep disagreements, in the Nuclear Non-Proliferation Treaty (NPT) Review conference held in New York in May 2005,
 - (ii) the efforts by the Australian delegation at the conference, including the statement to Main Committee 1 by our United Nations (UN) representative Mr Michael Smith, that 'we expect the nuclear weapons states to pursue NPT nuclear disarmament commitments vigorously and with determination', and all other measures laid out in Australia's working paper to Main Committee 1,
 - (iii) the following comments by Mr Kofi Annan in his welcoming speech to the NPT Review, '121. The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons',
 - (iv) that nuclear weapons operating status was also referred to in working papers and statements from many other nations including Australia, and in statements made by the former Soviet President Mr Gorbachev and Mr Ted Turner,

- (v) that a number of countries, including Japan, New Zealand on behalf of the New Agenda, and Malaysia on behalf of the Non-Aligned Movement, introduced working papers to strengthen the non-proliferation regime and make progress towards nuclear disarmament, and
 - (vi) the proposal by Malaysia, Costa Rica, Bolivia, Timor-Leste, Nicaragua and Yemen entitled 'Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons';
- (b) urges the Australian Government to use the opportunities provided by the Heads of State Millennium Plus Five Summit in New York and the 60th session of the UN General Assembly to:
- (i) promote the disarmament steps agreed at the 2000 NPT Review, including concrete agreed measures to lower the operating status of nuclear weapons, a diminishing role for nuclear weapons in security policies, the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and a verifiable Fissile Material Cut-Off Treaty, and to undertake practical disarmament initiatives with like-minded states that would help establish the legal, technical and political elements required for the establishment of a nuclear weapons free world,
 - (ii) pursue a balanced approach to nuclear disarmament and nuclear non-proliferation that recognises that progress on nuclear non-proliferation cannot proceed without real progress toward the fulfilment of the Article VI obligations of the nuclear weapons states, and
 - (iii) commit to the further substantial reductions of weapons by the nuclear weapons states as soon as practicable, with the ultimate objective of bringing about a nuclear weapons free world; and
- (c) requests the President of the Senate to convey the text of this resolution to the Foreign Minister of Japan, the Foreign Minister of New Zealand, Ambassador Duarte of Brazil and UN Secretary-General Mr Kofi Annan.

Question put and passed.

15 IMMIGRATION—ASYLUM SEEKERS—NAURU

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 174—That the Senate calls on the Government to bring the remaining 46 asylum seekers on Nauru to Australia.

Question put and passed.

16 DEATH OF MR ALEX FREELEAGUS

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 172—That the Senate—

- (a) notes, with sadness, the recent death of Mr Alex Freeleagus, the Honorary Consul General of Greece, who served in that role for 48 years in bettering relations between Australia and Greece, and who also served, with distinction, both the Greek community and the wider Australian community through his work on Expo 88 and the Olympic Games; and
- (b) offers its condolences to his family and many friends.

Question put and passed.

17 NATIONAL ANIMAL WELFARE BILL 2005

Senator Bartlett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 145—That the following bill be introduced:

A Bill for an Act to promote humane, responsible and accountable care, protection and use of domestic animals, livestock, wildlife and animals kept for scientific purposes, and the standards required to achieve this end, and for related purposes.

Question put and passed.

Senator Bartlett presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Bartlett moved—That this bill be now read a second time.

Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

18 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Economics Legislation Committee (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 168—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 20 June 2005, from 4 pm, to take evidence for the committee's inquiry into the Superannuation Bill 2005 and two related bills.

Question put and passed.

19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Ferris, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 171—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold public meetings during the sitting of the Senate on Wednesday, 22 June 2005, to take evidence for the committee's inquiries under standing order 25(2)(b):

- (a) from 3.30 pm to 4.30 pm—administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak; and
- (b) from 4.30 pm to 5 pm—corporate governance issues arising from the committee's report on Australian Wool Innovation Ltd and other matters.

Question put and passed.

20 LAW AND JUSTICE—MR MARK FELT

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 153—That the Senate commends Mr Mark Felt for his public service in helping to expose, through *The Washington Post*, the involvement of the Nixon White House in the criminal conspiracy of Watergate.

Question put and passed.

21 FOREIGN AFFAIRS—FALUN GONG—HUMAN RIGHTS

Senator Stott Despoja amended general business notice of motion no. 170 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that the International Covenant on Civil and Political Rights applies to the treatment of Falun Gong practitioners worldwide;
- (b) reaffirms its commitment to freedom of belief within Australia and recognises the freedom of Australians to practise Falun Gong without fear of harassment;
- (c) expresses its concern regarding recent allegations that the Chinese Government is closely monitoring the activities of Falun Gong practitioners in Australia; and
- (d) calls on the Government to thoroughly investigate recent allegations concerning any harassment of Falun Gong practitioners in Australia.

Question put and passed.

22 FOREIGN AFFAIRS—UNITED NATIONS CHARTER

Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 169—That the Senate—

- (a) notes that 26 June 2005 marks the 60th anniversary of the signing of the United Nations Charter;
- (b) acknowledges the vital role that the United Nations (UN) plays in promoting international peace and security, respect for human rights and economic, social and sustainable development;
- (c) recognises the importance of working with the international community through the UN to address the many and varied challenges facing the world today;
- (d) acknowledges that urgent reforms are required to ensure continued strength and effectiveness of the UN;
- (e) calls on the Government to:
 - (i) reaffirm its commitment to the UN,
 - (ii) give careful consideration to the recommendations made by the High Level Panel on Threats, Challenges and Change in its report, *A more secure world: our shared responsibility*, and by the Secretary-General of the UN in his report, *In Larger Freedom: towards development, security and human rights for all*, and
 - (iii) work constructively with other UN Member States to implement reforms which will ensure the continued viability and effectiveness of the UN in promoting development, security and human rights for all; and
- (f) acknowledges the important role played by the United Nations Association of Australia in:
 - (i) providing information about the UN to the Australian public, and
 - (ii) facilitating consultation with young Australians through the United Nations Youth Association and by hosting model UN conferences for young people.

Question put and passed.

23 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—REPORT—CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS INTERCEPTION AND OTHER MEASURES) BILL 2005

The Deputy President (Senator Hogg) tabled the following report and documents received on 17 June 2005:

Legal and Constitutional Legislation Committee—Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005—Report, dated June 2005, Hansard record of proceedings and submissions [10].

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

24 AUDITOR-GENERAL—AUDIT REPORT NO. 52 OF 2004-05—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Auditor-General—Audit report no. 52 of 2004-05—Performance audit—Legal services arrangements in the Australian Public Service.

25 LAW AND JUSTICE—AIRPORT SECURITY—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Minister for Justice and Customs (Senator Ellison), by leave, made a statement relating to the order of the Senate made earlier today for the production of documents concerning airport security (*see entry no. 12*).

Senator Bartlett, by leave, moved—That the Senate take note of the statement.

Question put and passed.

26 TREATIES—JOINT STANDING COMMITTEE—65TH REPORT

Senator Tchen, on behalf of the Joint Standing Committee on Treaties, tabled the following report and documents:

Treaties—Joint Standing Committee—65th report—Treaties tabled on 7 December 2004 (3) and 8 February 2005, dated May 2005, Hansard record of proceedings and minutes of proceedings.

Senator Tchen, by leave, moved—That the Senate take note of the report.

Question put and passed.

27 TREATIES—JOINT STANDING COMMITTEE—STATEMENT—UNITED STATES NATIONALS AND THE INTERNATIONAL CRIMINAL COURT

Senator Tchen, on behalf of the Joint Standing Committee on Treaties, made a statement by way of a report relating to a matter referred by the Senate on 7 December 2004, and tabled the following documents:

Treaties—Joint Standing Committee—Proposed agreement between Australia and the United States of America (US) relating to the surrender of US nationals to the International Criminal Court—Statement, dated 20 June 2005 and minutes of proceedings.

Senator Bartlett, by leave, moved—That the Senate take note of the statement.

Question put and passed.

28 POSTPONEMENT

Senator Bartlett, by leave, moved—That business of the Senate notice of motion no. 1 standing in his name for today, proposing the reference of a matter to the Legal and Constitutional References Committee, and postponed earlier today (*see entry no. 11*) to 22 June 2005, be listed on the *Notice Paper* for the next day of sitting.

Question put and passed.

29 DOCUMENTS

The following documents were tabled by the Clerk:

[*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*]

Air Services Act—Air Services Regulations—Instruments Nos—

AERU-05-23—Determination of controlled aerodromes and airspace [F2005L01391]*.

AERU-05-24—Class E Airspace [F2005L01442]*.

Australian Bureau of Statistics Act—Proposal No. 4 of 2005—House price index.

Australian Communications Authority Act—Telecommunications (Charges) Determination 2005 [F2005L01555]*.

Australian Passports Act and Australian Passports (Application Fees) Act—Australian Passports Determination 2005 [F2005L01508]*.

Australian Prudential Regulation Authority Act—Instrument fixing charges to be paid to APRA No. 2 of 2005—Models-based Capital Adequacy Requirements for ADIs – 2004-05 [F2005L01511]*.

Broadcasting Services Act—Broadcasting Services (Additional Conditions – CTV Licence) Determination 2005 [F2005L01479]*.

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Order 20.7.1B Amendment Order (No. 1) 2005 [F2005L01450]*.

Civil Aviation Order 95.12 Amendment Order (No. 1) 2005 [F2005L01504]*.

Instruments Nos—

CASA 166/05—Determination – Instrument approach and departure procedures; and Approval – RNAV RNP trial at Queenstown, New Zealand [F2005L01352]*.

CASA 219/05—Permission and Direction – Helicopter special operations [F2005L01484]*.

CASA EX16/2005—Revocation [F2005L01445]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—105—

AD/A330/51—Escape Slides & Slide Rafts – Electrical Harness Routing [F2005L01482]*.

AD/AS 355/88—Cabin Vibration Damper Assembly [F2005L01552]*.

AD/AT-6/1—Wing Attach Angles [F2005L01469]*.

AD/AT-6/1 Amdt 1—Wing Attach Angles [F2005L01513]*.

AD/BELL 206/158—Fuel Distribution System [F2005L01481]*.

AD/CL-600/65—Control Column Microphone Jack Modification –
FAA STC SA4900SW [F2005L01483]*.

AD/ECUREUIL/112—Cabin Vibration Damper Assembly
[F2005L01551]*.

AD/WILGA/4—Elevator Control System Rotational Control Rod
[F2005L01480]*.

Select Legislative Instrument 2005 No. 137—Civil Aviation Amendment
Regulations 2005 (No. 1) [F2005L01485]*.

Commonwealth Electoral Act—Appointment of Polling Places for the Division of
Werriwa, dated 26 May 2005 [F2005L01294]*.

Commonwealth Electoral Act and Referendum (Machinery Provisions) Act—
Select Legislative Instrument 2005 No. 125—Electoral and Referendum
Amendment Regulations 2005 (No. 1) [F2005L01468]*.

Corporations Act—Select Legislative Instrument 2005 No. 139—Corporations
Amendment Regulations 2005 (No. 3) [F2005L01453]*.

Crimes (Overseas) Act—Select Legislative Instrument 2005 No. 121—Crimes
(Overseas) (Declared Foreign Countries) Amendment Regulations 2005 (No. 1)
[F2005L01472]*.

Customs Act—Tariff Concession Orders—

0410525 [F2005L01458]*.

0503522 [F2005L01489]*.

0503524 [F2005L01490]*.

0503781 [F2005L01492]*.

0503782 [F2005L01494]*.

0503783 [F2005L01495]*.

0503785 [F2005L01496]*.

0503927 [F2005L01497]*.

0503932 [F2005L01499]*.

Defence Housing Authority Act—Statement under section 10—Limitations on
participation in joint ventures.

Diplomatic Privileges and Immunities Act—Diplomatic Privileges and Immunities
Regulations—Certificates under regulation 5A, dated 3 June 2005 [2].

Export Market Development Grants Act—Determination 1/2005—Determination
of the Balance Distribution Date for Grant Year 2003-04.

Financial Management and Accountability Act—

Adjustments of Appropriations on Change of Agency Functions—Directions
Nos—

39 of 2004-2005 [F2005L01476]*.

40 of 2004-2005 [F2005L01478]*.

Net Appropriation Agreements for—

Federal Court of Australia [F2005L01431]*.

Professional Services Review [F2005L01475]*.

Select Legislative Instruments 2005 Nos—

111—Financial Management and Accountability Amendment Regulations
2005 (No. 3) [F2005L01415]*.

126—Financial Management and Accountability Amendment Regulations
2005 (No. 4) [F2005L01542]*.

Fisheries Management Act—

Bass Strait Central Zone Scallop Fishery Management Plan 2002—Direction No. BSCZSF 02—Area Closures [F2005L01507]*.

Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—SESSF Direction No. 02—Freezer/Processing Sector of the Commonwealth Trawl Sector [F2005L01531]*.

Fuel Quality Standards Act—

Fuel Standard (Automotive Diesel) Amendment Determination 2005 (No. 1) [F2005L01417]*.

Fuel Standard (Petrol) Amendment Determination 2005 (No. 1) [F2005L01418]*.

Industrial Chemicals (Notification and Assessment) Act—Select Legislative Instrument 2005 No. 130—Industrial Chemicals (Notification and Assessment) Amendment Regulations 2005 (No. 1) [F2005L01456]*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Marriage Act—Select Legislative Instrument 2005 No. 122—Marriage Amendment Regulations 2005 (No. 1) [F2005L01426]*.

Migration Act—

Migration Agents Regulations—MARA Notice—

MN25b-05 of 2005—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2005L01514]*.

MN25c-05 of 2005—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2005L01516]*.

MN25f-05 of 2005—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2005L01518]*.

Migration Regulations—Specification of minimum salary level for the purposes of regulation 1.20B, and occupations for the purposes of subregulation 1.20G(2) and subparagraph 1.20GA(1)(a)(i), dated 8 June 2005 [F2005L01491]*.

Select Legislative Instrument 2005 No. 147—Migration Amendment Regulations 2005 (No. 5) [F2005L01548]*.

Occupational Health and Safety (Commonwealth Employment) Act—

Occupational Health and Safety (Commonwealth Employment) (Code of Practice) Notice 2005 (No. 1) [F2005L01441]*.

Select Legislative Instrument 2005 No. 124—Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2004 (No. 2) Amendment Regulations 2005 (No. 2) [F2005L01460]*.

Passports Act—

Foreign Passports Amendment Determination 2005 (No. 1) [F2005L01512]*.

Foreign Passports Determination 2005 [F2005L01510]*.

Select Legislative Instrument 2005 No. 146—Passports Repeal Regulations 2005 [F2005L01515]*.

Petroleum (Submerged Lands) Act—Select Legislative Instrument 2005 No. 136—Petroleum (Submerged Lands) (Occupational Health and Safety) Amendment Regulations 2005 (No. 1) [F2005L01477]*.

Primary Industries (Customs) Charges Act—Select Legislative Instrument 2005 No. 108—Primary Industries (Customs) Charges Amendment Regulations 2005 (No. 2) [F2005L01405]*.

Private Health Insurance (ACAC Review Levy) Act—Select Legislative Instrument 2005 No. 113—Private Health Insurance (ACAC Review Levy) Amendment Regulations 2005 (No. 1) [F2005L01408]*.

Private Health Insurance (Council Administration Levy) Act—Select Legislative Instrument 2005 No. 114—Private Health Insurance (Council Administration Levy) Amendment Regulations 2005 (No. 1) [F2005L01409]*.

Public Accounts Act and Audit Committee Act—Select Legislative Instrument 2005 No. 127—Public Accounts and Audit Committee Regulations 2005 [F2005L01535]*.

Radiocommunications Act—Radiocommunications Licence Conditions (Fixed Licence) Amendment Determination 2005 (No. 2) [F2005L01550]*.

Student Assistance Act—Select Legislative Instrument 2005 No. 123—Student Assistance Amendment Regulations 2005 (No. 1) [F2005L01470]*.

Superannuation (Government Co-contribution for Low Income Earners) Act—Select Legislative Instrument 2005 No. 140—Superannuation (Government Co-contribution for Low Income Earners) Amendment Regulations 2005 (No. 1) [F2005L01455]*.

Superannuation Guarantee (Administration) Act—Select Legislative Instrument 2005 No. 141—Superannuation Guarantee (Administration) Amendment Regulations 2005 (No. 2) [F2005L01454]*.

Superannuation Industry (Supervision) Act—Select Legislative Instruments 2005 Nos—

142—Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 3) [F2005L01457]*.

143—Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 4) [F2005L01452]*.

Telecommunications (Consumer Protection and Service Standards) Act—

Telecommunications (Emergency Call Service) Amendment Determination 2005 (No. 1) [F2005L01554]*.

Telecommunications Universal Service Obligation (Eligible Revenue) Amendment Determination 2005 (No. 1) [F2005L01564]*.

Trade Practices Act—Select Legislative Instruments 2005 Nos—

118—Trade Practices Amendment Regulations 2005 (No. 1) [F2005L01374]*.

145—Trade Practices Amendment Regulations 2005 (No. 2) [F2005L01372]*.

Veterans' Entitlements Act—Repatriation Medical Authority Instruments Nos—

17 of 2005 [F2005L01461]*.

18 of 2005 [F2005L01462]*.

19 of 2005 [F2005L01463]*.

20 of 2005 [F2005L01464]*.

* Explanatory statement tabled with legislative instrument.

30 ADVISORY COUNCIL ON AUSTRALIAN ARCHIVES—SENATE MEMBER OF COUNCIL

The Acting Deputy President (Senator Lightfoot) informed the Senate that the President had received a letter nominating a senator to be a member of the Advisory Council on Australian Archives.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck), by leave, moved—That, in accordance with the provisions of the *Archives Act 1983*, the Senate elect Senator Faulkner to be a member of the Advisory Council on Australian Archives for a period of 3 years, on and from 27 June 2005.

Question put and passed.

31 TAX LAWS AMENDMENT (2005 MEASURES NO. 2) BILL 2005

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 159, dated 20 June 2005—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Colbeck moved—That this bill be now read a second time.

Explanatory memorandum: Senator Colbeck tabled a revised explanatory memorandum relating to the bill.

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

32 NATIVE TITLE AND THE ABORIGINAL AND TORRES STRAIT ISLANDER LAND ACCOUNT—JOINT STATUTORY COMMITTEE—CHANGE IN MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account, as follows:

Message no. 158, dated 16 June 2005—Mr Melham in place of Ms Vamvakinou.

33 LEGISLATION COMMITTEES—REPORTS—BUDGET ESTIMATES 2005-06

Pursuant to order, Senator Eggleston at the request of the respective committees, tabled the following reports, dated June 2005 and documents:

2005-06 Budget estimates—

Community Affairs Legislation Committee—Report and Hansard record of proceedings [4 vols].

Economics Legislation Committee—Report, Hansard record of proceedings [4 vols] and documents presented to the committee.

Employment, Workplace Relations and Education Legislation Committee—Report and Hansard record of proceedings [5 vols].

Environment, Communications, Information Technology and the Arts Legislation Committee—Report and Hansard record of proceedings [4 vols].

Finance and Public Administration Legislation Committee—Report and Hansard record of proceedings [4 vols].

Foreign Affairs, Defence and Trade Legislation Committee—Report and Hansard record of proceedings [4 vols].

Legal and Constitutional Legislation Committee—Report and Hansard record of proceedings [5 vols].

Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings [5 vols] and documents presented to the committee.

Reports ordered to be printed on the motion of Senator Eggleston.

34 NEW INTERNATIONAL TAX ARRANGEMENTS (FOREIGN-OWNED BRANCHES AND OTHER MEASURES) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time—*and on the amendment moved by Senator Sherry (see entry no. 4).*

Debate resumed.

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

Main question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) the bill was read a third time.

35 FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2005

Order of the day read for the consideration of message no. 156 from the House of Representatives in committee of the whole (*see entry no. 56, 16 June 2005*).

In the committee

The Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry (Senator Colbeck) moved—That the committee does not press its requests for amendments not made by the House of Representatives.

Debate ensued.

Question put.

The committee divided—

AYES, 38

Senators—

Barnett	Collins	Hogg	Moore
Bishop	Cook	Hutchins	O'Brien
Boswell	Crossin	Johnston	Ray
Brandis	Denman	Kemp	Stephens
Buckland	Eggleston (Teller)	Kirk	Tchen
Calvert	Faulkner	Lightfoot	Troeth
Campbell, George	Ferris	Lundy	Watson
Carr	Fierravanti-Wells	Macdonald, Ian	Webber
Chapman	Fifield	Macdonald, Sandy	
Colbeck	Forshaw	McGauran	

NOES, 10

Senators—

Allison	Cherry	Murray	Ridgeway
Bartlett (Teller)	Greig	Nettle	Stott Despoja
Brown	Lees		

Question agreed to.

Resolution to be reported.

The Acting Deputy President (Senator Lightfoot) resumed the chair and the Chair of Committees (Senator Hogg) reported that the committee had considered message no. 156 from the House of Representatives relating to the Family and Community Services Legislation Amendment (Family Assistance and Related Measures) Bill 2005 and had resolved not to press its requests for amendments not made by the House.

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the report from the committee was adopted and the bill read a third time.

**36 CRIMINAL CODE AMENDMENT (TRAFFICKING IN PERSONS OFFENCES)
BILL 2004 [2005]**

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Explanatory memorandum: The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) tabled a correction to the explanatory memorandum relating to the bill.

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.

Explanatory memorandum: Senator Ellison tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, item 7, page 4 (after line 2), after paragraph 270.7(1)(a), insert:

- (aa) the nature of sexual services to be provided (for example, whether those services will require the person to have unprotected sex); or

Schedule 1, item 7, page 4 (after line 8), after paragraph 270.7(1)(d), insert:

- (da) if there is or will be a debt owed or claimed to be owed by the person in connection with the engagement—the quantum, or the existence, of the debt owed or claimed to be owed; or

Schedule 1, item 7, page 4 (line 19), omit “paragraph (1)(a), (b), (c), (d) or (e)”, substitute “a paragraph of that subsection”.

Schedule 1, item 7, page 4 (lines 20 and 21), omit “treat any of the following matters as admissible evidence”, substitute “have regard to any of the following matters”.

Schedule 1, page 5 (after line 2), after item 7, insert:

7A Subsection 270.7(2)

Insert:

deceive has the same meaning as in Division 271.

Schedule 1, item 9, page 6 (lines 3 and 4), omit “consent to that entry or proposed entry or to”, substitute “compliance in respect of that entry or proposed entry or in respect of”.

Schedule 1, item 9, page 6 (after line 5), after subsection 271.2(1), insert:

- (1A) A person (the *first person*) commits an offence of trafficking in persons if:
 - (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
 - (b) the first person uses force or threats; and
 - (c) that use of force or threats results in the first person obtaining the other person’s compliance in respect of that exit or proposed exit.

Penalty: Imprisonment for 12 years.

- (1B) A person (the *first person*) commits an offence of trafficking in persons if:
- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and
 - (b) in organising or facilitating that entry or proposed entry, or that receipt, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that entry or receipt.

Penalty: Imprisonment for 12 years.

- (1C) A person (the *first person*) commits an offence of trafficking in persons if:
- (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
 - (b) in organising or facilitating that exit or proposed exit, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that exit.

Penalty: Imprisonment for 12 years.

Schedule 1, item 9, page 6 (lines 13 and 14), omit “of sexual services, exploitation, debt bondage”, substitute “by the other person of sexual services or will involve the other person’s exploitation or debt bondage”.

Schedule 1, item 9, page 6 (after line 16), after subsection 271.2(2), insert:

- (2A) A person (the *first person*) commits an offence of trafficking in persons if:
- (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
 - (b) the first person deceives the other person about the fact that the other person’s exit or proposed exit is for purposes that involve the provision by the other person of sexual services outside Australia or will involve the other person’s exploitation or debt bondage or the confiscation of the other person’s travel or identity documents.

Penalty: Imprisonment for 12 years.

- (2B) A person (the *first person*) commits an offence of trafficking in persons if:
- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and
 - (b) there is an arrangement for the other person to provide sexual services in Australia; and
 - (c) the first person deceives the other person about any of the following:
 - (i) the nature of the sexual services to be provided;
 - (ii) the extent to which the other person will be free to leave the place or area where the other person provides sexual services;
 - (iii) the extent to which the other person will be free to cease providing sexual services;
 - (iv) the extent to which the other person will be free to leave his or her place of residence;

- (v) if there is a debt owed or claimed to be owed by the other person in connection with the arrangement for the other person to provide sexual services—the quantum, or the existence, of the debt owed or claimed to be owed.

Penalty: Imprisonment for 12 years.

(2C) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
- (b) there is an arrangement for the other person to provide sexual services outside Australia; and
- (c) the first person deceives the other person about any of the following:
 - (i) the nature of the sexual services to be provided;
 - (ii) the extent to which the other person will be free to leave the place or area where the other person provides sexual services;
 - (iii) the extent to which the other person will be free to cease providing sexual services;
 - (iv) the extent to which the other person will be free to leave his or her place of residence;
 - (v) if there is a debt owed or claimed to be owed by the other person in connection with the arrangement for the other person to provide sexual services—the quantum, or the existence, of the debt owed or claimed to be owed.

Penalty: Imprisonment for 12 years.

Schedule 1, item 9, page 6 (line 17), omit “paragraph (1)(c)”, substitute “paragraphs (1)(c) and (1A)(c)”.

Schedule 1, item 9, page 6 (lines 23 to 25), omit paragraph 271.3(1)(a), substitute:

- (a) the first person commits the offence intending that the victim will be exploited, either by the first person or another:
 - (i) if the offence of trafficking in persons is an offence against subsection 271.2(1), (1B), (2) or (2B)—after entry into Australia; and
 - (ii) if the offence of trafficking in persons is an offence against subsection 271.2(1A), (1C), (2A) or (2C)—after exit from Australia;

Schedule 1, item 9, page 7 (line 6), before “A person”, insert “(1)”.

Schedule 1, item 9, page 7 (line 21), omit “20 years”, substitute “25 years”.

Schedule 1, item 9, page 7 (after line 21), after subsection 271.4(1), insert:

- (2) A person (the *first person*) commits an offence of trafficking in children if:
 - (a) the first person organises or facilitates the exit or proposed exit from Australia of another person; and
 - (b) the other person is under the age of 18; and

- (c) in organising or facilitating that exit or proposed exit, the first person:
- (i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that exit; or
 - (ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that exit.

Penalty: Imprisonment for 25 years.

- (3) In this section:

sexual service means the use or display of the body of the person providing the service for the sexual gratification of others.

Schedule 1, item 9, page 7 (line 25), after “transportation”, insert “or proposed transportation”.

Schedule 1, item 9, page 7 (line 30), omit “consent to”, substitute “compliance in respect of”.

Schedule 1, item 9, page 7 (line 30), after “transportation”, insert “or proposed transportation”.

Schedule 1, item 9, page 7 (line 32) to page 8 (line 10), omit subsection 271.5(2), substitute:

- (2) A person (the **first person**) commits an offence of domestic trafficking in persons if:
- (a) the first person organises or facilitates the transportation or proposed transportation of another person from one place in Australia to another place in Australia; and
 - (b) in organising or facilitating that transportation or proposed transportation, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that transportation.

Penalty: Imprisonment for 12 years.

- (2A) A person (the **first person**) commits an offence of domestic trafficking in persons if:
- (a) the first person organises or facilitates the transportation of another person from one place in Australia to another place in Australia; and
 - (b) the first person deceives the other person about the fact that the transportation, or any arrangements the first person has made for the other person following the transportation, will involve the provision by the other person of sexual services or will involve the other person’s exploitation or debt bondage or the confiscation of the other person’s travel or identity documents.

Penalty: Imprisonment for 12 years.

- (2B) A person (the **first person**) commits an offence of domestic trafficking in persons if:
- (a) the first person organises or facilitates the transportation of another person from one place in Australia to another place in Australia; and

- (b) there is an arrangement for the other person to provide sexual services; and
- (c) the first person deceives the other person about any of the following:
 - (i) the nature of the sexual services to be provided;
 - (ii) the extent to which the other person will be free to leave the place or area where the other person provides sexual services;
 - (iii) the extent to which the other person will be free to cease providing sexual services;
 - (iv) the extent to which the other person will be free to leave his or her place of residence;
 - (v) if there is a debt owed or claimed to be owed by the other person in connection with the arrangement for the other person to provide sexual services—the quantum, or the existence, of the debt owed or claimed to be owed.

Penalty: Imprisonment for 12 years.

Schedule 1, item 9, page 9 (line 2), before “A person”, insert “(1)”.

Schedule 1, item 9, page 9 (line 17), omit “20 years”, substitute “25 years”.

Schedule 1, item 9, page 9 (after line 17), after subsection 271.7(1), insert:

(2) In this section:

sexual service means the use or display of the body of the person providing the service for the sexual gratification of others.

Schedule 1, item 9, page 9 (lines 29 and 30), omit “treat any of the following matters as admissible evidence”, substitute “have regard to any of the following matters”.

Schedule 1, item 9, page 9 (line 34), omit “the first person and the second person”, substitute “the second person and another person (whether or not the first person)”.

Schedule 1, item 10, page 12 (before line 16), before paragraph (c), insert:

(ba) the debt owed or claimed to be owed is manifestly excessive; or

Schedule 2, page 14 (lines 1 to 10), omit the Schedule, substitute:

Schedule 2—Consequential amendments

Crimes Act 1914

1 After paragraph 15Y(1)(c)

Insert:

(caa) an offence against Division 271 of the *Criminal Code* (trafficking in persons, trafficking in children, debt bondage); or

2 Paragraph 15Y(1)(e)

After “paragraph (a), (b), (c)”, insert “, (caa)”.

3 Paragraph 15Y(1)(f)

After “paragraph (a), (b), (c)”, insert “(caa)”.

Telecommunications (Interception) Act 1979

4 Paragraphs 5D(3A)(a) and (b)

Repeal the paragraphs, substitute:

- (a) section 73.1, 73.2, 73.3, 73.8, 73.9, 73.10 or 73.11; or
- (b) section 270.3, 270.6, 270.7 or 270.8; or
- (c) section 271.2, 271.3, 271.4, 271.5, 271.6 or 271.7;

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

Schedule 1, item 7, page 4 (line 31), after “English”, insert “or the language in which the deception or inducement occurred”.

Schedule 1, item 9, page 10 (line 6), after “English”, insert “or the language in which the deception or inducement occurred”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Ellison the report from the committee was adopted and the bill read a third time.

37 NOTICE

Senators Ludwig, Bartlett and Nettle gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 8 November 2005:

- (a) the administration and operation of the *Migration Act 1958*, its regulations and guidelines by the Minister for Immigration and Multicultural and Indigenous Affairs and the Department of Immigration and Multicultural and Indigenous Affairs, with particular reference to the processing and assessment of visa applications, migration detention and the deportation of people from Australia;
- (b) the activities and involvement of the Department of Foreign Affairs and Trade and any other government agencies in processes surrounding the deportation of people from Australia;
- (c) the adequacy of healthcare, including mental healthcare, and other services and assistance provided to people in immigration detention;
- (d) the outsourcing of management and service provision at immigration detention centres; and
- (e) any related matters.

38 FAMILY LAW AMENDMENT BILL 2005

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill.

The Minister for Justice and Customs (Senator Ellison) moved the following amendments together by leave:

No. 1—Schedule 1, item 136, page 34 (line 27), omit “to ensure that”, substitute “for”.

No. 2—Schedule 1, item 136, page 34 (line 28) to page 35 (line 4), omit paragraphs 66X(2)(a) and (b), substitute:

- (a) if the purported order was of a kind referred to in paragraph 66P(1)(a) or (b)—the repayment to the maintenance provider, by the person to whom the amount or amounts referred to in subparagraph (1)(b)(i) of this section were paid, of an amount up to, or equal to, that amount or the sum of those amounts; or
- (b) if the purported order was of the kind referred to in paragraph 66P(1)(c)—the return to the maintenance provider of:
 - (i) the property referred to in subparagraph (1)(b)(ii) of this section; or
 - (ii) an amount up to, or equal to, the value of that property.

The court may only order the repayment of an amount that is less than the amount, or the sum of the amounts, referred to in subparagraph (1)(b)(i) of this section, or the return of an amount that is less than the value of the property referred to in subparagraph (1)(b)(ii) of this section, in exceptional circumstances.

No. 3—Schedule 1, item 136, page 35 (after line 23), at the end of section 66X, add:

- (5) An amount paid to the Commonwealth under section 30 of the *Child Support (Registration and Collection) Act 1988* is to be taken, for the purposes of this section, to have been paid to the person to whom, apart from that section, the amount would have been payable.

Debate ensued.

The question was divided—

Question—That amendments nos 1 and 2 be agreed to—put and negatived.

Debate continued.

Question—That amendment no. 3 be agreed to—put and passed.

On the motion of Senator Greig the following amendment was debated and agreed to:

Schedule 1, item 136, page 34 (line 24) to page 35 (line 4), omit subsection 66X(2), substitute:

- (2) If the maintenance provider applies to a court having jurisdiction under this Part for an order under this subsection, the court may make such order that it considers just and equitable in the circumstances, including:
 - (a) if the purported order was of a kind referred to in paragraph 66P(1)(a) or (b)—an order for the repayment to the maintenance provider, by the person to whom the amount or amounts referred to in subparagraph (1)(b)(i) of this section were paid, of an amount up to, or equal to, that amount or the sum of those amounts; or

- (b) if the purported order was of the kind referred to in paragraph 66P(1)(c)—an order for the return to the maintenance provider of:
- (i) the property, or part of the property, referred to in subparagraph (1)(b)(ii) of this section; or
 - (ii) an amount up to, or equal to, the value of that property.

Senator Greig moved the following amendment:

Schedule 1, item 136, page 35 (after line 23), at the end of section 66X, add:

- (5) In determining whether to make an order under subsection (2), the court must give primary consideration to the likely impact of such an order on the maintenance and wellbeing of the child.

Debate ensued.

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

Senator Greig moved the following amendment:

Schedule 1, item 136, page 35 (after line 23), at the end of section 66X, add:

- (6) If the court:
- (a) proposes to make an order under subsection (2); and
 - (b) determines that a person:
 - (i) is a parent of the child; and
 - (ii) may have been required to pay child maintenance in respect of the child if the court had been aware that the maintenance provider was not a parent of the child at the time of making the purported order;
- the court must consider whether it is just and equitable in the circumstances to make an order under Part VII of Division 7, requiring the person referred to in this subsection to pay an amount, or transfer or settle property, by way of maintenance for the child, including a retrospective order.
- (7) Nothing in subsection (6) is intended to limit the power of the court to make a child maintenance order under Part VII of Division 7.

Debate ensued.

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

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

Clause 2, page 2 (at the end of the table), add:

4. Schedule 1, Part 17 Immediately after the commencement of Schedule 1 to the *Bankruptcy and Family Law Legislation Amendment Act 2005*.

Schedule 1, page 37 (after line 18), at the end of the Schedule, add:

Part 17—Alteration of property interests

Family Law Act 1975

139 After subsection 79(10)

Insert:

- (10A) Subsection (10) does not apply to a creditor of a party to the proceedings:

- (a) if the party is a bankrupt—to the extent to which the debt is a provable debt (within the meaning of the *Bankruptcy Act 1966*); or
- (b) if the party is a debtor subject to a personal insolvency agreement—to the extent to which the debt is covered by the personal insolvency agreement.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Ellison the report from the committee was adopted and the bill read a third time.

39 ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

Senator Wong moved the following amendment:

At the end of the motion, add “but the Senate:

- (a) notes that:
 - (i) the *Ozone Protection and Synthetic Greenhouse Gas Legislation Amendment Act 2003* received bi-partisan support as it built constructively on the ozone protection legislation of the Hawke and Keating Governments,
 - (ii) the licensing process for the air conditioning and refrigerant industry being undertaken by an industry board (appointed by the Minister) is the keystone of the proposed ozone and synthetic greenhouse gas emission minimisation program, and
 - (iii) the licensing regime for 50 000 tradespeople commences on 1 July 2005; and
- (b) is concerned that, as a result of unnecessary delays caused by the Minister for the Environment and Heritage (Senator Ian Campbell):
 - (i) the national industry board for the air-conditioning and refrigerant industry was belatedly appointed on 31 May 2005, six months after it was expected to be announced and only one month before the new licensing regime begins,
 - (ii) there was widespread frustration and confusion in the industry because the reforms proposed by the Act were delayed, and
 - (iii) the environmental improvements which are the rationale for the 2003 Act have not been achieved”.

Debate ensued.

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

Main question, as amended, put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) the bill was read a third time.

40 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Fisheries, Forestry and Conservation (Senator Ian Macdonald) moved—That intervening business be postponed till after consideration of government business orders of the day no. 14 (Criminal Code Amendment (Suicide Related Material Offences) Bill 2005), no. 7 (Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005) and no. 6 (Telecommunications Legislation Amendment (Regular Reviews and Other Measures) Bill 2005)—second reading speeches only.

Question put and passed.

41 CRIMINAL CODE AMENDMENT (SUICIDE RELATED MATERIAL OFFENCES) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Justice and Customs (Senator Ellison)—That this bill be now read a second time.

Debate resumed.

On the motion of the Minister for Immigration and Multicultural and Indigenous Affairs (Senator Vanstone) the debate was adjourned till the next day of sitting.

42 CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS INTERCEPTION AND OTHER MEASURES) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

On the motion of the Special Minister of State (Senator Abetz) the debate was adjourned till the next day of sitting.

43 TELECOMMUNICATIONS LEGISLATION AMENDMENT (REGULAR REVIEWS AND OTHER MEASURES) BILL 2005

Order of the day read for the adjourned debate on the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan)—That this bill be now read a second time.

Debate resumed.

At 11 pm: Debate was interrupted while Senator Humphries was speaking.

44 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.40 pm till Tuesday, 21 June 2005 at 12.30 pm.

45 **ATTENDANCE**

Present, all senators except Senators Ian Campbell*, Heffernan, Mackay*, Murphy and Payne* (* on leave).

HARRY EVANS
Clerk of the Senate