

2004-07

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 135

WEDNESDAY, 21 MARCH 2007

Contents

1	Meeting of Senate	3553
2	Government Documents	3553
3	Consideration of Legislation.....	3553
4	Days and Hours of Meeting and Routine of Business—Variation	3553
5	Energy Efficiency Opportunities Amendment Bill 2006.....	3555
6	Matters of Public Interest.....	3562
7	Ministry—Document	3563
8	Shadow Ministry—Document.....	3563
9	Questions	3563
10	Answers to Questions.....	3563
11	Environment—Water Resources—Answer to Question	3563
12	Petitions	3563
13	Notices.....	3564
14	Selection of Bills—Standing Committee—Report No. 4 of 2007	3565
15	Leave of Absence.....	3566
16	Economics—Standing Committee—Extension of Time to Report.....	3566
17	Postponements.....	3566
18	Criminal Code Amendment (Anti-Child Abuse and Pornography Materials) Bill 2007	3567
19	Historical Events—Sydney Harbour Bridge—Anniversary	3567
20	Foreign Affairs—Mr David Hicks	3567
21	Foreign Affairs—Zimbabwe	3568
22	Environment—Tasmania—Proposed Bell Bay Pulp Mill.....	3569
23	Community Affairs—Standing Committee—Proposed Reference.....	3570
24	Environment—Carbon Dioxide Emissions	3571
25	Foreign Affairs—Mr David Hicks	3572
26	Immigration—Sri Lanka—Asylum Seekers	3572
27	Notice	3572
28	Discussion of Matter of Public Importance—Defence—Australian Defence Force—Iraq	3572

29	Scrutiny of Bills—Standing Committee—3rd Report and Alert Digest No. 3 of 2007	3573
30	Public Works—Joint Statutory Committee—70th Annual Report	3573
31	Senators' Interests—Standing Committee—Document	3573
32	Documents	3573
33	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents	3573
34	National Library of Australia—Senate Member of Council—Parliamentary Library—Joint Standing Committee—Change in Membership	3574
35	Airports Amendment Bill 2006	3574
36	Committees—Reports—Additional Estimates 2006-07	3574
37	Energy Efficiency Opportunities Amendment Bill 2006	3575
38	Airspace Bill 2006 Airspace (Consequential and Other Measures) Bill 2006	3575
39	Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2007	3576
40	Government Documents—Consideration	3577
41	Adjournment	3577
42	Attendance	3577

1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Paul Calvert) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following government documents were tabled:

Dairy Produce Act 1986—Funding contract with Dairy Australia Limited—Report for 2005-06.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 113/06 to 118/06 and 119/07 to 125/07—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

National Health and Medical Research Council—Strategic plan 2007-09.

3 CONSIDERATION OF LEGISLATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), at the request of the Minister for Human Services (Senator Ellison) and pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Aged Care Amendment (Security and Protection) Bill 2007

Appropriation Bill (No. 3) 2006-2007 and Appropriation Bill (No. 4) 2006-2007

Aviation Transport Security Amendment (Additional Screening Measures) Bill 2007

Bankruptcy Legislation Amendment (Debt Agreements) Bill 2007 and Bankruptcy (Estate Charges) Amendment Bill 2007

Corporations Amendment (Takeovers) Bill 2007

Farm Household Support Amendment Bill 2007

Health Insurance Amendment (Provider Number Review) Bill 2007

Migration Legislation Amendment (Information and Other Measures) Bill 2007

Offshore Petroleum Amendment (Greater Sunrise) Bill 2007 and Customs Tariff Amendment (Greater Sunrise) Bill 2007

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2007

Tax Laws Amendment (2007 Measures No. 1) Bill 2007.

Debate ensued.

Question put and passed.

4 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Fisheries, Forestry and Conservation (Senator Abetz), pursuant to notice, moved government business notice of motion no. 2—That—

(1) On Thursday, 22 March 2007:

(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;

(b) the routine of business from 12.45 pm till not later than 2 pm, and from 7.30 pm shall be government business only;

(c) divisions may take place after 4.30 pm; and

- (d) the question for the adjournment of the Senate shall be proposed at 11 pm.
- (2) The Senate shall sit on Friday, 23 March 2007 and that:
 - (a) the hours of meeting shall be 9.30 am to 4.10 pm;
 - (b) the routine of business shall be:
 - (i) notices of motion, and
 - (ii) government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 3.30 pm.
- (3) On Tuesday, 27 March 2007:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
 - (b) the routine of business from 7.30 pm shall be government business only; and
 - (c) the question for the adjournment of the Senate shall be proposed at 10 pm.
- (4) On Thursday, 29 March 2007:
 - (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
 - (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
 - (c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm shall be government business only;
 - (d) divisions may take place after 4.30 pm; and
 - (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:
 - Aged Care Amendment (Security and Protection) Bill 2007
 - Airports Amendment Bill 2006
 - Airspace Bill 2006
 - Airspace (Consequential and Other Measures) Bill 2006
 - Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2007
 - Appropriation Bill (No. 3) 2006-2007
 - Appropriation Bill (No. 4) 2006-2007
 - AusCheck Bill 2006
 - Corporations Amendment (Takeovers) Bill 2007
 - Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2006
 - Energy Efficiency Opportunities Amendment Bill 2006
 - Farm Household Support Amendment Bill 2007
 - Health Insurance Amendment (Provider Number Review) Bill 2007
 - Migration Legislation Amendment (Information and Other Measures) Bill 2007
 - Migration Amendment (Review Provisions) Bill 2006 [2007]
 - Migration Amendment (Border Integrity) Bill 2006
 - Native Title Amendment Bill 2006

Private Health Insurance Bill 2006
 Private Health Insurance (Transitional Provisions and Consequential Amendments) Bill 2006
 Private Health Insurance (Prostheses Application and Listing Fees) Bill 2006
 Private Health Insurance (Collapsed Organization Levy) Amendment Bill 2006
 Private Health Insurance Complaints Levy Amendment Bill 2006
 Private Health Insurance (Council Administration Levy) Amendment Bill 2006
 Private Health Insurance (Reinsurance Trust Fund Levy) Amendment Bill 2006
 Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006
 Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2007
 Tax Laws Amendment (2006 Measures No. 7) Bill 2006
 Tax Laws Amendment (2007 Measures No. 1) Bill 2007.

Debate ensued.

Question put and passed.

5 **ENERGY EFFICIENCY OPPORTUNITIES AMENDMENT BILL 2006**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That this bill be now read a second time.

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.

The Leader of the Australian Democrats (Senator Allison) moved the following amendments together by leave:

Schedule 1, page 2 (after line 4), before item 1, insert:

1A At the end of subsection 3(2)

Add:

; and (c) to implement cost-effective energy efficiency opportunities, noting that they will achieve cost savings.

Schedule 1, page 3 (after line 4), before item 1, insert:

1B Section 4 (after the definition of *controlling corporation*)

Insert:

cost-effective, in relation to energy efficiency opportunities, means the benchmark for financial feasibility will generally be a payback period of up to three years. The discount rate/internal rate of return to be used in making an assessment of financial feasibility should be the current bank bill rate. For long-lived assets (more than 10 years) a full

lifecycle analysis should be undertaken. The payback periods should include consideration of savings achieved through reduced energy bills, operational cost savings and enhanced productivity.

Schedule 1, page 3 (after line 4), before item 1, insert:

1C Section 4 (after the definition of Court)

Insert:

energy efficiency opportunities means activities that result in the reduction of energy use or the improvement of energy efficiency.

Schedule 1, page 3 (after line 4), before item 1, insert:

1D Section 4 (after the definition of energy use threshold)

Insert:

greenhouse gas emissions includes but is not limited to the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

Schedule 1, page 4 (after line 23), after item 5, insert:

5A Paragraph 20(3)(b)

After “use”, insert “and greenhouse related emissions associated with energy use”.

Schedule 1, page 4 (after line 23), after item 5, insert:

5B Part 7

After “reporting about energy efficiency” (wherever occurring), insert “and implementing energy efficiency actions with a less than 4 year payback”.

Schedule 1, page 4 (after line 23), after item 5, insert:

5C After Part 7

Insert:

Part 7A—Implementation of energy efficiency opportunities assessments

23A Implementation of the assessment plan

- (1) The object of this section is to require registered corporations to implement assessment plans required by Part 5.
- (2) A registered corporation must:
 - (a) implement the cost-effective energy efficiency opportunities identified in the assessment plan submitted under Part 5; and
 - (b) complete the implementation of the energy efficiency opportunities identified in the assessment plan before the expiration of the 5 year period commencing 1 July 2007.
- (3) The extent of implementation of the energy efficiency opportunities identified in the assessment plan is a matter which inspectors authorised under Part 8 are authorised to monitor and report on.
- (4) A registered corporation contravenes this section if it fails to comply with subsection (2).

Note: Clause 3 of Schedule 1 provides for a civil penalty for failing to comply with this section.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

Allison	Brown, Bob	Murray	Siewert
Bartlett (Teller)	Milne	Nettle	Stott Despoja

NOES, 45

Senators—

Adams	Fielding	Ludwig	Polley
Barnett	Fierravanti-Wells	Lundy	Ronaldson
Bernardi	Fifield	Macdonald, Sandy	Stephens
Bishop	Forshaw	Marshall	Sterle
Boswell	Hogg	McEwen	Troeth
Brandis	Humphries	McGauran	Trood
Brown, Carol	Hurley	McLucas	Watson
Carr	Hutchins	Moore	Webber
Chapman	Johnston	Nash (Teller)	Wortley
Colbeck	Joyce	Parry	
Eggleston	Kemp	Patterson	
Ferguson	Kirk	Payne	

Question negatived.

Senator Milne moved the following amendment:

Schedule 1, page 3 (after line 4), before item 1, insert:

1A Section 3

Repeal the section, substitute:

3 Objects

- (1) The objects of this Act are:
 - (a) to facilitate the establishment of a national energy efficiency target; and
 - (b) to promote the identification and implementation of measures to reduce energy consumption through energy efficiency.
- (2) In order to achieve its objects, this Act requires:
 - (a) the Minister to establish a taskforce of experts to report on the implementation of a national energy efficiency target; and
 - (b) corporations to undertake an assessment of their energy efficiency opportunities to a minimum standard in order to improve the way in which those opportunities are identified and evaluated; and
 - (c) corporations to publicly report on the outcomes of that assessment in order to demonstrate to the community that those businesses are effectively managing their energy; and
 - (d) corporations to implement identified energy efficiency measures contained in their energy assessment; and
 - (e) establishment of an Energy Savings Fund.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 8

Senators—

Allison
Bartlett

Brown, Bob
Milne

Murray
Nettle

Siewert (Teller)
Stott Despoja

NOES, 40

Senators—

Barnett
Bernardi
Bishop
Brandis
Campbell, Ian
Colbeck
Eggleston
Ferguson
Fielding
Fierravanti-Wells

Fifield
Forshaw
Humphries
Hurley
Hutchins
Johnston
Joyce
Kemp
Kirk
Ludwig

Lundy
Macdonald, Ian
McGauran
McLucas
Moore
Nash
O'Brien
Parry (Teller)
Patterson
Payne

Polley
Ray
Scullion
Stephens
Sterle
Troeth
Trood
Watson
Webber
Wortley

Question negatived.

Senator Milne moved the following amendment:

Schedule 1, page 3 (after line 4), before item 1, insert:

1B Section 4 (after the definition of *monitoring warrant*)

Insert:

payback period means the period of time it takes to recoup the cost of the initial capital outlay of an energy saving project.

Debate ensued.

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

Senator Allison moved the following amendment:

Schedule 1, page 3 (after line 21), after item 2, insert:

2A Subsection 10(1)

Omit “used by the entities that are members of the group is more than 0.5 petajoules”, substitute “related greenhouse gas emissions is greater than one thousand (1,000) tonnes of CO₂ equivalent or five thousand (5,000) gigajoules, which ever is the lesser”.

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

Senator Milne moved the following amendments together by leave:

No. 1—Schedule 1, page 3 (after line 4), before item 1, insert:

1C At the end of the heading to Part 3

Add “**energy use threshold**”.

No. 2—Schedule 1, page 3 (after line 21), after item 2, insert:

2A Subsection 10(1)

Repeal the subsection, substitute:

(1) The regulations must prescribe the *energy use threshold*.

- (1A) The regulations must set a sliding scale for the energy use threshold of not more than 0.5 petajoules for a controlling corporation's group for each financial year commencing in the 2007-08 financial year reducing annually to not more than 0.2 petajoules for a controlling corporation's group by the financial year 2011-12.
- (1B) A controlling corporation's group meets the energy use threshold for a financial year if in that year the total energy used by the controlling corporation's group is more than the energy use threshold nominated for the relevant financial year as prescribed by subsection (1A).

Debate ensued.

The question was divided—

Question—That amendment no. 1 be agreed to—put and negatived.

Question—That amendment no. 2 be agreed to—put and negatived.

Senator Milne moved the following amendments together by leave:

Schedule 1, page 4 (after line 23), after item 5, insert:

5A After Part 6

Insert:

Part 6A—Implementation of identified energy efficiency measures

20B Requirement to implement identified energy efficiency measures

- (1) A registered corporation required to lodge an assessment plan in accordance with Part 5 must identify as part of the plan a program of energy saving capital improvements (the *energy audit*) which have a payback period specified in subsection (5).
- (2) A portion of the saving identified in the energy audit required by subsection (1) must be made within three years from the commencement of the *Energy Efficiency Opportunities Amendment Act 2007*.
- (3) The regulations must include provision for a registered corporation to delay the implementation of an energy audit prepared under subsection (1) if the registered corporation provides satisfactory evidence of an intention to implement the energy audit.
- (4) A registered corporation must provide an annual summary of the implementation of the energy audit of the previous year and a summary of the proposed implementation of the energy audit for the following year to be included in the register maintained by the Secretary in accordance with section 12.
- (5) The regulations must set a sliding scale to progressively lower the duration of the energy payback period from not more than two years in the financial years 2006-07 and 2007-08 to not more than four years by the financial years 2010-11 and 2011-12.

Schedule 1, page 4 (after line 23), after item 5, insert:

5B After section 22A

Insert:

22AA Public reporting of identified energy efficiency opportunities

If an energy efficiency opportunity identified during an energy efficiency opportunity assessment is assessed by the corporation as having a payback period of less than 10 years, the company must:

- (a) report the details of the opportunity and the payback period in a report of the type required by section 21; and
- (b) include the details of the opportunity and the payback period in its next annual report.

Debate ensued.

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

Senator Milne moved the following amendment:

Schedule 1, page 4 (after line 23), after item 5, insert:

5C At the end of Part 8

Add:

Division 7—Energy Efficiency Target Taskforce

38A Establishment of Energy Efficiency Target Taskforce

The Minister must, before the expiration of 3 months after the commencement of this Act, establish an Energy Efficiency Target Taskforce (the *Taskforce*) to inquire into and report on the establishment of a national energy efficiency target.

38B Membership of Taskforce

- (1) The Taskforce is to consist of 4 members, appointed by the Minister.
- (2) The Minister must appoint members to the Taskforce with the following expertise:
 - (a) one member representing industry;
 - (b) one member representing conservation interests;
 - (c) one member representing the Commonwealth;
 - (d) one member with expertise and qualifications in energy conservation.
- (3) The member appointed under paragraph (2)(c) must convene and chair the Taskforce.

38C Report of the Taskforce

- (1) The Taskforce is to report to the Minister within 18 months of the commencement of the *Energy Efficiency Opportunities Amendment Act 2007*.
- (2) The Minister must cause a copy of the report of the Taskforce to be tabled in each House of Parliament within 5 sitting days of receiving it.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 6

Senators—

Allison
Brown, Bob

Milne
Nettle

Siewert (Teller)
Stott Despoja

NOES, 44

Senators—

Adams	Fierravanti-Wells	Ludwig	Polley
Barnett	Fifield	Macdonald, Ian	Ray
Bernardi	Forshaw	Marshall	Ronaldson
Boswell	Hogg	McEwen	Santoro
Brandis	Humphries	McGauran	Stephens
Chapman	Hurley	McLucas	Sterle
Colbeck	Johnston	Moore	Troeth
Crossin	Joyce	Nash (Teller)	Trood
Faulkner	Kemp	Parry	Watson
Ferguson	Kirk	Patterson	Webber
Fielding	Lightfoot	Payne	Wortley

Question negatived.

Senator Milne moved the following amendment:

Schedule 1, page 4 (after line 23), after item 5, insert:

5C After Part 8

Insert:

Part 8A—Energy Savings Fund

38D Establishment of Energy Savings Fund

The Energy Savings Fund is established by this section.

38E Purposes of Energy Savings Fund

- (1) The purposes of the Energy Savings Fund (the *Fund*) are to provide funding:
 - (a) to encourage energy savings; and
 - (b) to address peak demand for energy; and
 - (c) to stimulate investment in innovative energy savings measures; and
 - (d) to increase public awareness and acceptance of the importance of energy savings measures; and
 - (e) to encourage cost effective energy savings measures that reduce greenhouse gas emissions arising from the use of energy; and
 - (f) to provide funding for contributions made by the Commonwealth for the purposes of national energy regulation.
- (2) It is not a purpose of the Fund to provide funding for investment in low emission power generation, or any other kind of power generation, where the primary purpose of the generation is to generate energy for sale into the power grid.

38F Payments into Energy Savings Fund

There is payable into the Fund:

- (a) all money received from contributions required to be made to the Fund under section 38H; and
- (b) all money appropriated by Parliament for the purposes of the Fund; and
- (c) the proceeds of the investment of money in the Fund.

38G Payments out of Energy Savings Fund

- (1) There is payable from the Energy Savings Fund any money:

- (a) approved by the Minister to fund all or any part of the cost of any energy savings measure that the Minister is satisfied promotes a purpose referred to in subsection 38E(1); and
 - (b) approved by the Minister to fund all or any part of the contributions that the Commonwealth is required to make for the purposes of national energy regulation; and
 - (c) required to meet administrative expenses related to the Fund; and
 - (d) required to meet administrative expenses of the Minister in connection with the Minister's functions under this Act.
- (2) In exercising the Minister's functions under paragraph (1)(a) (but without limiting the generality of that paragraph), the Minister may:
- (a) approve selection criteria from time to time to be applied to determine the kinds of energy savings measures that will be eligible for funding from the Fund; and
 - (b) require a person or body seeking funding for an energy savings measure to do either or both of the following as a precondition to applying for or obtaining funding:
 - (i) to submit an energy savings action plan that includes details about the measure;
 - (ii) to provide any other information requested by the Minister about the measure; and
 - (c) obtain and have regard to any advice, recommendations or other information provided to the Minister by a committee appointed by the Minister, or by any other person or body that the Minister considers relevant.

38H Minister may require registered corporations to make contributions

- (1) The Minister may by regulation require registered corporations to make an annual contribution for a specified financial year to the Fund.
- (2) A regulation made for the purposes of subsection (1):
 - (a) must specify the annual contributions payable by each registered corporation to which it applies (being an amount that does not exceed the maximum amount, if any, prescribed by the regulations); and
 - (b) may specify that an annual contribution may be paid by instalments during the financial year to which the regulation applies; and
 - (c) must specify the time or, in the case of an annual contribution that is payable by instalments, the times at which any contribution required under the regulation is to be made; and
 - (d) may be made before or within the first 3 months of the financial year to which it relates.

At 12.45 pm: The Acting Deputy President (Senator Barnett) resumed the chair and the Temporary Chair of Committees reported progress.

6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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

Environment—Kyoto Protocol—Petitioning document from 1 455 signatories relating to the Kyoto Protocol and greenhouse gas emissions.

Further matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Communications, Information Technology and the Arts (Senator Coonan) the sitting of the Senate was suspended at 1.48 pm till 2 pm.

At 2 pm—

7 MINISTRY—DOCUMENT

The Leader of the Government in the Senate (Senator Minchin) tabled a document showing all members of the Howard Ministry, dated 21 March 2007.

8 SHADOW MINISTRY—DOCUMENT

The Leader of the Opposition in the Senate (Senator Evans), by leave, tabled a document showing the Opposition shadow ministry, dated 9 March 2007.

9 QUESTIONS

Questions without notice were answered.

10 ANSWERS TO QUESTIONS

Senator Forshaw moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

11 ENVIRONMENT—WATER RESOURCES—ANSWER TO QUESTION

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator Siewert today relating to water resources.

Question put and passed.

12 PETITIONS

The following 7 petitions, lodged with the Clerk by the senators indicated, were received:

The President, from 1 petitioner, requesting that the Senate take action to ensure that the Minister for Immigration and Citizenship refund a visa application fee in accordance with Migration Regulations.

The President and Senator Ludwig, from 3 and 10 806 petitioners, respectively, requesting that the Senate legislate to create an offence of transmission by mail of child pornography and child abuse material.

Senator Stott Despoja, from 20 petitioners, requesting that the Senate take action to ensure that Austudy recipients are eligible for rent assistance.

Senator Stott Despoja, from 87 petitioners, requesting that the Senate urge the Government to ensure Mr Hicks is granted a fair trial or repatriated to Australia.

Senator Stott Despoja, from 478 petitioners, requesting that the Senate take action to ensure that the Government supports calls for the closure of the military detention facility at Guantanamo Bay.

Senator Stott Despoja, from 144 petitioners, requesting that the Senate take action to regulate pregnancy counselling services in Australia, including banning misleading and deceptive advertising.

13 NOTICES

Notices of motion:

Senator Ferguson: To move on the next day of sitting—That the Parliamentary Joint Committee on Intelligence and Security be authorised to hold two classified hearings during the sitting of the Senate on Friday, 23 March 2007, from 9.30 am, to take evidence for the committee's inquiries into the review of administration and expenditure: Australian Intelligence Organisations – No. 5, and the review of the re-listing of Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (TQJBR) as a terrorist organisation under the *Criminal Code Act 1995*. (*general business notice of motion no. 744*)

The Minister for Fisheries, Forestry and Conservation (Senator Abetz): To move on the next day of sitting—That the order of the Senate of 7 December 2006 relating to committee groupings for estimates hearings, as amended, be modified as follows:

Group A:

Environment, Communications, Information Technology and the Arts
Finance and Public Administration
Legal and Constitutional Affairs
Rural and Regional Affairs and Transport

Group B:

Community Affairs
Economics
Employment, Workplace Relations and Education
Foreign Affairs, Defence and Trade.

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

(a) notes:

- (i) that Thursday, 22 March 2007, has been designated World Day for Water 2007, and that this year's theme is 'Coping with Water Scarcity',
- (ii) that the South Australian Government has indicated that it will cut water flows to nine key lakes, wetlands and lagoons if its water allocation falls below 50 per cent or weir levels cannot be sustained, and
- (iii) the comments by Murray-Darling Basin Commission Chief Executive Wendy Craik, that climate change will have significant long-term impacts on inflows into the Murray-Darling river system; and

- (b) calls on the Government to ensure that:
 - (i) water allocations are acquired such that supplies to wetlands in South Australia, including Lake Bonney, Gurra Gurra Lakes, Horseshoe Lagoon, Ross Lagoon and Murbko South Wetland are maintained, and
 - (ii) water management plans in the Murray-Darling Basin are consistent with sustainable extraction levels and can take into account projections of reduced inflows into the basin due to climate change. (*general business notice of motion no. 745*)

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

- (a) notes:
 - (i) the listing of the Murray-Darling Basin in the WWF study ‘World’s top 10 rivers at risk’,
 - (ii) that threats such as invasive species, over-allocation and climate change are the reasons the river system has been listed as ‘at risk’, and
 - (iii) the report’s recommendations that returning significantly greater environmental flows to the river will have major benefits in reducing the prevalence of some invasive species and improving river health; and
- (b) calls on the Government to begin purchasing water licences without further delay in order to return environmental flows to the Murray-Darling river system. (*general business notice of motion no. 746*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the disclosure of lobbying activities intended to inform and influence Members of Parliament, Ministers and other public officers, to make unlawful the holding and trading of shares by Ministers, and to regulate the post-Ministerial employment of Ministers, and for related purposes. ***Lobbying and Ministerial Accountability Bill 2007***. (*general business notice of motion no. 747*)

Notice of motion withdrawn: Senator George Campbell, at the request of Senator Carr, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Carr for today, proposing the reference of a matter to the Community Affairs Committee.

14 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2007

The Deputy Chair of the Selection of Bills Committee (Senator Parry) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2007

1. The committee met in private session on Tuesday, 20 March 2007 at 4.48 pm.
2. The committee resolved to recommend—That the ***provisions*** of the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007 be ***referred immediately*** to the Employment, Workplace Relations and Education Committee for inquiry and report by 1 May 2007.
3. The committee resolved to recommend—That the following bills ***not*** be referred to committees:
 - Electoral (Greater Fairness of Electoral Processes) Amendment Bill 2007
 - Farm Household Support Amendment Bill 2007
 - Governance Review Implementation (Treasury Portfolio Agencies) Bill 2007

Health Insurance Amendment (Provider Number Review) Bill 2007
 Marriage (Relationships Equality) Amendment Bill 2007
 Migration Legislation Amendment (Access to Judicial Review of Migration Decisions) Bill 2007
 Migration Legislation Amendment (Removal of Unjust Restrictions) Bill 2007
 Primary Industries and Energy Research and Development Amendment Bill 2007
 Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2007.

The committee recommends accordingly.

4. The committee deferred consideration of the following bill to its next meeting:
 Migration Legislation Amendment (Information and Other Measures) Bill 2007.

Stephen Parry
 Deputy Chair
 21 March 2007.

Senator Parry moved—That the report be adopted.

Question put and passed.

15 LEAVE OF ABSENCE

Senator George Campbell, by leave, moved—That leave of absence be granted to Senator Sherry from 20 March to 29 March 2007, for personal reasons.

Question put and passed.

16 ECONOMICS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, by leave and at the request of the Chair of the Economics Committee (Senator Ronaldson), moved—That the time for the presentation of the report of the Economics Committee on the 2006-07 additional estimates be extended to 22 March 2007.

Question put and passed.

17 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 3 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the reference of a matter to the Community Affairs Committee, postponed till 28 March 2007.

General business notice of motion no. 680 standing in the name of Senator Nettle for today, proposing the introduction of the Food Safety (Trans Fats) Bill 2007, postponed till 22 March 2007.

18 CRIMINAL CODE AMENDMENT (ANTI-CHILD ABUSE AND PORNOGRAPHY MATERIALS) BILL 2007

Senator George Campbell, at the request of Senator Ludwig and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 738—That the following bill be introduced:

A Bill for an Act to amend the *Criminal Code Act 1995* to create new offences in relation to transmitting child abuse and pornographic materials by postal or like services, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator George Campbell, by leave, tabled an explanatory memorandum relating to the bill.

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

19 HISTORICAL EVENTS—SYDNEY HARBOUR BRIDGE—ANNIVERSARY

Senator Hutchins, also on behalf of Senators Faulkner, George Campbell, Stephens and Forshaw, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 739—That the Senate notes:

- (a) the 75th anniversary of the opening of the Sydney Harbour Bridge;
- (b) the efforts of the estimated 4 000-strong unionised workforce which contributed to the construction of the bridge over a period of 10 years from 1922 to 1932, whose legacy is now an icon around the world;
- (c) the significant role unions played in securing fair wages and working conditions for bridge workers; and
- (d) the 16 workers who lost their lives during construction of the bridge, Sydney Edward Addison, Francis Chilvers, Alfred Edmunds, Percy Poole, James Campbell, Robert Craig, Alexander Faulkner, Thomas McKeown, August Peterson, Nathaniel Swandells, Henry Waters, Henry Webb, William Woods, Frederick Gillon, Robert Graham and Edward Shirley.

Question put and passed.

20 FOREIGN AFFAIRS—MR DAVID HICKS

Senator Stott Despoja amended general business notice of motion no. 737 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:
 - (i) March 2007 marks the one year anniversary of Mr David Hicks' solitary confinement,

- (ii) in less than 7 days, Mr Hicks will be forced to front up to a military commission process that is a sham, and
- (iii) the date for Mr Hicks' Federal Court of Australia case against the Australian Government's inaction to protect a citizen abroad has been set for 17 May 2007;
- (b) recognises the urgency for the Government to investigate reports that Mr Hicks was sedated forcibly before being told of the sworn charges against him; and
- (c) calls for independent health professionals to visit Guantanamo Bay immediately to assess, first hand, its conditions and the health of Mr Hicks.

Question put.

The Senate divided—

AYES, 32

Senators—

Allison	Evans	Ludwig	Polley
Bishop	Faulkner	Marshall	Ray
Brown, Bob	Forshaw	McEwen	Siewert
Brown, Carol	Hogg	McLucas	Stephens
Campbell, G (Teller)	Hurley	Milne	Sterle
Carr	Hutchins	Moore	Stott Despoja
Conroy	Joyce	Murray	Webber
Crossin	Kirk	Nettle	Wortley

NOES, 34

Senators—

Adams	Coonan	Kemp	Payne
Barnett	Eggleston	Lightfoot	Ronaldson
Bernardi	Ellison	Macdonald, Ian	Santoro
Boswell	Fielding	Macdonald, Sandy	Scullion
Brandis	Fierravanti-Wells	Mason	Troeth
Calvert	Fifield	McGauran	Trood
Campbell, Ian	Heffernan	Nash	Watson
Chapman	Humphries	Parry (Teller)	
Colbeck	Johnston	Patterson	

Question negatived.

21 FOREIGN AFFAIRS—ZIMBABWE

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 743—That the Senate—

(a) notes:

- (i) the recent attacks and beatings of Zimbabwean opposition members, including Movement for Democratic Change leader Mr Morgan Tsvangirai and Movement for Democratic Change spokesperson Mr Nelson Chamisa,
- (ii) the news that Zimbabwean President Mr Mugabe is importing up to 3 000 militia from Angola to help bolster the ability of his own police force to clamp down on the opposition,
- (iii) that Mr David Coulter from the Movement for Democratic Change has urged more concrete diplomatic action from Australia to help resolve the democratic and humanitarian crisis in Zimbabwe, and

- (iv) that former Zimbabwean Test Cricket Captain, Mr Andy Flowers, has in March 2007 called for sporting sanctions to be imposed on Zimbabwe; and
- (b) calls on the Government to:
 - (i) convene diplomatic meetings with other Commonwealth nations to push for further diplomatic, financial, aid and trade measures against the Mugabe regime, and
 - (ii) consider compensating Cricket Australia for any losses imposed on them by the International Cricket Council if they cancel their scheduled tour of Zimbabwe later in 2007.

Question put.

The Senate divided—

AYES, 32

Senators—

Allison	Evans	Marshall	Polley
Bishop	Faulkner	McEwen	Ray
Brown, Bob	Fielding	McLucas	Siewert
Brown, Carol	Forshaw	Milne	Stephens
Campbell, G (Teller)	Hogg	Moore	Sterle
Carr	Hurley	Murray	Stott Despoja
Conroy	Hutchins	Nettle	Webber
Crossin	Kirk	O'Brien	Wortley

NOES, 34

Senators—

Adams	Coonan	Kemp	Payne
Barnett	Eggleston	Lightfoot	Ronaldson
Bernardi	Ellison	Macdonald, Ian	Santoro
Boswell	Fierravanti-Wells	Macdonald, Sandy	Scullion
Brandis	Fifield	Mason	Troeth
Calvert	Heffernan	McGauran	Trood
Campbell, Ian	Humphries	Nash	Watson
Chapman	Johnston	Parry (Teller)	
Colbeck	Joyce	Patterson	

Question negatived.

22 ENVIRONMENT—TASMANIA—PROPOSED BELL BAY PULP MILL

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 740—That the Senate—

- (a) notes:
 - (i) that Gunns Limited, proponents of Tasmania's proposed Bell Bay pulp mill, abandoned the independent Resource Planning and Development Commission environment assessment process, accredited by both the Tasmanian and Commonwealth Governments on 14 March 2007, and
 - (ii) the Tasmanian Government's fast-track process, approved by Gunns, will not include the public and will not assess impacts on threatened species;
- (b) considers that commitment to due process is vitally important; and

- (c) calls on the Government to establish a public inquiry into the pulp mill under the *Environment Protection and Biodiversity Conservation Act 1999*, specifically including its impacts on listed threatened species, such as the Tasmanian wedge-tailed eagle.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Milne	Nettle	Stott Despoja
Brown, Bob	Murray	Siewert (Teller)	

NOES, 51

Senators—

Adams	Evans	Kirk	Payne
Barnett	Faulkner	Ludwig	Polley
Bernardi	Fielding	Macdonald, Ian	Ray
Bishop	Fierravanti-Wells	Marshall	Ronaldson
Boswell	Fifield	Mason	Scullion
Brandis	Forshaw	McEwen	Stephens
Brown, Carol	Heffernan	McGauran	Sterle
Campbell, George	Hogg	McLucas	Troeth
Carr	Humphries	Moore	Trood
Colbeck	Hurley	Nash	Watson
Conroy	Hutchins	O'Brien	Webber
Crossin	Johnston	Parry (Teller)	Wortley
Eggleston	Kemp	Patterson	

Question negatived.

23 COMMUNITY AFFAIRS—STANDING COMMITTEE—PROPOSED REFERENCE

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Community Affairs Committee for inquiry and report by 12 June 2007:

Allegations that the Exclusive Brethren, including its leadership, may have been involved in:

- breaching Australian Family Court agreements and denying access by ex-Brethren parents to their children;
- ex-communicating family members;
- prohibiting children from their Australian right to a university education;
- banning unions from Exclusive Brethren workplaces;
- discriminating against women in Australia;
- the use of public monies; and
- any related matters.

Question put.

The Senate divided—

AYES, 4

Senators—

Brown, Bob	Milne	Nettle	Siewert (Teller)
------------	-------	--------	------------------

NOES, 48

Senators—

Adams	Evans	Ludwig	Payne
Allison	Faulkner	Macdonald, Ian	Polley
Barnett	Fielding	Marshall	Ray
Bernardi	Fierravanti-Wells	Mason	Ronaldson
Bishop	Fifield	McEwen	Scullion
Boswell	Forshaw	McGauran	Stephens
Brown, Carol	Hogg	McLucas	Sterle
Campbell, George	Humphries	Moore	Stott Despoja
Carr	Hurley	Murray	Troeth
Colbeck	Johnston	Nash	Trood
Crossin	Joyce	Parry (Teller)	Watson
Eggleston	Kirk	Patterson	Wortley

Question negatived.

Statements by leave: Senators Murray and Bob Brown and the Leader of the Opposition in the Senate (Senator Evans), by leave, made statements relating to the motion.

24 ENVIRONMENT—CARBON DIOXIDE EMISSIONS

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 742—That the Senate—

- (a) welcomes the decision by the European Union (EU) to cut carbon dioxide emissions by 2020 to 20 per cent below 1990 levels; and
- (b) calls on the Government to match or better the EU's target.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Milne	Nettle	Stott Despoja
Brown, Bob	Murray	Siewert (Teller)	

NOES, 40

Senators—

Adams	Faulkner	Kirk	Patterson
Barnett	Fielding	Ludwig	Payne
Bernardi	Fierravanti-Wells	Macdonald, Ian	Polley
Bishop	Fifield	Mason	Ronaldson
Brown, Carol	Forshaw	McEwen	Stephens
Campbell, G (Teller)	Hogg	McGauran	Sterle
Colbeck	Humphries	McLucas	Troeth
Crossin	Hurley	Moore	Trood
Eggleston	Johnston	Nash	Watson
Evans	Joyce	Parry	Wortley

Question negatived.

25 FOREIGN AFFAIRS—MR DAVID HICKS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 729—That the Senate—

(a) notes:

- (i) that Mr David Hicks remains in Guantanamo Bay despite all British prisoners having been released by request of their government, and
- (ii) the failure of the Howard Government to request that Mr Hicks be released; and

(b) calls on the Government to place a request with the Government of the United States of America for Mr Hicks to be released.

Question put and negatived.

26 IMMIGRATION—SRI LANKA—ASYLUM SEEKERS

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 741—That the Senate—

(a) notes:

- (i) that 82 Sri Lankan asylum seekers have been transferred to Nauru,
- (ii) claims by one of the asylum seekers that they were ‘detained and tortured’ and that he witnessed five of his friends being shot, and
- (iii) that the Government lacked the support of the Senate to expand offshore processing and did not proceed in 2006 with its Migration Amendment (Designated Unauthorised Arrivals) Bill 2006; and

(b) calls on the Government to assess the protection claims of these asylum seekers fairly on the Australian mainland.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

27 NOTICE

Senator Faulkner, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) notes that on 22 March 2007 Gough Whitlam becomes Australia’s longest-lived elected Prime Minister;
- (b) congratulates Mr Whitlam on achieving this milestone; and
- (c) acknowledges his outstanding contribution to Australian public life. (*general business notice of motion no. 748*)

28 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—DEFENCE—AUSTRALIAN DEFENCE FORCE—IRAQ

The Deputy President (Senator Hogg) informed the Senate that the Leader of the Australian Democrats (Senator Allison) had proposed that the following matter of public importance be submitted to the Senate for discussion:

- (a) the Government’s emphasis on troops ‘staying the course’ and its meagre contribution to rebuilding efforts are in contrast to the opinion of senior defence personnel and human rights organisations who believe the solutions lie in the pursuit of non-military strategies; and
- (b) due to Australia’s contribution to the conflict we have a special responsibility to assist in the rebuilding of Iraq.

The proposal was supported by four senators and the matter was discussed.

29 SCRUTINY OF BILLS—STANDING COMMITTEE—3RD REPORT AND ALERT DIGEST NO. 3 OF 2007

Senator George Campbell, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ray), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

3rd report of 2007, dated 21 March 2007.

Alert Digest No. 3 of 2007, dated 21 March 2007.

Report ordered to be printed on the motion of Senator George Campbell.

Senator George Campbell moved—That the Senate take note of the report.

Question put and passed.

30 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—70TH ANNUAL REPORT

Senator Parry, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—70th annual report, dated March 2007.

Senator Parry moved—That the Senate take note of the report.

Question put and passed.

31 SENATORS' INTERESTS—STANDING COMMITTEE—DOCUMENT

The Chair of the Standing Committee of Senators' Interests (Senator Webber) tabled the following document:

Senators' Interests—Standing Committee—Explanatory notes for statements of registrable interests, dated March 2007.

Senator Webber moved—That the Senate take note of the document.

Question put and passed.

32 DOCUMENTS

The following documents were tabled by the Clerk:

Class Rulings CR 2007/18-CR 2007/21.

Environment Protection and Biodiversity Conservation Act—Notice of proposed accreditation of the Heard Island and McDonald Islands Fishery Management Plan Amendment 2006 (No. 1), dated 9 March 2007.

Product Rulings—

Erratum—PR 2006/147.

PR 2007/17-PR 2007/19.

Sales Tax Rulings—Notices of Withdrawal—ST 2151, ST 2154-ST 2163 and ST 2165-ST 2173.

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

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2006—Statements of compliance—

Families, Community Services and Indigenous Affairs portfolio agencies.

Treasury portfolio agencies.

**34 NATIONAL LIBRARY OF AUSTRALIA—SENATE MEMBER OF COUNCIL—
PARLIAMENTARY LIBRARY—JOINT STANDING COMMITTEE—CHANGE IN
MEMBERSHIP**

The Acting Deputy President (Senator Hutchins) informed the Senate that the President had received letters from Senator Brandis resigning his position as a member of the Council of the National Library of Australia and resigning from the Joint Standing Committee on the Parliamentary Library.

35 AIRPORTS AMENDMENT BILL 2006

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

Message no. 516, dated 20 March 2007—A Bill for an Act to amend the *Airports Act 1996*, and for related purposes.

The Minister for Justice and Customs (Senator Johnston) 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 Johnston moved—That this bill be now read a second time.

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

36 COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2006-07

Pursuant to order, Senator Parry, at the request of the chairs of the respective committees, tabled the following reports, dated March 2007, and documents:

Additional estimates 2006-07—

Community Affairs—Standing Committee—Report and Hansard record of proceedings.

Employment, Workplace Relations and Education—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Environment, Communications, Information Technology and the Arts—Standing Committee—Report and Hansard record of proceedings.

Finance and Public Administration—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Foreign Affairs, Defence and Trade—Standing Committee—Report and Hansard record of proceedings.

Legal and Constitutional Affairs—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

Rural and Regional Affairs and Transport—Standing Committee—Report.

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

37 ENERGY EFFICIENCY OPPORTUNITIES AMENDMENT BILL 2006

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

In the committee

Consideration resumed of the bill—and on the amendment moved by Senator Milne (see entry no. 5).

Debate ensued.

Question—That the amendment be agreed to—put and negatived. All Australian Greens and Australian Democrats senators, by leave, recorded their votes for the ayes.

Senator Milne moved the following amendment:

Schedule 1, page 4 (after line 25), after item 6, insert:

6A At the end of Part 9

Add:

42 Review of operation of Act

- (1) The Minister must cause an independent review of the operation of this Act to be undertaken as soon as possible after the fifth anniversary of the commencement of the *Energy Efficiency Opportunities Amendment Act 2007*.
- (2) The person who undertakes the review under subsection (1) must give the Minister a written report of the review.
- (3) The Minister must cause a copy of the report of the review to be tabled in each House of Parliament within 12 months after the fifth anniversary of the commencement of the *Energy Efficiency Opportunities Amendment Act 2007*.

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 Hutchins) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck) the report from the committee was adopted and the bill read a third time.

38 AIRSPACE BILL 2006**AIRSPACE (CONSEQUENTIALS AND OTHER MEASURES) BILL 2006**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Finance and Administration (Senator Colbeck)—That these bills be now read a second time.

Question put and passed.

Bills read a second time.

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

On the motion of Senator Colbeck the bills were read a third time.

**39 ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING AMENDMENT
BILL 2007**

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.

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: The Minister for Justice and Customs (Senator Johnston) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill and a correction to the explanatory memorandum.

Senator Johnston moved the following amendments together by leave:

Clause 2, page 2 (table item 6), omit the table item, substitute:

6. Schedule 1, items 21 to 57	The day after this Act receives the Royal Assent.	
6A. Schedule 1, item 57A	Immediately after the commencement of item 56 of Schedule 1 to the <i>Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006</i> .	13 December 2006
6B. Schedule 1, item 58	The day after this Act receives the Royal Assent.	

Schedule 1, page 8 (after line 32), after item 23, insert:

23A Paragraph 127(3)(b)

Omit “or 133”, substitute “, 133 or 133A”.

Schedule 1, page 11 (after line 22), after item 40, insert:

40A At the end of Division 4 of Part 11

Add:

133A When the Director-General of ASIS may communicate AUSTRAC information to a foreign intelligence agency

- (1) The Director-General of ASIS may communicate AUSTRAC information to a foreign intelligence agency if the Director-General is satisfied that:
 - (a) the foreign intelligence agency has given appropriate undertakings for:
 - (i) protecting the confidentiality of the information; and
 - (ii) controlling the use that will be made of it; and
 - (iii) ensuring that the information will be used only for the purpose for which it is communicated to the foreign country; and
 - (b) it is appropriate, in all the circumstances of the case, to do so.
- (2) The Director-General of ASIS may, in writing, authorise an ASIS official to access the AUSTRAC information and communicate it to the foreign intelligence agency on the Director-General's behalf.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

Schedule 1, page 15 (after line 12), before item 58, insert:

57A Subsection 3(1) (at the end of paragraph (c) of the definition of *non-reportable cash transaction*)

Add "that occurred after the commencement of Division 3 of Part 3 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*".

Debate ensued.

At 6.50 pm: The Acting Deputy President (Senator Sandy Macdonald) resumed the chair and the Temporary Chair of Committees reported progress.

40 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) and general business orders of the day nos 14 to 18 relating to government documents were called on but no motion was moved.

41 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.32 pm till Thursday, 22 March 2007 at 9.30 am.

42 ATTENDANCE

Present, all senators except Senators Ferris*, Sherry*, Vanstone* and Wong* (* on leave).

HARRY EVANS
Clerk of the Senate