

Monday, 17 September 2007

SENATE

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The PRESIDENT (Senator the Hon. Alan Ferguson) took the chair at 12.30 pm and read prayers.

PRIVILEGE

The PRESIDENT (12.30 pm)—Senator Nettle, by letter dated 13 September 2007, has raised a matter of privilege under standing order 81.

The matter of privilege relates to seemingly inconsistent answers given by officers at estimates hearings about the government's knowledge that Mr Mamdouh Habib had been taken to Egypt. Some officers suggested a lack of knowledge or certainty on the part of government that Mr Habib was ever in Egypt, while other answers appeared to indicate a definite knowledge that he had been taken to Egypt.

These apparent inconsistencies were the subject of inquiry by the Legal and Constitutional Affairs Committee, and on 11 September 2007 the committee tabled in the Senate its correspondence with relevant officers.

Under standing order 81 I am required to determine whether the motion to refer the matter to the Privileges Committee should have precedence, having regard to criteria which basically go to the seriousness of the matter. I am not required to give consideration to the strength of the evidence on the basis of which the matter is raised. The matter clearly meets the criteria I am required to consider. The Senate and the Privileges Committee have always taken very seriously any suggestion that misleading evidence has been given to a Senate committee.

I therefore determine that a motion to refer the matter to the Privileges Committee may have precedence.

I table the letter from Senator Nettle and another copy of the material presented by the

Legal and Constitutional Affairs Committee. These documents sufficiently explain the background to the case.

Senator Nettle may now give notice of a motion to refer the matter to the Privileges Committee.

It will then be for the Senate, having considered the material which has been laid before it, to determine whether the apparent inconsistencies in the answers by the officers have been sufficiently explained or whether further inquiry by the Privileges Committee is warranted.

Senator NETTLE (New South Wales) (12.33 pm)—I give notice that, on the next day of sitting, I shall move:

That the following matter be referred to the Committee of Privileges:

Whether false or misleading evidence was given to the Legal and Constitutional Affairs Committee or any other Senate committee concerning the Government's knowledge of the rendition of Mr Mamdouh Habib to Egypt, and whether any contempt was committed in that regard.

TRADE PRACTICES LEGISLATION AMENDMENT BILL (No. 1) 2007

Second Reading

Debate resumed from 11 September, on motion by **Senator Coonan**:

That this bill be now read a second time.
upon which **Senator Stephens** moved by way of amendment:

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

- (a) notes that:
 - (i) the Economics References Committee handed down its report, *The effectiveness of the Trade Practices Act 1974 in protecting small business*, in March 2004, and the Government responded in June 2004 and yet the Government is only now introducing its legislative response,

CHAMBER