

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 of 2011

7 July 2011

MEMBERS OF THE COMMITTEE

Senator Anne McEwen (Government Whip, Chair)

Senator Helen Kroger (Opposition Whip)

Senator John Williams (The Nationals Whip)

Senator Rachel Siewert (Australian Greens Whip)

Senator Judith Adams

Senator Carol Brown

Senator Mitch Fifield

Senator the Hon. Joe Ludwig

Secretary: Maureen Weeks
 ☎ 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2011

1. The committee met in private session on Wednesday, 6 July 2011 at 7.23 pm.
2. The committee resolved to recommend—That—
 - (a) the Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report by 21 September 2011 (see appendix 1 for a statement of reasons for referral);
 - (b) the Consumer Credit Protection Amendment (Fees) Bill 2011 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report by 14 September 2011 (see appendix 2 for a statement of reasons for referral);
 - (c) the Government Advertising (Accountability) Bill 2011 be ***referred immediately*** to the Finance and Public Administration Legislation Committee for inquiry and report by 21 September 2011 (see appendix 3 for a statement of reasons for referral);
 - (d) the Public Service Amendment (Payments in Special Circumstances) Bill 2011 be ***referred immediately*** to the Finance and Public Administration Legislation Committee for inquiry and report by 16 August 2011 (see appendix 4 for a statement of reasons for referral);
 - (e) the ***provisions*** of the Social Security and Other Legislation Amendment Bill 2011 be ***referred immediately*** to the Community Affairs Legislation Committee for inquiry and report on Schedule 3 of the bill by 15 September 2011 (see appendix 5 for a statement of reasons for referral); and
 - (f) the ***provisions*** of the Work Health and Safety Bill 2011 and the Work Health and Safety (Transitional and Consequential Provisions) Bill 2011 be ***referred immediately*** to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 26 August 2011 (see appendix 6 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills ***not*** be referred to committees:
 - Cybercrime Legislation Amendment Bill 2011
 - Schools Assistance Amendment Bill 2011
 - Tax Laws Amendment (2011 Measures No. 6) Bill 2011.

The committee recommends accordingly.

4. The committee considered the Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011 and noted that, pursuant to the resolution of appointment of the Joint Select Committee on Gambling Reform, the bill had been referred to that committee for inquiry and report.
5. The committee considered the Migration Amendment (Declared Countries) Bill 2011 and noted that the bill was discharged from the *Notice Paper* on 5 July 2011.
6. The committee considered the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 and noted that the bill had been passed by the Senate and the House of Representatives on 6 July 2011.
7. The committee deferred consideration of the following bills to its next meeting:
 - Australian Energy Market Amendment (National Energy Retail Law) Bill 2011
 - Customs Amendment (Anti-dumping Improvements) Bill 2011
 - Education Services for Overseas Students (Registration Charges) Amendment Bill 2011
 - Education Services for Overseas Students Amendment (Registration Charges Consequentials) Bill 2011
 - Excise Legislation Amendment (Condensate) Bill 2011
 - Excise Tariff Amendment (Condensate) Bill 2011
 - Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011
 - Horse Disease Response Levy (Consequential Amendments) Bill 2011
 - Horse Disease Response Levy Bill 2011
 - Horse Disease Response Levy Collection Bill 2011
 - Indigenous Affairs Legislation Amendment Bill 2011
 - Industrial Chemicals (Notification and Assessment) Amendment (Inventory) Bill 2011
 - Intellectual Property Laws Amendment (Raising the Bar) Bill 2011
 - Legislative Instruments Amendment (Sunsetting) Bill 2011
 - Migration Amendment (Declared Countries) Bill (No. 2) 2011
 - Responsible Takeaway Alcohol Hours Bill 2010
 - Superannuation Legislation Amendment (Early Release of Superannuation) Bill 2011
 - Tobacco Plain Packaging Bill 2011
 - Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011.

(Anne McEwen)

Chair

7 July 2011

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill:

Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011

Possible submissions or evidence from:

- * National Farmers Federation
- * South Australian Farmers Federation
- * NSW Farmers Federation
- * Mr Dean Brown – South Australian Government's special adviser on drought
- * Mr Chris Byrne – Riverland Winegrape Growers Association
- * The Hon Mr Robert Brokenshire MLC
- * Department of Agriculture, Fisheries and Forestry

Committee to which Bill is to be referred:

Economics Legislation Committee

Possible hearing date(s):

August / September 2011

Possible reporting date:

21 September 2011

(signed)

Senator Siewert

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Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill:

Consumer Credit Protection Amendment (Fees) Bill 2011

Possible submissions or evidence from:

ANZ

Commonwealth Bank

Westpac

National Australia Bank

St George

CHOICE

Mortgage and Finance Association of Australia

Mortgage Choice

Aussie Home Loans

Consumer Credit Legal Centre (NSW) Inc

Credit Union Australia

Abacus – Australian Mutuals Limited

ME Bank

Yellow Brick Road Wealth Management

Heritage Building Society

Genworth Financial Mortgage Insurance

Finance Brokers Association of Australia

Australian Bankers Association

Bank of Cyprus

RaboDirect

Committee to which Bill is to be referred:

Economics Legislation Committee

Possible hearing date(s):

July/August 2011

Possible reporting date:

September 14 2011

Senator Siewert

(signed)

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Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill:

Government Advertising (Accountability) Bill 2011

Possible submissions or evidence from:

- * Department of Finance and Deregulation
- * Auditor-General, Mr Ian McPhee
- * Mr Graeme Orr – Senior Lecturer, Griffith University
- * Professor Charles Sampford – Director, Key Centre for Ethics, Law, Justice and Governance, Griffith University
- * Centre for Democratic Institutions, ANU
- * The Democratic Project

Committee to which Bill is to be referred:

Finance and Public Administration Legislation Committee

Possible hearing date(s):

August / September 2011

Possible reporting date:

21 September 2011

Senator Siewert

(signed)

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Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee

Name of Bill:

Public Service Amendment (Payments in Special Circumstances) Bill 2011

Reasons for referral/principal issues for consideration:

In undertaking the inquiry, the Committee should consider:

1. The lack of proper compensation scheme for claimants who have been disadvantaged as a result of administrative errors by Government agencies not included under the Scheme for Compensation for Detriment caused by Defective Administration (CDDA)
2. The recommendations of the Commonwealth Ombudsman in the Ombudsman's Report No 4 of 2010 in relation to discretionary payments of compensation
3. The losses caused to claimants because of administrative errors within Government agencies not covered by the CDDA scheme
4. The limited ability for claimants to seek compensation if the Government agency in question is not covered by the CDDA scheme
5. The limitations of discretionary payments in the Public Service Act 1999

Possible submissions or evidence from:

Comcare

Department of Finance and Deregulation

Commonwealth Ombudsman

Mr Barry Crush

Mr Peter Allen of Allen & Associates, Barristers and Solicitors

Australian Public Service Commission

Committee to which the bill is to be referred:

Senate Standing Committee on Finance and Public Administration (Legislation)

Possible hearing date(s):

June/July 2011

Possible reporting date:

16 August 2011

Senator Siewert

(signed)

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Whip / Selection of Bills Committee Member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Social Security and Other Legislation Amendment Bill 2011

Reasons for referral/principal issues for consideration:

Review Schedule 3 - DSP Impairment tables

Possible submissions or evidence from:

Department of Families, Housing, Community Services and Indigenous Affairs
Centrelink

Department of Veterans Affairs

Review of Impairment Tables advisory committee – Jenny Pearson

Australian Federation of Disability Organisations – Graham Douglas-Meyer

National Disability Services – Ken Baker

Mental Health Council of Australia – Frank Quinlan

Australian Council of Social Services – Peter Davidson

Royal Australasian College of Physicians – Peter Wilkins

Royal Australian and New Zealand College of Psychiatrists – Dr Martin Nothling

Committee to which bill is to be referred:

Senate Community Affairs Legislation Committee

Possible hearing date(s):

TBC

Possible reporting date:

Thursday 15 September

Senator McEwen

(signed)

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~~Whip~~ Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

- Work Health and Safety Bill 2011
- Work Health and Safety (Transitional and Consequential Provisions) Bill 2011

Reasons for referral/principal issues for consideration:

The Work Health Safety Bill 2011 and Work Health and Safety (Transitional and Consequential Provisions) Bill 2011 give effect to the Government's obligations under the 2008 COAG *Inter-Governmental Agreement for Regulatory and Operational Reform in OHS* (IGA) to implement nationally harmonised OHS laws.

The Bills make important reforms to the regulation of occupational health and safety in the Commonwealth. Specifically, they will repeal the current *Occupational Health and Safety Act 1991* and replace it with model provisions developed by Safe Work Australia and agreed by Workplace Relations Ministers' Council. There will also be provisions specific to the Commonwealth to ensure that the legislation interacts appropriately with existing Commonwealth laws.

The Bills have been subject to extensive consultation at a national level, including with employer and employee organisations and state and territory governments. They are informed by the outcomes of an independent expert review which concluded in 2008 and also reflect the stakeholder comments made on an exposure draft released in May 2011 for a three week period.

Possible submissions or evidence from:

Interested stakeholders would include entities to be covered by the proposed legislation, as well as workers and their representatives.

Committee to which bill is to be referred:

Education, Employment and Workplace Relations Committee

Possible hearing date(s):

July/ August

Possible reporting date: 26 August 2011.

Senator McEwen

(signed)

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~~Whip~~ Selection of Bills Committee member