

SELECTION OF BILLS COMMITTEE

REPORT NO. 6 of 2013

18 June 2013

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 Carol Brown

Senator David Bushby

Senator the Hon Jacinta Collins

Senator Mitch Fifield

Secretary: Maureen Weeks
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 6 OF 2013

1. The committee met in private session on Monday, 17 June 2013 at 8.41 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the African Development Bank Bill 2013 be ***referred immediately*** to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 20 August 2013 (see appendix 1 for a statement of reasons for referral);
 - (b) the Australian Education Bill 2013 and the *provisions* of the Australian Education (Consequential and Transitional Provisions) Bill 2013 be ***referred immediately*** to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 20 August 2013 (see appendices 2 and 3 for statements of reasons for referral);
 - (c) the *provisions* of the Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2013 (see appendix 4 for a statement of reasons for referral);
 - (d) the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 be ***referred immediately*** to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 20 August 2013 (see appendices 5 and 6 for statements of reasons for referral);
 - (e) the *provisions* of the Homelessness Bill 2013 and the Homelessness (Consequential Amendments) Bill 2013 be ***referred immediately*** to the Community Affairs Legislation Committee for inquiry and report by 25 June 2013 (see appendix 7 for a statement of reasons for referral);
 - (f) the *provisions* of the Migration Amendment (Offshore Resources Activity) Bill 2013 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2013 (see appendix 8 for a statement of reasons for referral);
 - (g) the *provisions* of the Migration Amendment (Temporary Sponsored Visas) Bill 2013 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2013 (see appendix 9 for a statement of reasons for referral);
 - (h) the Privacy Amendment (Privacy Alerts) Bill 2013 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 June 2013 (see appendix 10 for a statement of reasons for referral);

- (i) the *provisions* of the Social Security Legislation Amendment (Public Housing Tenants' Support) Bill 2013 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 20 August 2013 (see appendix 11 for a statement of reasons for referral); and
- (j) the Superannuation Laws Amendment (MySuper Capital Gains Tax Relief and Other Measures) Bill 2013 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 24 June 2013 (see appendix 12 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills not be referred to committees:
- Australian Citizenship Amendment (Special Residence Requirements) Bill 2013
 - Banking Amendment (Unclaimed Money) Bill 2013
 - Charities Bill 2013
 - Charities (Consequential Amendments and Transitional Provisions) Bill 2013
 - Competition and Consumer Amendment Bill 2013
 - Constitution Alteration (Local Government) 2013
 - Customs Amendment (Anti-dumping Measures) Bill 2013
 - Customs Tariff (Anti-Dumping) Amendment Bill 2013
 - DisabilityCare Australia Fund (Consequential Amendments) Bill 2013
 - International Interests in Mobile Equipment (Cape Town Convention) Bill 2013
 - International Interests in Mobile Equipment (Cape Town Convention) (Consequential Amendments) Bill 2013
 - Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples) Bill 2013
 - Parliamentary Service Amendment (Freedom of Information) Bill 2013
 - Public Interest Disclosure (Consequential Amendments) Bill 2013
 - Tax and Superannuation Laws Amendment (Increased Concessional Contributions Cap and Other Measures) Bill 2013
 - Superannuation (Sustaining the Superannuation Contribution Concession) Imposition Bill 2013
 - Tax Laws Amendment (2013 Measures No. 1) Bill 2013
 - Tax Laws Amendment (Medicare Levy) Bill 2013.

The committee recommends accordingly.

4. The committee considered the following bills and, noting that they had been referred to committees pursuant to the order of the Senate of 15 May, resolved to make no recommendation:
 - Australian Capital Territory Water Management Legislation Amendment Bill 2013
 - Early Years Quality Fund Special Account Bill 2013
 - Intellectual Property Laws Amendment Bill 2013
 - Social Security Amendment (Supporting More Australians into Work) Bill 2013
 - Sugar Research and Development Services Bill 2013
Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013
 - Tax and Superannuation Laws Amendment (2013 Measures No. 2) Bill 2013.
5. The committee deferred consideration of the following bills to its next meeting:
 - Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2013
 - Interactive Gambling Amendment (Virtual Credits) Bill 2013
 - Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2013
 - Social Security Legislation Amendment (Caring for People on Newstart) Bill 2013.

(Anne McEwen)

Chair

17 June 2013

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

African Development Bank Bill 2013

Reasons for referral/principal issues for consideration:

Consideration of the additional financial and human resources required by the Commonwealth Treasury and the Australian Agency for International Development to support Australia's engagement with the African Development Bank Group

Consideration of the effectiveness of the African Development Bank Group's governance structures.

Possible submissions or evidence from:

Commonwealth Treasury
Australian Agency for International Development

Committee to which bill is to be referred:

Senate Standing Committee on Foreign Affairs, Defence and Trade

Possible hearing date(s):

June / July

Possible reporting date:

20 August 2013

Senator Fifield

(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:

Australian Education Bill 2013 (third reading print)
Australian Education (Consequential and Transitional Provisions) Bill 2013

Reasons for referral/principal issues for consideration:

To scrutinise the amendments to the Australian Education Bill, and examine the Australian Education (Consequential and Transitional Provisions) Bill 2013.

Possible submissions or evidence from:

Non-government school authorities
State Governments
Peak bodies representing teachers
Peak bodies representing parents

Committee to which bill is to be referred:

Education, Employment and Workplace Relations

Possible hearing date(s):

June / July

Possible reporting date:

August

Senator Fifield

(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:

- Australian Education (Consequential and Transitional Provisions) Bill 2013;
and
- Australian Education Bill 2013 (as amended in the House)

Reasons for referral/principal issues for consideration:

- The bills to be examined against the national education reform agenda and Council of Australian Government objectives.

Possible submissions or evidence from:

- States and territories
- Non-government sector authorities
- Principal and teacher associations
- Parent Group associations

Committee to which bill is to be referred:

- Senate Education, Employment and Workplace Relations Legislation Committee


Possible hearing date(s):

Possible reporting date:

- Monday 24 June 2013 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: Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013

Reasons for referral/principal issues for consideration:

There are issues to examine regarding the amendments relating to people smuggling and the use of wrist x-rays.

Possible submissions or evidence from:

AFP
Customs
DIAC
Medical experts

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

Senator Fifield

(signed)

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Whip / Selection of Bills Committee member
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SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013

Reasons for referral/principal issues for consideration:

To examine land use and land management issues

Possible submissions or evidence from:

Department of Defence
Department of Resources
Traditional Landowners

Committee to which bill is to be referred:

Foreign Affairs, Defence and Trade

Possible hearing date(s):

June / July

Possible reporting date:

Mid August

Senator Fifield

(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: Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013.

Reasons for referral/principal issues for consideration:

While a review of the proposal to open up the Woomera area was canvassed by the Hawke Review, the exposure draft was open for public comment from 8-13 May, insufficient time to assess whether the recommendations of the Review have been adequately implemented.

Possible submissions or evidence from:

- Traditional owners of the area including representative bodies and individuals from
 - o Maralinga Tjarutja
 - o Anangu Pitjantjatjara Yankunytjatjara
 - o Kokotha Uwankara
- Peak environmental groups
- Corporations seeking to mine in the Woomera Prohibited area
- SA government

Committee to which bill is to be referred:

Senate Foreign Affairs, Defence and Trade Committee

Possible hearing date(s): July/August 2013

Possible reporting date: October 2013

Senator Siewert

(signed)

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Whip / Selection of Bills Committee member

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SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Homelessness Bill 2013

Reasons for referral/principal issues for consideration:

The homelessness sector believes the bill is not rights based legislation (as was promised originally) that demonstrates or explicitly states the government is progressively committed to providing affordable housing.

As such, funding for homelessness services and housing provided under the National Affordable Housing Agreement and in the National Rental Affordable Scheme for example should be covered in a homelessness bill. No financial arrangements or commitments are covered in this bill.

It's also a confusing bill that talks about rights and obligations under Human Rights treaties- but the bill ends by stating it cancels out any legal obligation to give an avenue for recourse with regard to those treaties. Finally the definition of homelessness is problematic to the sector.

The homelessness sector is extremely concerned and disappointed this Bill has no teeth and adds no value to the homelessness response.

The long delay for this Bill is also a reason for concern. The bill was a recommendation from the Inquiry as part of the government's White Paper on homelessness in 2009.

Possible submissions or evidence from:

Homelessness Australia
 Anglicare Australia
 Community Housing Federation of Australia
 Homelessness Council of Australia
 Australian Council of Social Services
 HomeGround Services
 St Patricks Western Australia
 St Vincent de Paul
 Mental Health Council of Australia

Committee to which bill is to be referred:

Senate Committee on Community Affairs

Possible hearing date(s):

Senator Siewert

The week ending Friday June 21st

Possible reporting date: Tuesday June 25th

(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:

Migration Amendment (Offshore Resources Activity) Bill 2013

Reasons for referral/principal issues for consideration:

Examine the regulatory burden and cost this bill will impose upon employers forced to seek overseas workers to meet a skills need that cannot presently be met from within the Australian workforce.

Examine proposed changes to Australia's Migration Zone to guarantee that no unintended consequences may result in litigation, may undermine offshore processing arrangements or compromise the power of the Minister for Immigration to grant or refuse a visa.

Examine implications for the decision precedent established by the Federal Court in *Allseas Construction SA v Minister for Immigration and Citizenship* [2012] FCA 529 (*Allseas*).

Examine any confusion that may be created in relation to Australia's international obligations and jurisdictions at sea.

Possible submissions or evidence from:

Attorney-General's Department
 Department of Immigration and Citizenship
 Department of Education, Employment and Work Place Relations
 Australian Customs and Border Protection Command
 Australian Mines and Metals Association
 Migration Council of Australia
 APPEA
 Australian Shipowners Association
 Allseas

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

July

Senator Fifield

Possible reporting date:

August

(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:**

Migration Amendment (Temporary Sponsored Visas) Bill

Reasons for referral/principal issues for consideration:

The Bill requires further investigation into the regulatory impact the proposed changes will impose on Australian business and industry, together with impacts on labour market efficiency and business productivity from the reintroduction of labour market testing in particular. An inquiry is required to ensure no adverse impacts arise that would prohibit businesses from accessing the skilled labour they need to support Australian jobs and Australian investment.

Possible submissions or evidence from:

Department of Immigration and Citizenship
 Department of Education, Employment and Work Place Relations
 Migration Council of Australia
 Migration Institute of Australia
 Australian Mines and Metals Association
 ACCI
 AHA
 BCA
 Australian Workforce and Productivity Agency

Committee to which bill is to be referred:

Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

July
 Senator Fifield

Possible reporting date:

August

(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: *Privacy Amendment (Privacy Alerts) Bill 2013*

Reasons for referral/principal issues for consideration:

Regulatory burden on business;
Interoperability of the Bill with voluntary codes currently being prepared;
Adequacy of the Privacy Commissioner's resources to administer the regime and to deal with current responsibilities in code formulation;
Status of code formulation;
Progress of a consumer education program for the new privacy regime;
Extent of the regime established by the Bill that is to be contained in Regulations.

Possible submissions or evidence from:

Privacy Commissioner
Attorney-General's Department
Australian Retail Credit Association
Veda
Dun & Bradstreet
Genworth Limited
Optus
Telstra

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

Senator Fifield

(signed)

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Whip / Selection of Bills Committee member
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SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Social Security Legislation Amendment (Public Housing Tenants' Support) Bill 2013

Reasons for referral/principal issues for consideration:

To examine:

- Whether the bill will achieve its objective to prevent homelessness for public housing tenants at risk of eviction due to arrears.
- The likely financial pressures on the target group
- Whether the Bill will affect a wider than anticipated group
- The regulatory and financial burden required to administer

Possible submissions or evidence from:

Homelessness Australia
Australian Council of Social Services
National Shelter
Tenants Union of Victoria
Salvation Army

Committee to which bill is to be referred:

Community Affairs

Possible hearing date(s):

July 2013

Possible reporting date:

Senator Fifield

August 2013

(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:

Superannuation Laws Amendment (MySuper Capital Gains Tax Relief and Other Measures) Bill 2013

Reasons for referral/principal issues for consideration:

Schedule 1: Scope of CGT relief (and ability to transfer losses)

Schedule 2: Impact on the superannuation benefits and retirement incomes of veterans and their surviving spouses

Possible submissions or evidence from:

FSC, ASFA, AIST, ISN, Defence Force Welfare Association and the RSL

Committee to which bill is to be referred:

Senate Economics Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

Senator Fifield

(signed)

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Whip / Selection of Bills Committee member