

Legal and Constitutional Affairs

Legal and Constitutional Affairs

1 January 2010 - 30 June 2010

	Matters current as at 1 January 2010	Matters referred during period *	Reports tabled that discharge a reference **	Current inquiries as at 30 June 2010
Legislation	2	20	13 +(2)	9
References	0	2	0	2
Total	2	22	13 +(2)	11

Number and Hours of Meeting										
	Public	Hrs	Public Estimates	Hrs	Private	Hrs	Insp/Other	Hrs	Total Meetings	Total Hours
Legislation	10	39:56	6	65:35	21	4:08	0	0:00	37	109:39
References	0	0:00	0	0:00	10	1:01	0	0:00	10	1:01
Total	10	39:56	6	65:35	31	5:09	0	0:00	47	110:40

Meetings By State								
	ACT	NSW	VIC	TAS	SA	WA	NT	QLD
Legislation	30	3	1	0	0	0	1	2
References	10	0	0	0	0	0	0	0
Total	40	3	1	0	0	0	1	2

	Witnesses				Hansard Pages			No of Submissions	No Of Pages	Government Responses
	Televised Hearings	Estimates	Other (Bills)	General	Estimates	Other (Bills)	General			
Legislation	10	125	112	0	843	489	0	1017	3663	3
References	0	0	0	0	0	0	0	164	976	0
Total	10	125	112	0	843	489	0	1181	4639	3

* includes referral of Annual Reports x 1; referral of estimates x 2

** includes 2 Interim reports

Legal and Constitutional Affairs (Legislation)

1 January 2010 to 30 June 2010

Method of appointment

Pursuant to amended Senate Standing Order 25.

Current members

	<i>Date of appointment</i>
Senator Trish Crossin (NT, ALP) <i>(elected Chair on 14.05.09)</i>	14.05.09
Senator Guy Barnett (TAS, LP) <i>(elected Deputy Chair on 14.05.09)</i>	14.05.09
Senator David Feeney (VIC, ALP)	14.05.09
Senator Scott Ludlam (WA, AG)	14.05.09
Senator Gavin Marshall (VIC, ALP)	14.05.09
Senator Stephen Parry (TAS, LP)	11.03.10

Substitute member

	<i>Date of appointment</i>
Senator Sarah Hanson-Young (SA, AG) ¹	15.06.10

Participating members

	<i>Date of appointment</i>
Senator the Hon Eric Abetz (TAS, LP)	14.05.09
Senator Judith Adams (WA, LP)	14.05.09
Senator Chris Back (WA, LP)	14.05.09
Senator Cory Bernardi (SA, LP)	14.05.09
Senator Catryna Bilyk (TAS, ALP)	14.05.09
Senator Simon Birmingham (SA, LP)	14.05.09
Senator Mark Bishop (WA, ALP)	14.05.09
Senator the Hon Ronald Boswell (QLD, NATS)	14.05.09
Senator Sue Boyce (QLD, LP)	14.05.09
Senator the Hon George Brandis (QLD, LP)	14.05.09
Senator Bob Brown (TAS, AG)	14.05.09
Senator Carol Brown (TAS, ALP)	14.05.09
Senator David Bushby (TAS, LP)	14.05.09
Senator Doug Cameron (NSW, ALP)	14.05.09
Senator Michaelia Cash (WA, LP)	14.05.09
Senator the Hon Richard Colbeck (TAS, LP)	14.05.09
Senator Jacinta Collins (VIC, ALP)	14.05.09
Senator the Hon Helen Coonan (NSW, LP)	14.05.09

¹

Replaces Senator Ludlam for the committee's inquiry into the provisions of the Migration Amendment (Visa Capping) Bill 2010

Senator Mathias Cormann (WA, LP)	14.05.09
Senator Alan Eggleston (WA, LP)	14.05.09
Senator Don Farrell (SA, ALP)	14.05.09
Senator the Hon Alan Ferguson (SA, LP)	14.05.09
Senator Steve Fielding (VIC, FFP)	14.05.09
Senator Concetta Fierravanti-Wells (NSW, LP)	14.05.09
Senator Mitch Fifield (VIC, LP)	14.05.09
Senator Mary Jo Fisher (SA, LP)	11.03.10
Senator Michael Forshaw (NSW, ALP)	14.05.09
Senator Mark Furner (QLD, ALP)	14.05.09
Senator Sarah Hanson-Young (SA, AG)	14.05.09
Senator the Hon Bill Heffernan (NSW, LP)	14.05.09
Senator Gary Humphries (ACT, LP)	14.05.09
Senator Annette Hurley (SA, ALP)	14.05.09
Senator Steve Hutchins (NSW, ALP)	14.05.09
Senator the Hon David Johnston (WA, LP)	14.05.09
Senator Barnaby Joyce (QLD, NATS)	14.05.09
Senator Helen Kroger (VIC, LP)	14.05.09
Senator Scott Ludlam (WA, AG)	15.06.10
Senator Kate Lundy (ACT, ALP)	14.05.09
Senator the Hon Ian Macdonald (QLD, LP)	14.05.09
Senator the Hon Brett Mason (QLD, LP)	14.05.09
Senator Anne McEwen (SA, ALP)	14.05.09
Senator Julian McGauran (VIC, LP)	14.05.09
Senator the Hon Jan McLucas (QLD, ALP)	14.05.09
Senator Christine Milne (TAS, AG)	14.05.09
Senator the Hon Nicholas Minchin (SA, LP)	14.05.09
Senator Claire Moore (QLD, ALP)	14.05.09
Senator Fiona Nash (NSW, NATS)	14.05.09
Senator Kerry O'Brien (TAS, ALP)	14.05.09
Senator Marise Payne (NSW, LP)	14.05.09
Senator Helen Polley (TAS, ALP)	14.05.09
Senator Louise Pratt (WA, ALP)	14.05.09
Senator the Hon Michael Ronaldson (VIC, LP)	14.05.09
Senator Scott Ryan (VIC, LP)	14.05.09
Senator the Hon Nigel Scullion (NT, CLP)	14.05.09
Senator Rachel Siewert (WA, AG)	14.05.09
Senator Glenn Sterle (WA, ALP)	14.05.09
Senator the Hon Judith Troeth (VIC, LP)	14.05.09
Senator Russell Trood (QLD, LP)	14.05.09
Senator John Williams (NSW, NATS)	14.05.09
Senator Dana Wortley (SA, ALP)	14.05.09
Senator Nick Xenophon (SA, IND)	14.05.09

Former member

Senator Mary Jo Fisher (SA, LP)

Term of appointment

14.05.09–11.03.10

Former substitute members

Senator Helen Polley (TAS, ALP)²

Senator Sarah Hanson-Young (SA, AG)³

Senator Sarah Hanson-Young (SA, AG)⁴

Senator Sarah Hanson-Young (SA, AG)⁵

Senator Sarah Hanson-Young (SA, AG)⁶

Senator Sarah Hanson-Young (SA, AG)⁷

Senator Steve Hutchins (NSW, ALP)⁸

Senator the Hon Jan McLucas (QLD, ALP)⁹

Senator the Hon Jan McLucas (QLD, ALP)¹⁰

Senator the Hon Jan McLucas (QLD, ALP)¹¹

Senator Rachel Siewert (WA, AG)¹²

Term of appointment

25.06.09–16.11.09

25.06.09–07.09.09

25.06.09–26.11.09

25.06.09–20.08.09

18.03.10–04.05.10

14.09.09–19.10.09

25.06.09–16.11.09

19.10.09–20.10.09

08.02.10–09.02.10

24.05.10–26.05.10

29.10.09–24.02.10

Former participating members

Senator David Feeney (VIC, ALP)

Senator Scott Ludlam (WA, AG)

Senator Scott Ludlam (WA, AG)

Senator Scott Ludlam (WA, AG)

Senator Scott Ludlam (WA, AG)

Senator Scott Ludlam (WA, AG)

Senator Scott Ludlam (WA, AG)

Senator Gavin Marshall (VIC, ALP)

Senator Gavin Marshall (VIC, ALP)

Senator Stephen Parry (TAS, LP)

Term of appointment

25.06.09–16.11.09

25.06.09–07.09.09

25.06.09–26.11.09

25.06.09–20.08.09

18.03.10–04.05.10

14.09.09–19.10.09

29.10.09–24.02.10

25.06.09–16.11.09

08.02.10–09.02.10

14.05.09–11.03.10

² Replaced Senator Marshall for the committee's inquiry into the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009

³ Replaced Senator Ludlam for the committee's inquiry into the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009

⁴ Replaced Senator Ludlam for the committee's inquiry into the Marriage Equality Amendment Bill 2009

⁵ Replaced Senator Ludlam for the committee's inquiry into the Migration Amendment (Immigration Detention Reform) Bill 2009

⁶ Replaced Senator Ludlam for the committee's inquiry into the Anti-People Smuggling and Other Measures Bill 2010 [Provisions]

⁷ Replaced Senator Ludlam for the committee's inquiry into the provisions of the Migration Amendment (Complementary Protection) Bill 2009

⁸ Replaced Senator Feeney for the committee's inquiry into the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009

⁹ Replaced Senator Crossin on 19 and 20 October 2009

¹⁰ Replaced Senator Marshall for the committee's consideration of the 2009–10 additional estimates on 8 February and 9 February 2010

¹¹ Replaced Senator Marshall for the consideration of the 2010–11 Budget estimates from 24 May to 26 May 2010

¹² Replaced Senator Ludlam for the committee's inquiry into the Native Title Amendment Bill (No. 2) 2009 [Provisions]

Inquiries

As at 1 January 2010

- Bankruptcy Legislation Amendment Bill 2009 [Provisions] (referred 29 October 2009—through the Selection of Bills Committee)
- Native Title Amendment Bill (No. 2) 2009 [Provisions] (referred 29 October 2009—through the Selection of Bills Committee)

Current inquiries

As at 30 June 2010

- Migration Amendment (Visa Capping) Bill 2010 [Provisions] (referred 26 May 2010)
- Human Rights (Parliamentary Scrutiny) Bill 2010 [Provisions]; and Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 [Provisions] (referred 2 June 2010)
- Civil Dispute Resolution Bill 2010 [Provisions] (referred 23 June 2010—through the Selection of Bills Committee)
- Corporations Amendment (Sons of Gwalia) Bill 2010 [Provisions] (referred 23 June 2010—through the Selection of Bills Committee)
- Access to Justice (Family Court Restructure and Other Measures) Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Crimes Legislation Amendment Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Military Court of Australia Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Aviation Crimes and Policing Legislation Amendment Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)

New references

1 January 2010–30 June 2010

- Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 [Provisions] (referred 4 February 2010—through the Selection of Bills Committee)
- Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010 (referred 4 February 2010—through the Selection of Bills Committee)
- National Radioactive Waste Management Bill 2010 [Provisions] (referred 25 February 2010—through the Selection of Bills Committee)

- Wild Rivers (Environmental Management) Bill 2010 [No. 2] (referred 25 February 2010—through the Selection of Bills Committee)
- Anti-People Smuggling and Other Measures Bill 2010 [Provisions] (referred 11 March 2010—through the Selection of Bills Committee)
- Personal Property Securities (Corporations and Other Amendments) Bill 2010 [Provisions] (referred 18 March 2010—through the Selection of Bills Committee)
- National Security Legislation Amendment Bill 2010 [Provisions] and the Parliamentary Joint Committee on Law Enforcement Bill 2010 [Provisions] (referred 18 March 2010—through the Selection of Bills Committee)
- Migration Amendment (Visa Capping) Bill 2010 [Provisions] (referred 26 May 2010)
- Crimes Amendment (Royal Flying Doctor Service) Bill 2010 [Provisions] (referred 2 June 2010)
- Human Rights (Parliamentary Scrutiny) Bill 2010 [Provisions]; and Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 [Provisions] (referred 2 June 2010)
- Civil Dispute Resolution Bill 2010 [Provisions] (referred 23 June 2010—through the Selection of Bills Committee)
- Corporations Amendment (Sons of Gwalia) Bill 2010 [Provisions] (referred 23 June 2010—through the Selection of Bills Committee)
- Access to Justice (Family Court Restructure and Other Measures) Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Crimes Legislation Amendment Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Military Court of Australia Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)
- Aviation Crimes and Policing Legislation Amendment Bill 2010 [Provisions] (referred 24 June 2010—through the Selection of Bills Committee)

Public hearings

1 January 2010–30 June 2010

- Bankruptcy Legislation Amendment Bill 2009 [Provisions]—28 January 2010, Sydney
- Native Title Amendment Bill (No. 2) 2009 [Provisions]—28 January 2010, Sydney

- 2009–10 Additional Estimates—8 & 9 February 2010, Canberra
- Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010—9 March 2010, Canberra
- Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 [Provisions]—9 March 2010, Canberra
- National Radioactive Waste Management Bill 2010 [Provisions]—30 March 2010, Canberra; 12 April 2010, Darwin
- Wild Rivers (Environmental Management) Bill 2010 [No. 2]—30 March 2010, Canberra; 13 April 2010, Cairns
- Anti-People Smuggling and Other Measures Bill 2010 [Provisions]—16 April 2010, Sydney
- National Security Legislation Amendment Bill 2010 [Provisions] and Parliamentary Joint Committee on Law Enforcement Bill 2010 [Provisions]—21 May 2010, Melbourne
- 2010–11 Budget Estimates—24 to 27 May 2010, Canberra

Reports tabled

1 January 2010–30 June 2010

- Bankruptcy Legislation Amendment Bill 2009 [Provisions] (tabled 24 February 2010)
- Native Title Amendment Bill (No. 2) 2009 [Provisions] (tabled 24 February 2010)
- Additional estimates 2009–10 (tabled 25 February 2010)
- Annual reports (No. 1 of 2010) (tabled 11 March 2010)
- Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 [Provisions] (tabled 18 March 2010)
- National Radioactive Waste Management Bill 2010 [Provisions]—Interim Report (presented out of session on 30 April 2010; tabled 11 May 2010)
- Anti-People Smuggling and Other Measures Bill 2010 [Provisions] (presented out of session on 4 May 2010; tabled 11 May 2010)
- Wild Rivers (Environmental Management) Bill 2010 [No. 2]—Interim Report (presented out of session on 5 May 2010; tabled 11 May 2010)
- National Radioactive Waste Management Bill 2010 [Provisions] (presented out of session on 7 May 2010; tabled 11 May 2010)
- Personal Property Securities (Corporations and Other Amendments) Bill 2010 [Provisions] (tabled 12 May 2010)
- Crimes Amendment (Royal Flying Doctor Service) Bill 2010 [Provisions] (tabled 15 June 2010)

- National Security Legislation Amendment Bill 2010 [Provisions] and Parliamentary Joint Committee on Law Enforcement Bill 2010 [Provisions] (tabled 17 June 2010)
- Wild Rivers (Environmental Management) Bill 2010 [No. 2] (tabled 22 June 2010)
- Budget estimates 2010–11 (tabled 23 June 2010)
- Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010 (presented out of session on 30 June 2010)

Government responses

1 January 2010–30 June 2010

- Personal Property Securities (Consequential Amendments) Bill 2009 [Provisions] (tabled 4 February 2010; report tabled 23 November 2009)
- Stolen Generation Compensation Bill 2008 (tabled 18 March 2010; report tabled 16 June 2008)
- Effectiveness of the *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality (presented out of session on 4 May 2010; tabled 11 May 2010; report tabled 12 December 2008)
- Unfinished business: Indigenous stolen wages (Minister for Families, Housing, Community Services and Indigenous Affairs responded directly to Chair on 5 May 2010; report tabled 7 December 2006)

Estimates

A statistical summary of this Committee's work when considering Estimates appears in Part Four.

Legal and Constitutional Affairs (References)

1 January 2010 to 30 June 2010

Method of appointment

Pursuant to amended Senate Standing Order 25.

Current members

Date of appointment

Senator Guy Barnett (TAS, LP) <i>(elected Chair on 14.05.09)</i>	14.05.09
Senator Trish Crossin (NT, ALP) <i>(elected Deputy Chair on 14.05.09)</i>	14.05.09
Senator David Feeney (VIC, ALP)	14.05.09
Senator Scott Ludlam (WA, AG)	14.05.09
Senator Stephen Parry (TAS, LP)	11.03.10
Senator Russell Trood (QLD, LP)	14.05.09

Substitute members

Date of appointment

Senator Rachel Siewert (WA, AG) ¹	04.02.10
Senator Rachel Siewert (WA, AG) ²	24.06.10

Participating members

Date of appointment

Senator the Hon Eric Abetz (TAS, LP)	14.05.09
Senator Judith Adams (WA, LP)	14.05.09
Senator Chris Back (WA, LP)	14.05.09
Senator Cory Bernardi (SA, LP)	14.05.09
Senator Catryna Bilyk (TAS, ALP)	14.05.09
Senator Simon Birmingham (SA, LP)	14.05.09
Senator Mark Bishop (WA, ALP)	14.05.09
Senator the Hon Ronald Boswell (QLD, NATS)	14.05.09
Senator Sue Boyce (QLD, LP)	14.05.09
Senator the Hon George Brandis (QLD, LP)	14.05.09
Senator Bob Brown (TAS, AG)	14.05.09
Senator Carol Brown (TAS, ALP)	14.05.09
Senator David Bushby (TAS, LP)	14.05.09
Senator Doug Cameron (NSW, ALP)	14.05.09
Senator Michaelia Cash (WA, LP)	14.05.09
Senator the Hon Richard Colbeck (TAS, LP)	14.05.09

¹ Replaces Senator Ludlam for the committee's inquiry into the review of government compensation payment

² Replaces Senator Ludlam for the committee's inquiry into donor conception practices

Senator Jacinta Collins (VIC, ALP)	14.05.09
Senator the Hon Helen Coonan (NSW, LP)	14.05.09
Senator Mathias Cormann (WA, LP)	14.05.09
Senator Alan Eggleston (WA, LP)	14.05.09
Senator Don Farrell (SA, ALP)	14.05.09
Senator the Hon Alan Ferguson (SA, LP)	14.05.09
Senator Steve Fielding (VIC, FFP)	14.05.09
Senator Concetta Fierravanti-Wells (NSW, LP)	14.05.09
Senator Mitch Fifield (VIC, LP)	14.05.09
Senator Mary Jo Fisher (SA, LP)	11.03.10
Senator Michael Forshaw (NSW, ALP)	14.05.09
Senator Mark Furner (QLD, ALP)	14.05.09
Senator Sarah Hanson-Young (SA, AG)	14.05.09
Senator the Hon Bill Heffernan (NSW, LP)	14.05.09
Senator Gary Humphries (ACT, LP)	14.05.09
Senator Annette Hurley (SA, ALP)	14.05.09
Senator Steve Hutchins (NSW, ALP)	14.05.09
Senator the Hon David Johnston (WA, LP)	14.05.09
Senator Barnaby Joyce (QLD, NATS)	14.05.09
Senator Helen Kroger (VIC, LP)	14.05.09
Senator Scott Ludlam (WA, AG)	24.06.10
Senator Kate Lundy (ACT, ALP)	14.05.09
Senator the Hon Ian Macdonald (QLD, LP)	14.05.09
Senator Gavin Marshall (VIC, ALP)	14.05.09
Senator the Hon Brett Mason (QLD, LP)	14.05.09
Senator Anne McEwen (SA, ALP)	14.05.09
Senator Julian McGauran (VIC, LP)	14.05.09
Senator the Hon Jan McLucas (QLD, ALP)	14.05.09
Senator Christine Milne (TAS, AG)	14.05.09
Senator the Hon Nicholas Minchin (SA, LP)	14.05.09
Senator Claire Moore (QLD, ALP)	14.05.09
Senator Fiona Nash (NSW, NATS)	14.05.09
Senator Kerry O'Brien (TAS, ALP)	14.05.09
Senator Marise Payne (NSW, LP)	14.05.09
Senator Helen Polley (TAS, ALP)	14.05.09
Senator Louise Pratt (WA, ALP)	14.05.09
Senator the Hon Michael Ronaldson (VIC, LP)	14.05.09
Senator Scott Ryan (VIC, LP)	14.05.09
Senator the Hon Nigel Scullion (NT, CLP)	14.05.09
Senator Rachel Siewert (WA, AG)	14.05.09
Senator Glenn Sterle (WA, ALP)	14.05.09
Senator the Hon Judith Troeth (VIC, LP)	14.05.09
Senator John Williams (NSW, NATS)	14.05.09
Senator Dana Wortley (SA, ALP)	14.05.09
Senator Nick Xenophon (SA, IND)	14.05.09

Former member

Term of appointment

Senator Mary Jo Fisher (SA, LP)

14.05.09–11.03.10

Inquiries

As at 1 January 2010

- Nil

Current inquiries

As at 30 June 2010

- Review of government compensation payments (referred 4 February 2010)
(*Reference varied 18 March 2010*)
- Past and present practices of donor conception in Australia (referred 23 June 2010)

New references

1 January 2010–30 June 2010

- Review of government compensation payments (referred 4 February 2010)
- Past and present practices of donor conception in Australia (referred 23 June 2010)

Public hearings

1 January 2010–30 June 2010

- Nil

Reports tabled

1 January 2010–30 June 2010

- Australia's Judicial System and the Role of Judges—Final Report (presented out of session on 7 December 2009; tabled 2 February 2010)
- Access to justice—Final Report (presented out of session on 8 December 2009; tabled 2 February 2010)

Government responses

1 January 2010–30 June 2010

- Nil