

**Senate Standing Committee
for the
Scrutiny of Bills**



Alert Digest

No. 11 of 2008

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Senate Standing Committee for the Scrutiny of Bills

Members of the Committee

Senator the Hon H Coonan (Chair)

Senator M Bishop (Deputy Chair)

Senator D Cameron

Senator J Collins

Senator R Siewert

Senator the Hon J Troeth

Terms of Reference

Extract from **Standing Order 24**

- (1) (a) At the commencement of each Parliament, a Standing Committee for the Scrutiny of Bills shall be appointed to report, in respect of the clauses of bills introduced into the Senate, and in respect of Acts of the Parliament, whether such bills or Acts, by express words or otherwise:
- (i) trespass unduly on personal rights and liberties;
 - (ii) make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers;
 - (iii) make rights, liberties or obligations unduly dependent upon non-reviewable decisions;
 - (iv) inappropriately delegate legislative powers; or
 - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
- (b) The committee, for the purpose of reporting upon the clauses of a bill when the bill has been introduced into the Senate, may consider any proposed law or other document or information available to it, notwithstanding that such proposed law, document or information has not been presented to the Senate.

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This Digest is circulated to all Honourable Senators.
Any Senator who wishes to draw matters to the attention of the
Committee under its terms of reference is invited to do so.

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Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008

Introduced into the Senate on 24 September 2008

Portfolio: Broadband, Communications and the Digital Economy

Background

This bill amends the *Broadcasting Services Act 1992* to implement a staggered, region-by-region switchover timetable for the transition to digital-only television (to be completed by 31 December 2013, except in certain exceptional circumstances). The bill also amends the timing of two statutory reviews required under the *Broadcasting Services Act 1992*.

The Committee has no comment on this bill.

Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2008

Introduced into the Senate on 25 September 2008

By Senator Ludlam

Background

This bill seeks to repeal the *Commonwealth Radioactive Waste Management Act 2005*; and makes a consequential amendment to the *Administrative Decisions (Judicial Review) Act 1977*.

Explanatory memorandum

The Committee notes that this bill, introduced as a private Senator's bill, was accompanied only by a second reading speech and was introduced without an explanatory memorandum. The consideration of bills by the Committee and by the Parliament is assisted if they are accompanied by an explanation of the intent and operation of the proposed amendments, preferably in the form of an explanatory memorandum.

In this case, the Committee observes that the operative parts of the bill merely propose the repeal of the *Commonwealth Radioactive Waste Management Act 2005*. Further, the second reading speech provides a very full explanation of the intent and effect of the proposed amendments.

In the circumstances, the Committee makes no further comment on this bill.

Dairy Adjustment Levy Termination Bill 2008

Introduced into the House of Representatives on 24 September 2008

Portfolio: Agriculture, Fisheries and Forestry

Background

This bill amends the *Dairy Produce Act 1986* to finalise the Dairy Industry Adjustment Program by terminating the Dairy Adjustment Levy, winding-up the Dairy Structural Adjustment Fund, and terminating the Dairy Adjustment Authority. The Bill seeks to ensure that all surplus monies collected under the Dairy Adjustment Levy are returned to the Commonwealth.

The bill repeals the *Dairy Adjustment Levy (Customs) Act 2000*, the *Dairy Adjustment Levy (Excise) Act 2000*, and the *Dairy Adjustment Levy (General) Act 2000* which set the dairy adjustment levy rate; and makes consequential amendments to the *Income Tax Assessment Act 1997*, the *Remuneration Tribunal Act 1973* and the *Social Security Act 1991*.

The bill also contains an application provision.

Delegation of legislative power

Schedule 1, items 2 and 6

Item 3 in the table to subclause 2(1) provides that Schedule 2 is to commence on the day after the day declared for the purposes of subclause 94(1) of Schedule 2 to the *Dairy Produce Act 1986*, while item 5 in the same table provides that item 3 of Schedule 3 is to commence immediately after the day specified for the purposes of subclause 55(2) of Schedule 2 to the *Dairy Produce Act 1986*. New subclauses 94(1) and 55(2) are added to the *Dairy Produce Act 1986* by items 6 and 2 respectively of Schedule 1 to the bill, and reveal that the Minister has an apparently unfettered discretion to declare when the 'levy termination day' (for the purposes of the *Dairy Produce Act 1986*) occurs, and when the Dairy Adjustment Authority ceases to exist.

Since these two determinations are clearly legislative in character, the Committee **seeks the Minister's advice** about the reason for the conferral of

this apparently unfettered discretion on the Minister to undertake legislative acts. The Committee notes that the only limit on the exercise of the Minister's discretion is that it must be done by legislative instrument, and is therefore subject to review by the Senate Standing Committee on Regulations and Ordinances. Nevertheless, the Committee also **seeks the Minister's advice** whether limits on the exercise of the Minister's discretion to make the relevant declarations might be included in the bill.

Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to delegate legislative powers inappropriately, in breach of principle 1(a)(iv) of the Committee's terms of reference, and insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee's terms of reference.

Education Legislation Amendment Bill 2008

Introduced into the House of Representatives on 24 September 2008

Portfolio: Education, Employment and Workplace Relations

Background

Introduced with the Schools Assistance Bill 2008, this bill amends the *Indigenous Education (Targeted Assistance) Act 2000* to:

- provide additional funding for 2009-2013 to support improvements in Indigenous education outcomes;
- continue the 'Away From Base' element of ABSTUDY;
- provide for transitional arrangements pending the implementation of reforms to intergovernmental financial arrangements in the Early Childhood Development, and Vocational Education and Training Sectors; and
- cease appropriation of funding from 2009 for six Indigenous education program elements for schools to enable funding for these program elements to be transferred to the proposed State Finances Act for government schools, and to the proposed Schools Assistance Act for non-government schools.

In addition, the bill amends the *Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Act 2005*, the *Indigenous Education (Targeted Assistance) Act 2000* and the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* to make consequential, transitional and technical amendments; and repeals the *States Grants (Primary and Secondary Education Assistance) Act 2000*.

The bill also contains an application provision.

Uncertain commencement
Subclause 2(1)

Item 3 in the table to subclause 2(1) provides that Schedules 2 and 3 are to commence at the same time as the *Schools Assistance Act 2008*. The explanatory memorandum gives no indication as to when that might occur, but reference to the Schools Assistance Bill 2008, which was introduced on the same day, shows that it is proposed to commence on 1 January 2009. The Committee notes that it would have been useful if this information had been included in the explanatory memorandum to this bill.

In the circumstances, the Committee makes no further comment on this provision.

Standing appropriations
Schedule 1, items 1, 3 and 6

Proposed new section 14B of the *Indigenous Education (Targeted Assistance) Act 2000*, to be inserted by item 6 of Schedule 1, would make standing appropriations out of the Consolidated Revenue Fund to provide \$640.5 million (final 2008 prices) for non-ABSTUDY payments from 1 January 2009 until 30 June 2013, with adjustments for price movements.

In addition, items 1 and 3 of Schedule 1 contain amendments to subsection 3(1) and section 4, respectively, of the *Indigenous Education (Targeted Assistance) Act 2000* which would allow continuation of standing appropriations out of the Consolidated Revenue Fund for ABSTUDY (Away From Base) payments until 2013. According to the explanatory memorandum to the bill, the projected demand for 2009-2013 for ABSTUDY (Away From Base) payments (in constant final 2008) prices is \$102.1 million, with adjustments for price movements.

The Committee has determined that, as part of its standard procedures for reporting on bills, it should draw Senators' attention to the presence in bills of standing appropriations. It will do so under provisions 1(a)(iv) and (v) of its terms of reference, which require the Committee to report on whether bills:

- (iv) inappropriately delegate legislative powers; or

- (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.

In scrutinising standing appropriations, the Committee looks to the explanatory memorandum for an explanation of the reason for the standing appropriation. In addition, the Committee likes to see:

- some limitation placed on the amount of funds that may be so appropriated; and
- a sunset clause that ensures the appropriation cannot continue indefinitely without any further reference to the Parliament.

In this instance, the committee is satisfied that the appropriations are limited in both time and amounts and, accordingly, makes no further comment on these provisions.

In the circumstances, the Committee makes no further comment on this bill.

Interstate Road Transport Charge Amendment Bill (No. 2) 2008

Introduced into the House of Representatives on 25 September 2008
Portfolio: Infrastructure, Transport, Regional Development and Local
Government

Background

Introduced with the Road Charges Legislation Repeal and Amendment Bill 2008, this bill succeeds the Interstate Road Transport Charge Amendment Bill 2008 (defeated in the Senate on 19 March 2008). The bill amends the *Interstate Road Transport Charge Act 1985* to implement the revised registration charge elements of the 2007 Heavy Vehicle Charges Determination. The Determination was unanimously agreed by Transport Ministers at the Australian Transport Council meeting in February 2008, and implemented by the states in July 2008.

The bill also allows regulations to be made to implement the national heavy vehicle charges detailed in the Determination, for application to vehicles registered under the Federal Interstate Registration Scheme.

The bill also contains application provisions.

Setting the rate of a charge by regulation Schedule 1, item 6, proposed new subsection 5(3)

Proposed new subsection 5(3) of the *Interstate Road Transport Charge Act 1985*, to be inserted by item 6 of Schedule 1, provides that the amount of charge in respect of the registration of specified vehicles is 'the amount worked out in accordance with the regulations made for the purposes of' that section. The Committee has consistently drawn attention to legislation that provides for the rate of a charge or levy to be set by regulation. This creates a risk that the charge may, in fact, become a tax. In the Committee's opinion, it is for Parliament, rather than the makers of subordinate legislation, to set a rate of tax.

Where the rate of a charge is to be set by subordinate legislation, the Committee expects that there will be some limits imposed on the exercise of this power. For example, the Committee expects the enabling Act to prescribe either a maximum figure above which the relevant regulations cannot fix the charge, or, alternatively, a formula by which such an amount can be calculated. The vice to be avoided is delegating an unfettered power to impose fees.

In this instance, the Committee notes from the explanatory memorandum that the purpose of the charge, as determined by the Council of Australian Governments, is 'to fully recover the costs of the provision of the road network to the heavy vehicle industry', a point which is echoed in the second reading speech and Regulatory Impact Statement. Thus the Committee notes that the amount of the charge is limited to cost recovery.

In the circumstances, the Committee makes no further comment on this provision.

Migration Legislation Amendment (Worker Protection) Bill 2008

Introduced into the Senate on 24 September 2008

Portfolio: Immigration and Citizenship

Background

This bill amends the *Migration Act 1958* with a view to enhancing the framework for the sponsorship of non-citizens seeking entry to Australia. In particular, the bill:

- seeks to provide the structure for better defined sponsorship obligations for employers and other sponsors;
- seeks to improve information-sharing across all levels of government;
- expands powers to monitor and investigate possible non-compliance by sponsors; and
- introduces a civil penalty regime for sponsors found to be in breach of their sponsorship obligations.

In addition, the bill amends the *Taxation Administration Act 1953* to allow the Commissioner of Taxation to disclose certain information to an officer of the Department of Immigration and Citizenship.

The bill also contains application and transitional provisions.

Commencement more than six months after assent Subclause 2(1)

Item 2 in the table to subclause 2(1) provides that Schedules 1 and 2 are to commence on Proclamation, but in any event within nine months of Assent. The Committee takes the view that Parliament is responsible for determining when laws are to come into force. The Committee will generally not comment where the period of delayed commencement is six months or less. Where the

delay is longer, the Committee expects that the explanatory memorandum to the bill will provide an explanation, in accordance with Paragraph 19 of Drafting Direction No. 1.3.

In this instance, the explanatory memorandum (at page 4) seeks to justify this extension beyond the six months usually accepted by the Committee on the ground that it will 'allow the recommendations of various review and consultation processes to be taken into account in drafting the regulations'. The Committee notes that these reviews and consultations are being carried out by persons and bodies outside the Commonwealth Public Service, and therefore not directly under the control of the Minister.

In the circumstances, the Committee makes no further comment on this provision.

Entry without warrant

Schedule 1, item 30, proposed new subsection 140X(2)

Proposed new subsection 140X(2) of the *Migration Act 1958*, to be inserted by item 30 of Schedule 1, would allow an inspector to enter 'business premises or another place' without force, but also without a warrant, if the inspector has reasonable cause to believe that there is relevant material on the premises. In view of the reference to the power to enter 'another place', it appears that this entry without warrant may be effected on private premises.

The Committee notes that the Explanatory Memorandum (at page 40) seeks to justify this provision by explaining that '(t)hese powers are not in accordance with the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers*. However, it is necessary for inspectors appointed under new section 140V to have similar powers as Workplace Inspectors, as it is probable that Workplace Inspectors will also be appointed as inspectors under new section 140V. If so, it would be intended that the Workplace Inspectors will exercise their powers for the purposes of both the *Workplace Relations Act 1996*, and the purposes in section 140X(1), concurrently.' The Committee accepts the rationale provided by the explanatory memorandum as to why these entry without warrant powers are considered necessary.

In the circumstances, the Committee makes no further comment on this provision.

**Abrogation of the privilege against self-incrimination
Schedule 1, item 30, proposed new subsection 140Y(4)**

Proposed new subsection 140Y(4) of the *Migration Act 1958*, also to be inserted by item 30 of Schedule 1, would abrogate the privilege against self-incrimination for a person required to answer a question or produce a document under proposed new section 140X. At common law, people can decline to answer questions on the grounds that their replies might tend to incriminate them. Legislation which interferes with this common law privilege trespasses on personal rights and liberties.

The Committee does not see this privilege as absolute, however, recognising that the public benefit in obtaining information may outweigh the harm to civil rights. One of the factors the Committee considers is the subsequent use that may be made of any incriminating disclosures.

In this case, the Committee notes that new subsection 140Y(5) limits the circumstances in which information so provided is admissible in evidence in proceedings against the affected person. The Committee accepts that this provision strikes a reasonable balance between the competing interests of obtaining information and protecting individuals' rights.

In the circumstances, the Committee makes no further comment on this provision.

National Measurement Amendment Bill 2008

Introduced into the House of Representatives on 24 September 2008
Portfolio: Innovation, Industry, Science and Research

Background

This bill amends the *National Measurement Act 1960* to give effect to the decision by the Council of Australian Governments (COAG) to introduce a national system of trade measurement, based on the current trade measurement systems of the states and territories. The bill also introduces some measures that have been approved by the Ministerial Council on Consumer Affairs (MCCA) for inclusion in the uniform state and territory trade measurement legislation but have not been introduced in all jurisdictions.

The bill also contains application and transitional provisions.

Strict liability Schedule 1, item 65

A number of provisions to be inserted in the *National Measurement Act 1960* by this bill would create offences of strict criminal liability. The relevant provisions, to be inserted by item 65 of Schedule 1, are: proposed new subsections 18GA(3), 18GB(3), 18GC(3), 18GD(5), 18GE(7), 18GM(3), 18GN(3), 18GO(7), 18GQ(3), 18HB(5), 18HC(3), 18HD(2), 18HE(2), 18HG(3), 18HI(5), 18JA(3), 18JB(3), 18JC(3), 18JD(3), 18JE(3), 18JF(3), 18JG(3), 18JH(3), 18JK(4), 18JL(7), 18JM(3), 18JN(3), 18JO(3), 18JP(3), 18JS(3), 18JT(3), 18JU(5), 18JV(5), 18KA(3), 18KB(3), 18KC(3), 18KD(3), 18NO(4), 18PT(2) and 18PU(7).

The Committee will generally draw to Senators' attention provisions which create strict liability offences. Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum which accompanies the bill.

In this case, the explanatory memorandum observes (at page 12) that '(t)he proposed strict liability offences created in the Bill are consistent with the principles set out in *A Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers*'. The explanatory memorandum also states that, in particular, 'none of the strict liability offences is punishable by imprisonment' and 'the maximum penalty for committing one of the strict liability offences is a fine of up to 40 penalty units [currently \$4,400] for an individual'. The Committee notes that the explanatory memorandum also states that the Committee's *Seventeenth Report of 2000* and *Sixth Report of 2002* were considered in the course of framing the strict liability offences in the bill.

In the circumstances, the Committee makes no further comment on these provisions.

Strict liability

Schedule 1, item 65, proposed new subsections 18MH(5) and 18MI(4)

Proposed new subsections 18MH(5) and 18MI(4) of the *National Measurement Act 1960*, to be inserted by item 65 of Schedule 1, would create offences of strict criminal liability if a person refuses or fails to comply with a requirement to answer questions or produce books, records or documents requested by an inspector, or to provide an English translation of a book, record or document under subsections 18MH(2) or (3) or 18MI(2), respectively. Proposed new subsections 18MH(4) and 18MI(3) create the same offence, but make it subject to the prosecution proving that the alleged offender intended to commit the offence.

The Committee is not aware of any previous example in legislation of a refusal or failure to provide information to an official being an offence of strict liability, thereby rendering the offender's intentions irrelevant. The Committee notes that the only explanation given in the explanatory memorandum (apart from the general explanation given at page 12, referred to above) is at paragraph 562: 'Proposed subsection 18MH(4) provides that a person commits an offence if he or she refuses or fails to comply with a requirement under subsections 18MH(2) or (3), for which the penalty is 200 penalty units (currently \$22,000). Proposed subsection 18MH(5) creates an

equivalent strict liability offence, with a penalty of 40 penalty units (currently \$4,400). Both provisions are intended to deter people from refusing or failing to comply with the section.' The Committee also notes that paragraph 566, which refers to proposed subsections 18MI(3) and 18MI(4), offers an analogous explanation.

The Committee considers that, despite the general explanation of the reasons for strict liability in the bill, these particular provisions come within that general comment only insofar as the penalty for the strict liability offence is much less than for the fault-based offence. Where a bill creates strict liability offences, the Committee considers that clear reasons for their inclusion should be set out in the explanatory memorandum. The Committee **seeks the Minister's advice** as to the reasons for inclusion of the strict liability offences in proposed new subsections 18MH(5) and 18MI(4) of the bill.

Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.

Absolute liability **Schedule 1, item 65**

In some of the proposed new subsections of the *National Measurement Act 1960*, all to be inserted by item 65 of Schedule 1, absolute criminal liability applies to some aspects of offences created by those subsections. The Committee will generally draw to Senators' attention provisions which create absolute liability offences. Where a bill creates such offences, the Committee considers that the reason for their inclusion should be set out in the explanatory memorandum which accompanies the bill.

The Committee notes that, while the application of strict liability gives rise to a defence of honest and reasonable mistake of fact, the application of absolute liability does not. In this case, the relevant provisions are proposed new subsections 18JM(4), 18JN(4), 18JO(4), 18JP(4), 18JS(4), 18JT(4), 18JU(6) and 18JV(6). The explanatory memorandum asserts, at paragraphs 366, 376, 385, 394, 406, 416, 430 and 445 respectively, that:

The application of absolute liability to these particular physical elements of the [various] offences created under [other relevant subsections] is consistent with the principles set out in *A Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers*. Specifically, absolute liability is being applied to jurisdictional elements of the offences (which can be established as simple propositions of fact), rather than elements going to the essence of the offence. Furthermore, [the *Sixth Report of 2002*] of the Senate Standing Committee for the Scrutiny of Bills was taken into account in relation to th[ese] provision[s]'. The Committee accepts the rationale provided in the explanatory memorandum and makes no further comment in this case.

In the circumstances, the Committee makes no further comment on these provisions.

Personal rights and liberties

Schedule 1, item 65

Proposed new subsections 18NB(5), 18NI(5), 18NL(5), 18PB(5), 18PI(5) and 18PM(5) of the *National Measurement Act 1960*, to be inserted by item 65 of Schedule 1, provide that if the Secretary to the Department fails to give the applicant for either a servicing licence or a public weighbridge licence written notice of his or her decision within the 28 days provided for in subsections 18NB(2) and 18PB(2) respectively, then the Secretary 'is taken to have refused to grant the application'.

The Committee considers that these provisions have the potential to be seen as providing encouragement for the Secretary to be dilatory in considering an application and **seeks the Minister's advice** on this matter, including the reasons for this provision and whether the Secretary should be required to fully consider an application within the specified 28-day period.

Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.

National Rental Affordability Scheme Bill 2008

Introduced into the House of Representatives on 24 September 2008

Portfolio: Housing

Background

Introduced with the National Rental Affordability Scheme (Consequential Amendments) Bill 2008, this bill provides for the establishment of the National Rental Affordability Scheme by regulation. The National Rental Affordability Scheme aims to increase the supply of affordable rental dwellings, and reduce rental costs for low and moderate income households, by providing tax and cash incentives to providers of new dwellings on the condition that such dwellings are rented at 20 per cent below market rates.

Retrospective application

Clause 2

Clause 2 provides that the amendments made by the Bill commence on 1 July 2008. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this instance, the Committee notes that the scheme to be established under the bill is clearly beneficial to some persons renting accommodation. Further, the Committee notes from the explanatory memorandum (page 1) that '(n)o person's rights will be adversely affected by this retrospective commencement'.

In the circumstances, the Committee makes no further comment on this provision.

Determination of important matters by regulation Clauses 5-9

Clauses 5 to 9 are the only operative provisions of the bill, which allows the National Rental Affordability Scheme to be made by regulation. The Committee draws attention to provisions which may be considered to inappropriately delegate legislative powers of a kind that ought to be exercised by Parliament alone. In this instance, the Committee notes from the explanatory memorandum (page 5) that '(i)t was desirable to include most of the administrative details of the Scheme's operation in the regulations rather than in the bill itself to provide the flexibility required to address changing circumstances' (for example, changes in determining market rent, tenant eligibility criteria, and acceptable periods of vacancy).

While such regulations will be subject to review by the Senate Standing Committee on Regulations and Ordinances, the Committee considers that at least some of the details of the scheme might be included in the primary legislation. This would enable the scheme to be subject to detailed debate on the floor of each chamber of the Parliament, rather than subject to the much more heavy-handed disallowance process which is the only means by which any regulations made under the bill might be amended or rejected. Since the second reading speech indicates that the purpose of the bill is to provide \$2.2 billion in incentives to private industry in order to increase the rental housing market, the Committee **seeks the Minister's advice** whether further details of the scheme might be included in the primary legislation rather than in regulations.

Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to delegate legislative powers inappropriately, in breach of principle 1(a)(iv) of the Committee's terms of reference.

National Rental Affordability Scheme (Consequential Amendments) Bill 2008

Introduced into the House of Representatives on 24 September 2008

Portfolio: Treasury

Background

Introduced with the National Rental Affordability Scheme Bill 2008, this bill amends the *Income Tax Assessment Act 1997* to enable entities participating in the National Rental Affordability Scheme to:

- claim a refundable tax offset;
- ensure that state and territory contributions to entities are non-assessable and non-exempt income for taxation purposes; and
- ensure that there are no capital gains tax consequences from the receipt of incentives under the scheme.

The bill also contains an application provision.

Retrospective application

Clause 2

Clause 2 provides that the amendments made by the bill commence on 1 July 2008. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this instance, however, the Committee notes that the scheme to be established under the National Rental Affordability Scheme Bill 2008 is clearly beneficial to some persons renting accommodation and the explanatory memorandum explains that the bill, together with the National Rental Affordability Scheme Bill 2008, will have a total fiscal cost of around \$622.6 million over five years.

In the circumstances, the Committee makes no further comment on this provision.

Road Charges Legislation Repeal and Amendment Bill 2008

Introduced into the House of Representatives on 25 September 2008
Portfolio: Infrastructure, Transport, Regional Development and Local Government

Background

Introduced with the Interstate Road Transport Charge Amendment Bill (No. 2) 2008, this bill succeeds the Road Transport Charges (Australian Capital Territory) Repeal Bill 2008 (defeated in the Senate on 19 March 2008). The bill repeals the *Road Transport Charges (Australian Capital Territory) Act 1993*, and makes consequential amendments to the *Road Transport Reform (Heavy Vehicles Registration) Act 1997*, to allow the Australian Capital Territory to enact its own heavy vehicle registration charges. The bill also amends the *Fuel Tax Act 2006* to implement changes to the heavy vehicle road user charge which is necessary to give effect to revised heavy vehicle charges agreed by Transport Ministers at the Australian Transport Council meeting in February 2008.

The bill also contains an application provision.

The Committee has no comment on this bill.

Schools Assistance Bill 2008

Introduced into the House of Representatives on 24 September 2008
Portfolio: Education, Employment and Workplace Relations

Background

Introduced with the Education Legislation Amendment Bill 2008, this bill succeeds the *Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004* to provide funding for Commonwealth programs of financial assistance to the states and territories for non-government schools for the period 2009-2012. In particular, the bill:

- maintains the current socio-economic status funding and indexation arrangements to ensure that total recurrent funding for schools will not fall below 2008 levels;
- provides recurrent funding for Indigenous Supplementary Assistance and an Indigenous Funding Guarantee;
- provides a remoteness loading;
- provides funding for capital grants;
- provides for establishment assistance grants in 2009;
- implements a school performance information and reporting framework; and
- requires authorities and schools to implement the National Curriculum before commencement of the 2012 school year.

Standing appropriations

Clause 167

Clause 167 of this bill provides that '(t)he Consolidated Revenue Fund is appropriated as necessary for the purposes of this Act'. The Committee has

determined that, as part of its standard procedures for reporting on bills, it should draw Senators' attention to the presence in bills of standing appropriations. It will do so under provisions 1(a)(iv) and (v) of its terms of reference, which require the Committee to report on whether bills:

- (vi) inappropriately delegate legislative powers; or
- (vii) insufficiently subject the exercise of legislative power to parliamentary scrutiny.

In scrutinising standing appropriations, the Committee looks to the explanatory memorandum for an explanation of the reason for the standing appropriation. In addition, the Committee likes to see:

- some limitation placed on the amount of funds that may be so appropriated; and
- a sunset clause that ensures the appropriation cannot continue indefinitely without any further reference to the Parliament.

In this instance, the Committee notes from the explanatory memorandum that the bill provides for an appropriation of an estimated \$28 billion (final 2008 prices) for the period 2009 to 2012, taking into account adjustments for price movements. The committee is satisfied, therefore, that the appropriation is limited in both time and amount, and makes no further comment on this provision.

In the circumstances, the Committee makes no further comment on this bill.

Social Security Legislation Amendment (Employment Services Reform) Bill 2008

Introduced into the House of Representatives on 24 September 2008
Portfolio: Education, Employment and Workplace Relations

Background

This bill amends the *Social Security Act 1991* and the *Social Security (Administration) Act 1999* to, among other things:

- implement a job seeker compliance framework which will apply to newstart allowance, youth allowance for persons who are not full-time students or new apprentices, parenting payment for persons who have participation requirements and are not new apprentices, and special benefit for nominated visa holders;
- give effect to 'Employment Pathway Plans'; and
- remove references to the 'Personal Support Programme', rehabilitation programs and labour market programs.

The bill also contains application, consequential, saving and transitional provisions.

The Committee has no comment on this bill.

Stolen Generation Reparations Tribunal Bill 2008

Introduced into the Senate on 24 September 2008

By Senator Siewert

Background

This bill establishes the Stolen Generations Reparations Tribunal to provide a reparations process for certain Aboriginal and Torres Strait Islander persons who were removed from their families as children.

The Committee has no comment on this bill.

Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008

Introduced into the House of Representatives on 25 September 2008

Portfolio: Treasury

Background

Introduced with the Temporary Residents' Superannuation Legislation Amendment Bill 2008, this bill amends the *Superannuation (Departing Australia Superannuation Payments Tax) Act 2007* to enable departed temporary residents to claim their superannuation benefits through the existing departing Australia superannuation payment process, before those superannuation benefits become unclaimed.

The bill also contains an application provision.

The Committee has no comment on this bill.

Tax Laws Amendment (2008 Measures No. 5) Bill 2008

Introduced into the House of Representatives on 25 September 2008

Portfolio: Treasury

Background

Schedule 1 of this bill amends the *A New Tax System (Goods and Services Tax) Act 1999* to ensure that the interaction between the margin scheme provisions and the going concern, farmland and associates provisions does not allow property sales to be structured in a way that results in goods and services tax (GST) not applying to the value added to real property on or after 1 July 2000 by an entity registered or required to be registered for GST.

Schedule 2 of this bill amends the *Income Tax Assessment Act 1997* to modify the thin capitalisation regime in relation to the use of accounting standards for identifying and valuing an entity's assets, liabilities and equity capital.

Schedule 3 of this bill amends the *Income Tax Assessment Act 1936* to allow bonds issued in Australia by state and territory central borrowing authorities to be eligible for exemption from interest withholding tax.

Schedule 4 of this bill amends the *Fringe Benefits Tax Assessment Act 1986* to ensure that where a fringe benefit is provided jointly to an employee and their associate, the employer's fringe benefits tax (FBT) liability on the taxable value of the fringe benefit will only be reduced to the extent the employee's share of the fringe benefit is used for income-producing purposes.

Schedule 5 of this bill amends the *Income Tax Assessment Act 1936* to streamline and modernise the eligible investment business rules for managed funds.

The bill also contains application and transitional provisions.

Legislation by press release Schedule 4

Subitems 9(1), 23(1), 32(1) and 41(1) of Schedule 4 provide that many of the amendments made by that Schedule apply from 7.30 pm in Canberra on 13 May 2008 – Federal Budget night. These amendments are therefore retrospective in operation.

The Committee believes that reliance on Ministerial announcements and the implicit requirement that persons arrange their affairs in accordance with such announcements, rather than in accordance with the law, tends to undermine the principle that the law is made by Parliament, not by the Executive. While the making of legislation retrospective to the date of its introduction into Parliament may be countenanced as part of the Parliamentary process, a similar rationale cannot be advanced for the treatment of Ministerial announcements as de facto legislation.

The Committee has, in the past, been prepared to accept 'legislation by press release', so long as the legislation is introduced within six months of the announcement of the relevant measure, as is the case in respect of this bill. The Committee has also regularly been prepared to accept that amendments proposed in the Budget will have some retrospective effect when the legislation is introduced.

In the circumstances, the Committee makes no further comment on these provisions.

Tax Laws Amendment (Education Refund) Bill 2008

Introduced into the House of Representatives on 25 September 2008

Portfolio: Treasury

Background

This bill amends the *Income Tax Assessment Act 1997* to establish the Education Tax Refund, a 50 per cent refundable tax offset for eligible education expenses up to a maximum of \$750 for children undertaking primary school studies and up to \$1,500 for children undertaking secondary studies.

The bill makes consequential amendments to *A New Tax System (Family Assistance) (Administration) Act 1999*, the *Income Tax Assessment Act 1997*, the *Social Security (Administration) Act 1999*, the *Student Assistance Act 1973* and the *Tax Administration Act 1953*.

The bill also contains an application provision.

The Committee has no comment on this bill.

Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008

Introduced into the House of Representatives on 25 September 2008

Portfolio: Treasury

Background

This bill amends the *A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999* and the *Medicare Levy Act 1986* to:

- increase the Medicare levy surcharge threshold for individuals from \$50,000 to \$75,000 (with annual indexation);
- increase the Medicare levy surcharge threshold for families from \$100,000 to \$150,000 (and to set this threshold at twice the individual threshold going forward); and
- provide for transitional arrangements so that individuals who obtain private health cover before 1 January 2009 will avoid the Medicare levy surcharge for the period 1 July 2008 to 31 December 2008.

The bill also contains application and transitional provisions.

The bill succeeds the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008 (defeated in the Senate on 24 September 2008).

The Committee has no comment on this bill.

Temporary Residents' Superannuation Legislation Amendment Bill 2008

Introduced into the House of Representatives on 25 September 2008

Portfolio: Treasury

Background

Introduced with the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008, this bill amends the *Superannuation (Unclaimed Money and Lost Members) Act 1999*, the *Taxation Administration Act 1953* and the *Income Tax Assessment Act 1997* to:

- require that the superannuation of a temporary resident becomes unclaimed and payable to the Australian Taxation Office (ATO) once the individual has ceased to be a temporary visa holder, has departed Australia and has not claimed their superannuation within six months; and
- provide that departed temporary visa holders may recover their superannuation benefits, subject to withholding tax, from the ATO.

The bill also contains an application provision.

The Committee has no comment on this bill.

Trade Practices Amendment (Clarity in Pricing) Bill 2008

Introduced into the House of Representatives on 25 September 2008
Portfolio: Competition Policy and Consumer Affairs

Background

This bill amends the *Trade Practices Act 1974* to:

- prohibit corporations from advertising a component price of a good or service without also prominently specifying the single figure price, to the extent that a single figure price is quantifiable at the time of making a representation;
- update cross-references relating to pyramid selling schemes;
- clarify that certain breaches of product safety and information standards may be a criminal offence; and
- provide for the concurrent operation of certain state and territory fair trading laws.

The bill also contains an application provision.

The Committee has no comment on this bill.

Transport Security Amendment (2008 Measures No. 1) Bill 2008

Introduced into the House of Representatives on 25 September 2008
Portfolio: Infrastructure, Transport, Regional Development and Local Government

Background

This bill amends the *Aviation Transport Security Act 2004* and the *Maritime Transport and Offshore Facilities Security Act 2003* to allow aviation and maritime industry participants to have multiple security programs or plans, operating at the same time for different locations and operations.

The bill also amends the *Maritime Transport and Offshore Facilities Security Act 2003* to:

- clarify the application of that Act to foreign-regulated ships visiting an external Australian territory;
- allow for the approval of maritime, ship or offshore security plans to exist for up to five years (but no less than 12 months); and
- provide for regulations to develop nationally consistent mapping standards for maritime security zones and security-regulated port boundaries, and standards for the presentation of information detailing offshore security zones.

The bill also contains saving and transitional provisions.

The Committee has no comment on this bill.

Urgent Relief for Single Age Pensioners Bill 2008

Introduced into the Senate and passed on 22 September 2008

By Senator Coonan

Background

This bill amends the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986* to increase the single age pension, the single age service pension and the Widow B pension by \$30 per week, with effect from 20 September 2008.

Explanatory memorandum

The Committee notes that the bill is accompanied by both an explanatory memorandum and a second reading speech. Although the explanatory memorandum comprises a 'Preface' and a 'General Outline', there is no clause-by-clause explanation of the provisions of the bill. However, the Bill consists of the addition of an essentially identical section to the *Social Security Act 1991* (in two places) and to the *Veterans' Entitlements Act 1986* (once only), together with minor consequential amendments to both those Acts. Further, the Committee notes that the explanatory memorandum provides a full explanation of the object and purpose of the proposed amendments.

In the circumstances, the Committee makes no further comment on this issue.

Retrospective application

Clause 2

Clause 2 provides that the amendments made by the Bill are taken to have commenced on 20 September 2008. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this instance, the bill is clearly beneficial to recipients of three types of single age pensions.

In the circumstances, the Committee makes no further comment on this provision.

Water Amendment Bill 2008

Introduced into the House of Representatives on 25 September 2008

Portfolio: Climate Change and Water

Background

This bill amends the *Water Act 2007* to give effect to the intergovernmental *Agreement on Murray-Darling Basin Reform* signed by the Commonwealth, New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory at the meeting of the Council of Australian Governments (COAG) on 3 July 2008. The bill seeks to enable water resources in the Murray-Darling Basin to be managed in the national interest.

In particular, the bill:

- transfers the current powers and functions of the Murray-Darling Basin Commission, as set out in the former Murray-Darling Basin Commission, to the new Murray-Darling Basin Authority;
- expands the Basin Plan to include arrangements for critical human water needs for communities dependent on the River Murray System;
- extends the Australian Competition and Consumer Commission's role in relation to water market rules and water charge rules; and
- implements a revised Murray-Darling Basin Agreement which, among other things, establishes a new Ministerial Council and the Basin Officials Committee.

The bill repeals the *Murray-Darling Basin Act 1993*; and makes consequential and technical amendments to the *Legislative Instruments Act 2003*, the *Trade Practices Act 1974* and the *Water Act 2007*.

The bill also contains application and transitional provisions.

'Henry VIII' clause
Schedule 1, item 1, proposed section 18C

Proposed subsection 18C(1) enables regulations to be made to Schedule 1 to update the text of the revised Murray-Darling Basin Agreement when amendments are made to that agreement. A 'Henry VIII' clause is an express provision which authorises the amendment of either the empowering legislation, or any other primary legislation, by means of delegated legislation. Since its establishment, the Committee has consistently drawn attention to 'Henry VIII' clauses and other provisions which (expressly or otherwise) permit subordinate legislation to amend or take precedence over primary legislation. Such provisions clearly involve a delegation of legislative power and are usually a matter of concern to the Committee. The Committee notes that proposed section 18C(1) creates such a delegation of legislative power.

The explanatory memorandum explains why a 'Henry VIII' clause was considered necessary 'in the limited context' of amending the Murray-Darling Basin Agreement: 'As an intergovernmental agreement, the revised Agreement can be amended through the agreement of all participating jurisdictions. The regulation making power will ensure that an up to date version of the Agreement is at all times included in Schedule 1 to the Act. This Bill does not otherwise provide for the Act to be modified by regulations'. The Committee accepts the rationale provided in the explanatory memorandum and makes no further comment on this issue.

In the circumstances, the Committee makes no further comment on this bill.

COMMENTARY ON AMENDMENTS TO BILLS

Excise Legislation Amendment (Condensate) Bill 2008

On 25 September 2008, the Senate agreed to nine amendments to the bill. On 25 September 2008, the House of Representatives also agreed to the amendments made by the Senate.

Excise Tariff Amendment (Condensate) Bill 2008

On 25 September 2008, the Senate agreed to three amendments to the bill. On 25 September 2008, the House of Representatives also agreed to the amendments made by the Senate.

Migration Amendment (Notification Review) Bill 2008

On 24 September 2008, the House of Representatives agreed to 12 amendments to the bill. On 14 October 2008, the Senate also agreed to the amendments made by the House of Representatives.

Tax Laws Amendment (Luxury Car Tax) Bill 2008

On 22 September 2008, the Senate agreed to four amendments to the bill. On 24 September 2008, the House of Representatives also agreed to the amendments made by the Senate.

PROVISIONS OF BILLS WHICH IMPOSE CRIMINAL SANCTIONS FOR A FAILURE TO PROVIDE INFORMATION

The Committee's *Eighth Report of 1998* dealt with the appropriate basis for penalty provisions for offences involving the giving or withholding of information. In that Report, the Committee recommended that the Attorney-General develop more detailed criteria to ensure that the penalties imposed for such offences were 'more consistent, more appropriate, and make greater use of a wider range of non-custodial penalties'. The Committee also recommended that such criteria be made available to Ministers, drafters and to the Parliament.

The Government responded to that Report on 14 December 1998. In that response, the Minister for Justice referred to the ongoing development of the Commonwealth *Criminal Code*, which would include rationalising penalty provisions for 'administration of justice offences'. The Minister undertook to provide further information when the review of penalty levels and applicable principles had taken place.

For information, the following Table sets out penalties for 'information-related' offences in the legislation covered in this *Digest*. The Committee notes that imprisonment is still prescribed as a penalty for some such offences.

Bill/Act	Section/Subsection	Offence	Penalty
Migration Legislation Amendment (Worker Protection) Bill 2008	Schedule 1, item 30, proposed section 140Z	Failure to provide information to a public authority	Imprisonment for six months
Migration Legislation Amendment (Worker Protection) Bill 2008	Schedule 1, item 42, proposed subsection 486U(5)	Failure to provide information to a public authority	30 penalty units
National Measurement Amendment Bill 2008	Schedule 1, item 65, proposed subsections 18MH(4) and 18MI(3)	Failure to provide information to a public authority	200 penalty units

National Measurement Amendment Bill 2008	Schedule 1, item 65, proposed subsections 18MH(5) and 18MI(4)	Failure to provide information to a public authority	40 penalty units
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BILLS GIVING EFFECT TO NATIONAL SCHEMES OF LEGISLATION

Recent discussions between the Chairs and Deputy Chairs of Commonwealth, State and Territory Scrutiny Committees have again noted difficulties in the identification and scrutiny of national schemes of legislation. Essentially, these difficulties arise because 'national scheme' bills are devised by Ministerial Councils and are presented to Parliaments as agreed and uniform legislation. Any requests for amendment are seen to threaten that agreement and that uniformity.

To assist in the early identification of national schemes of legislation, the Committee proposes to note bills that give effect to such schemes as they come before the Committee for consideration.

Interstate Road Transport Charge Amendment Bill (No. 2) 2008 and Road Charges Legislation Repeal and Amendment Bill 2008

These bills form part of the national transport reform agenda, as agreed by the Commonwealth and the states and territories under the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport*.

The bills will enable the implementation of the registration charge elements of the 2007 Heavy Vehicle Charges Determination which revises national charges for heavy vehicles and trailers, for application to heavy vehicles registered under the Federal Interstate Registration Scheme. The Determination was agreed to by the Australian Transport Council on 29 February 2008 and was implemented by the states on 1 July 2008. The Northern Territory is currently introducing the new national charges into its Parliament (with commencement expected before the end of 2008); the timing for implementation by the Australian Capital Territory will rely on passage of the Road Charges Legislation Repeal and Amendment Bill 2008.

Trade Practices Amendment (Clarity in Pricing) Bill 2008

In April 2005, the Ministerial Council on Consumer Affairs discussed the potential detriment caused by the use of component pricing where a total price is not clearly identifiable, and resolved to support reforms to the *Trade Practices Act 1974*. This bill seeks to clarify the existing approach to the regulation of component price representations, in accordance with the Ministerial Council's resolution.

Water Amendment Bill 2008

This bill gives effect to the intergovernmental *Agreement on Murray-Darling Basin Reform* which was signed by the Commonwealth, New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory at the meeting of the Council of Australian Governments (COAG) on 3 July 2008. The *Agreement on Murray-Darling Basin Reform* has also resulted in the negotiation of a revised Murray-Darling Basin Agreement which will come into effect at the same time as the bill.

The bill has been informed by, and progresses, the *Intergovernmental Agreement on a National Water Initiative* between the Commonwealth, New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory.

The bill relies on the Commonwealth's constitutional powers and a referral of powers to the Commonwealth by New South Wales, Victoria, South Australia and Queensland to enact certain measures.

SCRUTINY OF STANDING APPROPRIATIONS

The Committee has determined that, as part of its standard procedures for reporting on bills, it should draw Senators' attention to the presence in bills of standing appropriations. It will do so under provisions 1(a)(iv) and (v) of its terms of reference, which require the Committee to report on whether bills:

- (viii) inappropriately delegate legislative powers; or
- (ix) insufficiently subject the exercise of legislative power to parliamentary scrutiny.

Further details of the Committee's approach to scrutiny of standing appropriations are set out in the Committee's *Fourteenth Report of 2005*. The following is a list of the bills containing standing appropriations that have been introduced since the beginning of the 42nd Parliament.

Bills introduced with standing appropriation clauses – 42nd Parliament

*Indicates passed by Senate	Bills and Clauses
*	Commonwealth Securities and Investment Legislation Amendment Bill 2008 — Schedule 1, item 10, subsection 5BA(7)
*	Defence Home Ownership Assistance Scheme Bill 2008 — Clause 84
*	Dental Benefits Bill 2008 — Clause 65
	Education Legislation Amendment Bill 2008 — Schedule 1, items 1 and 3; Schedule 1, item 6, section 14B
*	Farm Household Support Amendment (Additional Drought Assistance Measures) Bill 2008 — Schedule 1, item 29.
*	Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Bill 2008 — Schedule 1, item 79, section 94B (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
	Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 — Schedule 5, item 141, section 65A
	Protection of the Sea Legislation Amendment Bill 2008 — Schedule 1, item 20, section 46N
	Safe Work Australia Bill 2008 — Clause 64 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
	Schools Assistance Bill 2008 — Clause 167
*	Veterans' Affairs Legislation Amendment (International Agreements

	and Other Measures) Bill 2008 — Schedule 1, item 1
*	Wheat Export Marketing Bill 2008 — Clause 58 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)

Other relevant appropriation clauses

*Indicates passed by Senate	Bills and Clauses
*	Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Bill 2008 — Schedule 2, items 1 and 2, and Schedule 4, item 1: special appropriation clauses – for a finite period of time (ie. for circumstances arising in a particular financial year).

15 October 2008

STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2007/2008

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Bills dealt with in 2007							
Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures Bill 2007)	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 13.9.07	16.8.07 17.10.07	9(12.9.07) 1(12.3.08)
Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007	8(8.8.07)	21.6.07	13.9.07	Treasurer	9.8.07	20.9.07	1(12.3.08)
Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007	8(8.8.07)	21.6.07	13.9.07	Treasurer	9.8.07	19.9.07	1(12.3.08)
National Greenhouse and Energy	11(12.9.07)	15.8.07	18.9.07	Environment and Water Resources	13.9.07	2.10.07	1(12.3.08)

Any Senator who wishes to draw matters to the attention of the Committee under its terms of reference is invited to do so.

Reporting Bill 2007

<i>Northern Territory National Emergency Response Act 2007</i>	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 13.9.07	16.8.07 17.10.07	9(12.9.07) 1(12.3.08)
<i>Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007</i>	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 13.9.07	16.8.07 17.10.07	9(12.9.07) 1(12.3.08)
<i>Water Act 2007</i>	10(15.8.07)	8.8.07	15.8.07	Environment and Water Resources	16.8.07	23.11.07	1(12.3.08)

Bills introduced 2008

<i>Aged Care Amendment (2008 Measures No. 1) Act 2008</i>	1(12.3.08)	13.2.08	14.2.08	Health and Ageing	13.3.08	4.8.08	7(27.8.08)
<i>Australian Crime Commission Amendment Act 2007</i>	3(14.5.08)	19.9.07	18.9.07	Home Affairs	15.5.08	20.6.08	6(25.6.08)
Australian Energy Market Amendment (Minor Amendments) Bill 2008	3(14.5.08)	20.3.08	23.6.08	Resources, Energy and Tourism	15.5.08	28.5.08	4(4.6.08)
Australian Organ and Tissue Donation and Transplantation Authority Bill 2008	10(24.9.08)	18.9.08		Health and Ageing	25.9.08	14.10.08	11(15.10.08)
Civil Aviation Legislation Amendment (1999 Montreal Convention and Other Measures) Bill 2008	3(14.5.08)	20.3.08	16.6.08	Infrastructure, Transport, Regional Development and Local Government	15.5.08	19.6.08	6(25.6.08)
Communications Legislation Amendment (Miscellaneous Measures) Bill 2008	2(19.3.08)	17.3.08	12.3.08	Broadband, Communications and the Digital Economy	20.3.08	13.5.08	3(14.5.08)
Customs Amendment (Strengthening Border Controls) Bill 2008	3(14.5.08)	20.3.08	16.6.08	Home Affairs	15.5.08	13.6.08	5(18.6.08)
Customs Legislation Amendment (Modernising) Bill 2008	3(14.5.08)	20.3.08	16.6.08	Home Affairs	15.5.08	13.6.08	5(18.6.08)
Dental Benefits Bill 2008	4(4.6.08)	29.5.08	18.6.08	Health and Ageing	5.6.08	23.6.08	6(25.6.08)

Any Senator who wishes to draw matters to the attention of the Committee under its terms of reference is invited to do so.

Drink Container Recycling Bill 2008	2(19.3.08)		13.3.08	Senator Fielding		20.3.08		
Environment Protection and Biodiversity Conservation Amendment (Control of Power Station Emissions) Bill 2008	6(25.6.08)		19.6.08	Senator Allison		26.6.08		
Excise Legislation Amendment (Condensate) Bill 2008	4(4.6.08)	15.5.08	16.6.08	Treasury		5.6.08	17.6.08	5(18.6.08)
Excise Tariff Amendment (Condensate) Bill 2008 Amendment	5(18.6.08)	15.5.08	16.6.08	Treasury		19.6.08	28.8.08	8(3.9.08)
Family Assistance Legislation Amendment (Child Care Budget and Other Measures) Bill 2008	4(4.6.08)	29.5.08	16.6.08	Education, Employment and Workplace Relations		5.6.08	18.6.08	6(25.6.08)
Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008	7(27.8.08)	25.6.08	1.9.08	Attorney-General		28.8.08	5.9.08	9(17.9.08)
Farm Household Support Amendment (Additional Drought Assistance Measures) Bill 2008	4(4.6.08)	29.5.08	16.6.08	Agriculture, Fisheries and Forestry		5.6.08	17.6.08	5(18.6.08)
Financial Sector Legislation Amendment (Review of Prudential Decisions) Bill 2008	1(12.3.08)	11.3.08	13.2.08	Treasury		13.3.08	18.3.08	2(19.3.08)

First Home Saver Accounts Bill 2008	4(4.6.08)	28.5.08	16.6.08	Treasury	5.6.08	16.6.08	5(18.6.08)
Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority And Other Matters) Bill 2008	3(14.5.08)	20.3.08	16.6.08	Agriculture, Fisheries and Forestry	15.5.08	28.5.08	4(4.6.08)
Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008	6(25.6.08)	18.6.08	27.8.08	Environment, Heritage and the Arts	26.6.08	22.7.08	7(27.8.08)
Horse Disease Response Levy Bill 2008	1(12.3.08)	21.2.08	3.9.08	Agriculture, Fisheries and Forestry	13.3.08	9.7.08	7(27.8.08)
Horse Disease Response Levy Collection Bill 2008	1(12.3.08)	21.2.08	3.9.08	Agriculture, Fisheries and Forestry	13.3.08	9.7.08	7(27.8.08)
Independent Reviewer of Terrorism Laws Bill 2008	3(14.5.08)	17.3.08	3.9.08	Mr Georgiou MP	15.5.08	26.5.08	4(4.6.08)
Infrastructure Australia Bill 2008	1(12.3.08)	21.2.08	18.3.08	Infrastructure, Transport, Regional Development and Local Government	13.3.08	18.3.08	2(19.3.08)
National Commissioner for Children Bill 2008	3(14.5.08)		18.3.08	Senator Bartlett	15.5.08		
National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008	4(4.6.08)	29.4.08	16.6.08	Treasury	5.6.08	24.6.08	6(25.6.08)

Any Senator who wishes to draw matters to the attention of the Committee under its terms of reference is invited to do so.

Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008 Amendment	6(25.6.08) 10(24.9.08)	18.6.08		Resources, Energy and Tourism	25.6.08 25.9.08	1.8.08	7(27.8.08)
Offshore Petroleum (Annual Fees) Amendment (Greenhouse Gas Storage) Bill 2008	6(25.6.08)	18.6.08	22.9.08	Resources, Energy and Tourism	25.6.08	1.8.08	7(27.8.08)
Offshore Petroleum (Registration Fees) Amendment (Greenhouse Gas Storage) Bill 2008	6(25.6.08)	18.6.08	22.9.08	Resources, Energy and Tourism	25.6.08	1.8.08	7(27.8.08)
Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Bill 2008	6(25.6.08)	18.6.08	22.9.08	Resources, Energy and Tourism	25.6.08	1.8.08	7(27.8.08)
Protection of the Sea (Civil Liability For Bunker Oil Pollution Damage) Bill 2008	3(14.5.08)	20.3.08	16.6.08	Infrastructure, Transport, Regional Development and Local Government	15.5.08	2.6.08	4(4.6.08)
Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008	4(4.6.08)		15.5.08	Senator Milne	5.6.08	12.6.08	5(18.6.08)
Safe Work Australia Bill 2008	9(17.9.08)	4.9.08		Employment and Workplace Relations	18.9.08	23.09.08	10(24.9.08)
Unit Pricing (Easy comparison of Grocery prices) Bill 2008	4(4.6.08)		15.5.08	Senator Fielding	5.6.08	5.6.08	5(18.6.08)
Veterans' Affairs Legislation	3(14.5.08)	19.3.08	16.6.08	Veterans' Affairs	15.5.08	24.6.08	6(25.6.08)

Amendment (International Agreements
and Other Measures) Bill 2008

<i>Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008</i>	1(12.3.08)	13.2.08	17.3.08	Employment and Workplace Relations	13.3.08 20.3.08	18.3.08 22.4.08	2(19.3.08) 3(14.5.08)
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Any Senator who wishes to draw matters to the attention of the
Committee under its terms of reference is invited to do so.