

SELECTION OF BILLS COMMITTEE

REPORT NO. 11 of 2010

30 September 2010

MEMBERS OF THE COMMITTEE

Senator Anne McEwen (Government Whip, Chair)

Senator Stephen Parry (Opposition Whip)

Senator John Williams (The Nationals Whip)

Senator Rachel Siewert (The Australian Greens Whip)

Senator Steve Fielding (The Family First Party Whip)

Senator Judith Adams

Senator Carol Brown

Senator Mitch Fifield

Senator the Hon. Joe Ludwig

Secretary: Maureen Weeks
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 11 OF 2010

1. The committee met in private session on Thursday, 30 September 2010 at 3.51 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Airports Amendment Bill 2010 be ***referred immediately*** to the Rural Affairs and Transport Legislation Committee for inquiry and report by 16 November 2010 (see appendix 1 for a statement of reasons for referral);
 - (b) the *provisions* of the Australian Civilian Corps Bill 2010 be ***referred immediately*** to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 17 November 2010 (see appendix 2 for a statement of reasons for referral);
 - (c) the *provisions* of the Autonomous Sanctions Bill 2010 be ***referred immediately*** to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 18 November 2010 (see appendix 3 for a statement of reasons for referral);
 - (d) the Aviation Crimes and Policing Legislation Amendment Bill 2010 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 November 2010 (see appendix 4 for a statement of reasons for referral);
 - (e) the *provisions* of the Civil Dispute Resolution Bill 2010 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 22 November 2010 (see appendices 5 and 6 for statements of reasons for referral);
 - (f) the Commonwealth Commissioner for Children and Young People Bill 2010 be ***referred immediately*** to the Community Affairs Legislation Committee for inquiry and report by the last sitting day in May 2011 (see appendix 7 for a statement of reasons for referral);
 - (g) the *provisions* of the Corporations Amendment (No. 1) Bill 2010 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report by 16 November 2010 (see appendix 8 for a statement of reasons for referral);
 - (h) the *provisions* of the Corporations Amendment (Sons of Gwalia) Bill 2010 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 November 2010 (see appendix 9 for a statement of reasons for referral);

- (i) the Crimes Legislation Amendment Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 17 November 2010 (see appendix 10 for a statement of reasons for referral);
 - (j) the *provisions* of the Defence Legislation Amendment (Security of Defence Premises) Bill 2010 be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 16 November 2010 (see appendices 11 and 12 for a statement of reasons for referral);
 - (k) the *provisions* of the Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 23 November 2010 (see appendix 13 for a statement of reasons for referral);
 - (l) the *provisions* of the National Broadcasting Legislation Amendment Bill 2010 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 16 November 2010 (see appendix 14 for a statement of reasons for referral);
 - (m) the *provisions* of the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 16 November 2010 (see appendix 15 for a statement of reasons for referral);
 - (n) the *provisions* of the National Health and Hospitals Network Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 18 November 2010 (see appendix 16 for a statement of reasons for referral);
 - (o) the *provisions* of the Radiocommunications Amendment Bill 2010 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 17 November 2010 (see appendix 17 for a statement of reasons for referral);
 - (p) the *provisions* of the Sex and Age Discrimination Legislation Amendment Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by the third sitting day of 2011 (see appendix 18 for a statement of reasons for referral); and
 - (q) the *provisions* of the Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 November 2010 (see appendices 19 and 20 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- Alcohol Toll Reduction Bill 2010
 - Anti-Terrorism Laws Reform Bill 2010

- Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010
- Australian National Preventive Health Agency Bill 2010
- Building and Construction Industry (Restoring Workplace Rights) Bill 2010
- Carer Recognition Bill 2010
- Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2010
- Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2010
- Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010
- Drink Container Recycling Bill 2010
- Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010
- Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010
- Evidence Amendment (Journalists' Privilege) Bill 2010
- Fair Work Amendment (Paid Parental Leave) Bill 2010
- Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2010
- Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010
- Financial Framework Legislation Amendment Bill 2010
- Fisheries Legislation Amendment Bill (No. 2) 2010
- Food Safety (Trans Fats) Bill 2010
- Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010
- Food Standards Australia New Zealand Amendment Bill 2010
- Income Tax Rates Amendment (Research and Development) Bill 2010
- International Tax Agreements Amendment Bill (No. 2) 2010
- Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2010
- National Integrity Commissioner Bill 2010
- National Measurement Amendment Bill 2010
- National Security Legislation Amendment Bill 2010
- Native Title Amendment Bill (No. 1) 2010
- Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2010
- Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Bill 2010
- Ombudsman Amendment (Education Ombudsman) Bill 2010
- Ozone Protection and Synthetic Greenhouse Gas Management Amendment Bill 2010
- Parliamentary Joint Committee on Law Enforcement Bill 2010
- Plebiscite for an Australian Republic Bill 2010
- Preventing the Misuse of Government Advertising Bill 2010
- Primary Industries (Excise) Levies Amendment Bill 2010
- Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2010
- Protection of the Sea Legislation Amendment Bill 2010

- Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2010
- Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2010
- Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010
- Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2010
- Stolen Generations Reparations Tribunal Bill 2010
- Superannuation Legislation Amendment Bill 2010
- Tax Laws Amendment (2010 Measures No. 4) Bill 2010
- Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010
- Tax Laws Amendment (Research and Development) Bill 2010
- Territories Law Reform Bill 2010
- Therapeutic Goods Amendment (2010 Measures No. 1) Bill 2010
- Tradex Scheme Amendment Bill 2010
- Transport Safety Investigation Amendment (Incident Reports) Bill 2010
- Veterans' Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2010
- Water (Crisis Powers and Floodwater Diversion) Bill 2010
- Water Efficiency Labelling and Standards Amendment Bill 2010.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
- Banking Amendment (Delivering Essential Financial Services) Bill 2010
 - Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010
 - Marriage Equality Amendment Bill 2010
 - Poker Machine (Reduced Losses—Interim Measures) Bill 2010
 - Responsible Takeaway Alcohol Hours Bill 2010
 - Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010.

(Anne McEwen)

Chair

30 September 2010

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Airports Amendment Bill 2010

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Committee to which bill is to be referred:

Senate Rural Affairs and Transport Legislation Committee

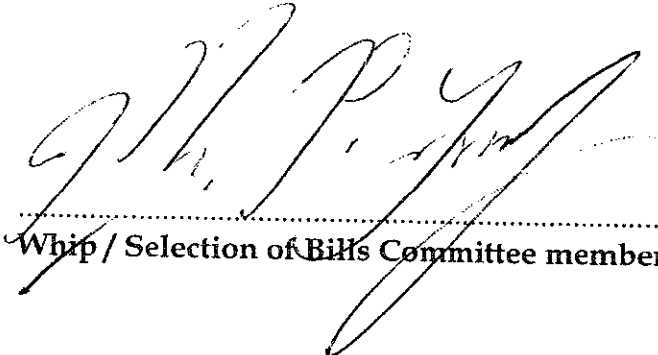
Possible hearing date(s):

October / November 2010

Possible reporting date:

16 November 2010

(signed)


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Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

APPENDIX 2

Proposal to refer a bill to a committee

Name of bill: Australian Civilian Corps Bill 2010

Reasons for referral/principal issues for consideration:

Concerns relate to costs and logistics, and adequate protection for Australians working overseas under this program.

There is also the potential for conflicts of interest arising from AusAID selecting civilian specialists who may be AusAID employees as they are not excluded from applying.

Possible submissions or evidence from:

N/A

Committee to which bill is to be referred:

Senate Foreign Affairs, Defence and Trade Legislation Committee

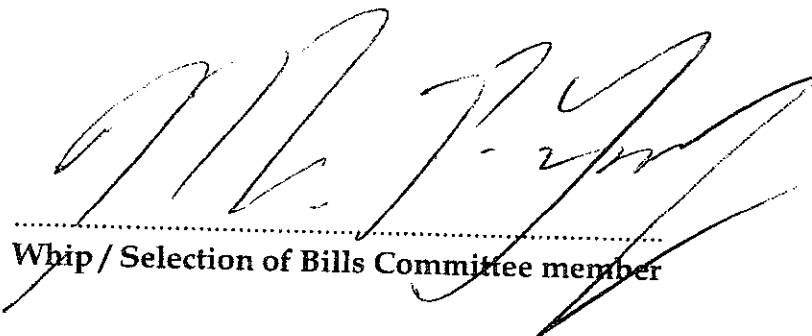
Possible hearing date(s):

October / November 2010

Possible reporting date:

17 November 2010

(signed)



Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Autonomous Sanctions Bill 2010

Reasons for referral/principal issues for consideration:

The Coalition supports this Bill in principle but we have a concern about the domestic privacy implications of the Bill.

Possible submissions or evidence from:

N/A

Committee to which bill is to be referred:

Senate Foreign Affairs, Defence and Trade Legislation Committee

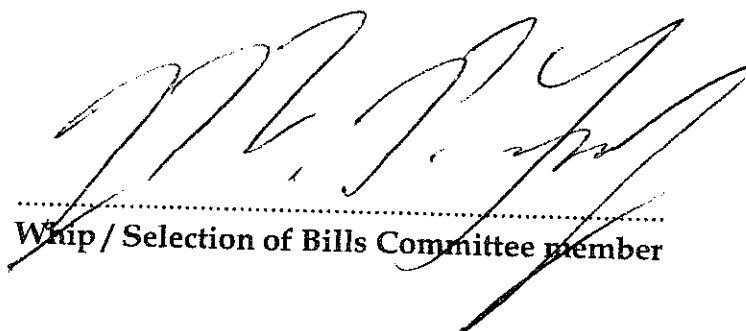
Possible hearing date(s):

October / November 2010

Possible reporting date:

18 November 2010

(signed)


Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Aviation Crimes and Policing Legislation Amendment Bill 2010

Reasons for referral/principal issues for consideration:

Whether the measures proposed in the Bill are appropriate for the stated purposes of the Bill.

Possible submissions or evidence from:

Attorney-General's Department
Law Council of Australia

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee

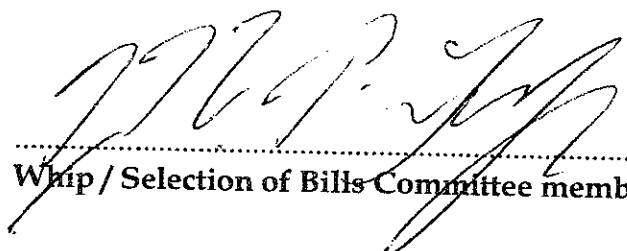
Possible hearing date(s):

October / November 2010

Possible reporting date:

16 November 2010

(signed)


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Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

APPENDIX 5

Proposal to refer a bill to a committee

Name of bill: Civil Dispute Resolution Bill 2010

Reasons for referral/principal issues for consideration:

- Need to assess the extent to which the new obligation requiring a 'genuine steps statement' to be filed in Federal Courts, which the Magistrate may take into account when awarding costs, will deter pursuit of justice or facilitate efficiency
- Need to assess the extent to which this new obligation will have an impact on the already chronically under-funded legal support services -given that the preparation of this 'genuine steps statement' adds an additional step to the legal process, particularly onerous to people from non-English speaking backgrounds.
- A similar bill considered by committee in 42nd Parliament. It recommended that the bill be referred to the Economics Legislation Committee.

Possible submissions or evidence from:

Australian Law Council

Federation of Community Legal Services

Liberty Victoria

Human Rights Law Resource Centre Ltd

Public Interest Law Clearing House (VIC) Inc

Committee to which bill is to be referred:

Economics

Possible hearing date(s): October 2010

Possible reporting date: November 22 2010

(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: Civil Dispute Resolution Bill 2010

Reasons for referral/principal issues for consideration:

- Whether the obligation to “assist” in clause 9 of the Bill creates potential conflicts in the lawyer/client relationship, particularly in circumstances when a client does not accept advice to engage in “genuine steps” and issues contrary instructions; and
- Whether the provisions in clause 12 amount to an abrogation of settlement privilege and the extent to which additional safeguards may be required.

Possible submissions or evidence from:

Attorney-General’s Department
Law Council of Australia

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee

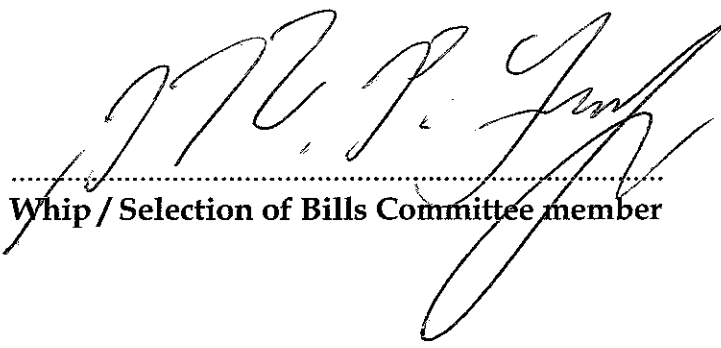
Possible hearing date(s):

October / November 2010

Possible reporting date:

22 November 2010

(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:

Commonwealth Commissioner for Children and Young People Bill 2010

Reasons for referral/principal issues for consideration:

To look at implementing a properly-resourced Federal independent statutory body to oversee the rights of young Australians with the powers to ensure recognition of their needs and views.

Possible submissions or evidence from:

Save the Children

Human Rights Commission

UNICEF

Australian Research Alliance for Children and Young People

Committee to which bill is to be referred:

Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

February/March 2011

Possible reporting date:

April/May 2011

(signed)



Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Corporations Amendment (No.1) Bill 2010

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Chartered Secretaries
Rules of Law Australia

Committee to which bill is to be referred:

Senate Economics Legislation Committee

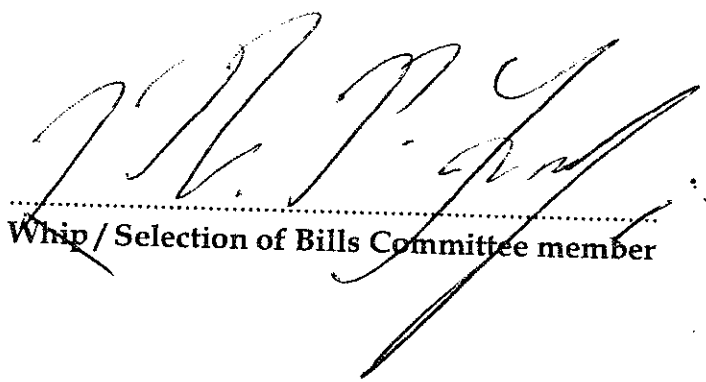
Possible hearing date(s):

October / November 2010

Possible reporting date:

16 November 2010

(signed)


Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Corporations Amendment (Sons of Gwalia) Bill 2010

Reasons for referral/principal issues for consideration:

Whether the measures proposed in the Bill are appropriate for the stated purposes of the Bill.

Possible submissions or evidence from:

Attorney-General's Department
Law Council of Australia

Committee to which bill is to be referred:

Senate Legal and Constitutional Legislation Committee

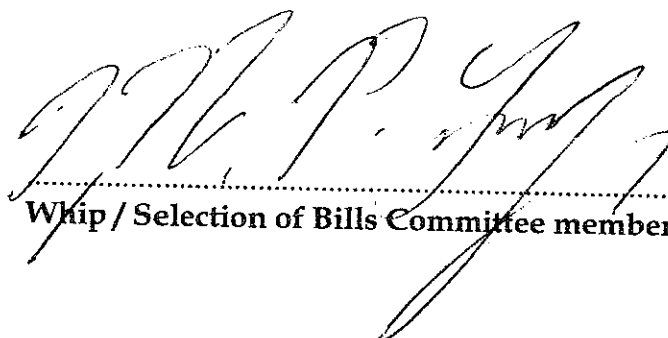
Possible hearing date(s):

October / November 2010

Possible reporting date:

18 November 2010

(signed)


Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Crimes Legislation Amendment Bill 2010

Reasons for referral/principal issues for consideration:

Whether the measures proposed in the Bill are appropriate for the stated purposes of the Bill.

Possible submissions or evidence from:

Attorney-General's Department
Law Council of Australia

Committee to which bill is to be referred:

Senate Legal and Constitutional Legislation Committee

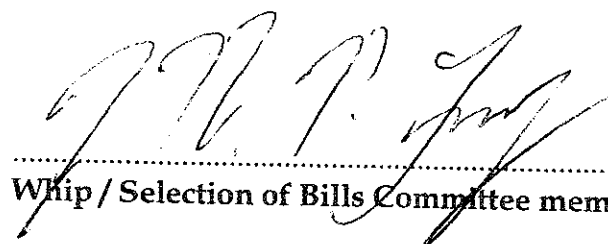
Possible hearing date(s):

October / November 2010

Possible reporting date:

17 November 2010

(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 (Security of Defence Premises) Bill 2010

Reasons for referral/principal issues for consideration:

Whether the bill's provisions regarding the use of lethal/grievously harmful force are adequate to ensure force is proportionate, appropriate, justified

Whether it is appropriate to leave training requirements for officers authorised to exercise deadly force to be specified in legislative instrument

Whether the bill ought to provide for people entering defence premises to be notified that they may be subject to a non-consensual search and may be guilty of an offence if they do not cooperate

Whether defence personnel are adequately trained and equipped to safely detain civilians in accordance with the bill.

Possible submissions or evidence from:

Law Council of Australia

Police Federation of Australia

Dept of Defence

Civil Liberties Australia

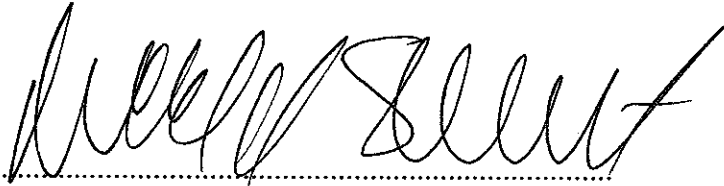
Committee to which bill is to be referred:

Foreign Affairs, Defence and Trade

Possible hearing date(s):

Possible reporting date: November 15 2010

(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 (Security of Defence Premises) Bill 2010

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Committee to which bill is to be referred:

Senate Foreign Affairs, Defence and Trade Legislation Committee

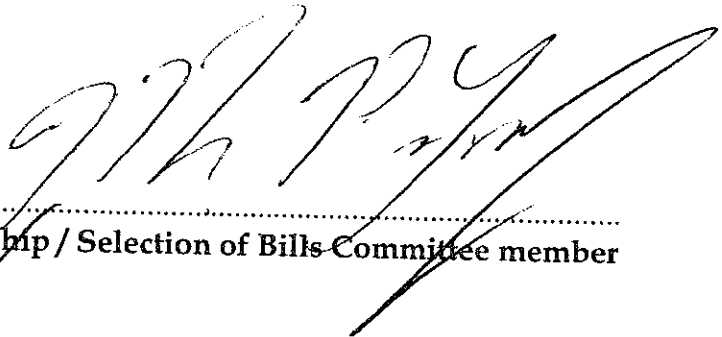
Possible hearing date(s):

October / November 2010

Possible reporting date:

16 November 2010

(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: Human Rights (Parliamentary Scrutiny) Bill 2010
Human Rights (Parliamentary Scrutiny) (Consequential Provisions)
Bill 2010**

Reasons for referral/principal issues for consideration:

Whether the Bills identify the appropriate sources of human rights law.

Possible submissions or evidence from:

Professor Jim Allan, University of Queensland
Attorney-General's Department
Australian Human Rights Commission
Law Council of Australia

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee

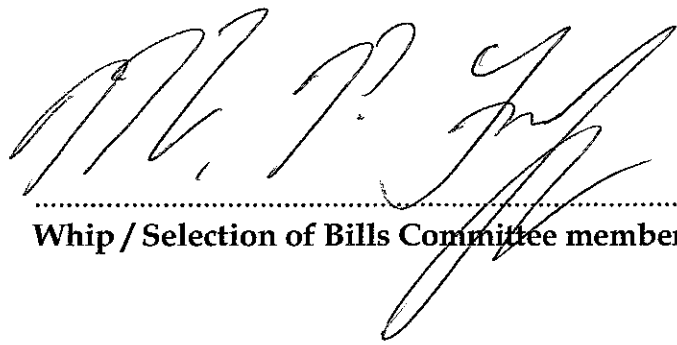
Possible hearing date(s):

October / November 2010

Possible reporting date:

23 November 2010

(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: National Broadcasting Legislation Amendment Bill 2010

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Committee to which bill is to be referred:

Senate Environment and Communications Legislation Committee

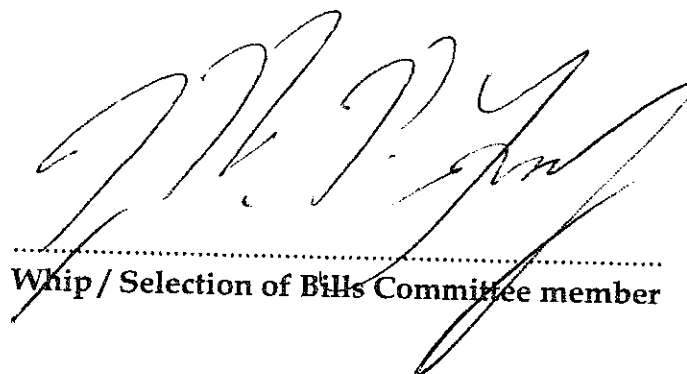
Possible hearing date(s):

October / November 2010

Possible reporting date:

16 November 2010

(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: National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Committee to which bill is to be referred:

Senate Community Affairs Legislation Committee

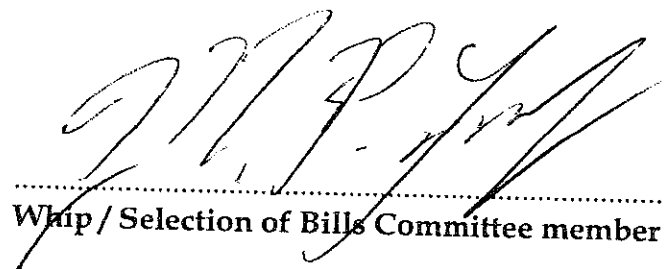
Possible hearing date(s):

October / November 2010

Possible reporting date:

16 November 2010

(signed)


Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: National Health and Hospitals Network Bill 2010

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Committee to which bill is to be referred:

Senate Community Affairs Legislation Committee

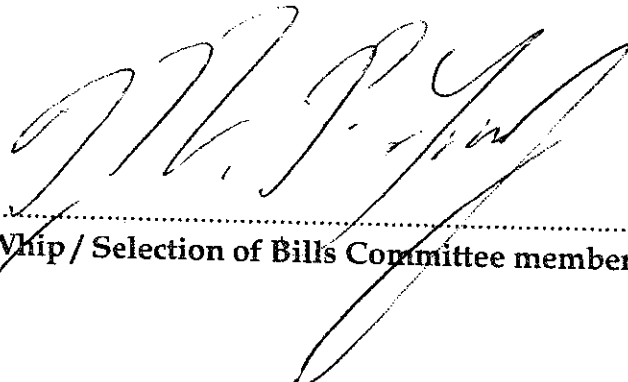
Possible hearing date(s):

October / November 2010

Possible reporting date:

18 November 2010

(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: Radiocommunications Amendment Bill 2010

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Committee to which bill is to be referred:

Senate Environment and Communications Legislation Committee

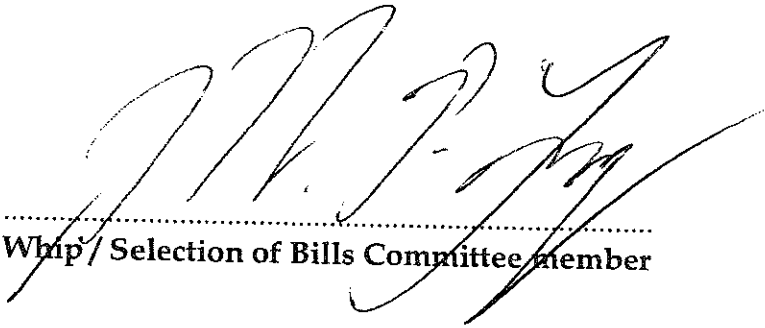
Possible hearing date(s):

October / November 2010

Possible reporting date:

17 November 2010

(signed)


Whip/ Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Sex and Age Discrimination Legislation Amendment Bill 2010

Reasons for referral/principal issues for consideration:

Whether the mechanisms to deal with complaints in respect of school students are appropriate and commensurate with existing compliance requirements.

Possible submissions or evidence from:

Association of Independent Schools of SA
Australian Human Rights Commission
Attorney-General's Department
Law Council of Australia

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee

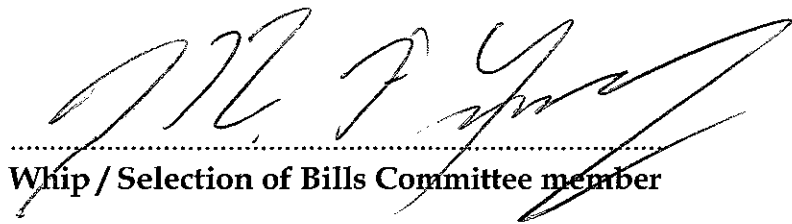
Possible hearing date(s):

October / November / December 2010

Possible reporting date:

Third sitting day in 2011

(signed)



Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010

Reasons for referral/principal issues for consideration:

To consider whether the bill strikes an appropriate balance between law enforcement and privacy

Possible submissions or evidence from:

Police Federation of Australia

Law Council of Australia

Australian Communications Consumer Action Network

Electronic Frontiers Australia

Civil Liberties Australia

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s): October

Possible reporting date: November

(signed)



Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

**Name of bill: Telecommunications Interception and Intelligence Services
Legislation Amendment Bill 2010**

Reasons for referral/principal issues for consideration:

Whether the measures proposed in the Bill are appropriate for the stated purposes of the Bill.

Possible submissions or evidence from:

Attorney-General's Department
Law Council of Australia

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee

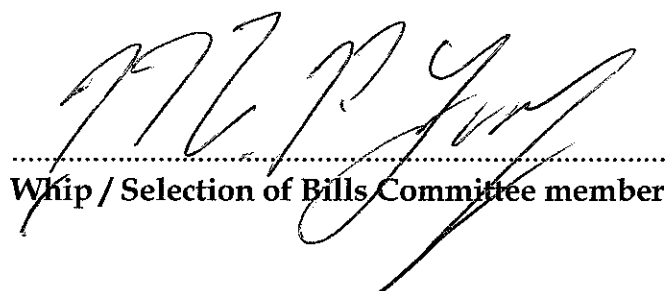
Possible hearing date(s):

October / November 2010

Possible reporting date:

24 November 2010

(signed)



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Whip / Selection of Bills Committee member