

SELECTION OF BILLS COMMITTEE

REPORT NO. 8 OF 2017

10 August 2017

MEMBERS OF THE COMMITTEE

Senator David Bushby (Government Whip, Chair)

Senator Anne Urquhart (Opposition Whip)

Senator Brian Burston (Pauline Hanson's One Nation Whip)

Senator Derryn Hinch (Derryn Hinch's Justice Party Whip)

Senator Skye Kakoschke-Moore (Nick Xenophon Team Whip)

Senator Rachel Siewert (Australian Greens Whip)

Senator John Williams (The Nationals Whip)

Senator Sam Dastyari

Senator David Fawcett

Senator Katy Gallagher

Senator the Hon Mitch Fifield

Secretary: Rachel Callinan
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SELECTION OF BILLS COMMITTEE

REPORT NO. 8 OF 2017

1. The committee met in private session on Wednesday, 9 August 2017 at 7.30 pm.
2. The committee recommends that—
 - (a) the *provisions* of the Australian Border Force Amendment (Protected Information) Bill 2017 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 12 September 2017 (see appendix 1 for a statement of reasons for referral);
 - (b) the *provisions* of the Migration Amendment (Regulation of Migration Agents) Bill 2017 and the Migration Agents Registration Application Charge Amendment (Rates of Charge) Bill 2017 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 October 2017 (see appendices 2 and 3 for a statement of reasons for referral); and
 - (c) the *provisions* of the Migration Amendment (Validation of Decisions) Bill 2017 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 4 September 2017 (see appendices 4 and 5 for a statement of reasons for referral).
3. The committee recommends that the following bills *not* be referred to committees:
 - Competition and Consumer Amendment (Truth in Labelling—Palm Oil) Bill 2017
 - Education and Training Legislation Repeal Bill 2017
 - Statute Update (Smaller Government) Bill 2017.
4. The committee deferred consideration of the following bills to its next meeting:
 - Australian Broadcasting Corporation Amendment (Regional Australia) Bill 2017
 - Australian Nuclear Science and Technology Organisation Amendment Bill 2017
 - Clean Energy Finance Corporation Amendment (Carbon Capture and Storage) Bill 2017
 - Competition and Consumer Amendment (Abolition of Limited Merits Review) Bill 2017
 - Education Legislation Amendment (Provider Integrity and Other Measures) Bill 2017
 - Education Services for Overseas Students (TPS Levies) Amendment Bill 2017
 - Education Services for Overseas Students Amendment Bill 2017
 - End Cruel Cosmetics Bill 2014
 - Great Barrier Reef Marine Park Amendment Bill 2017
 - Imported Food Control Amendment Bill 2017
 - International Monetary Agreements Amendment (New Arrangements to Borrow) Bill 2017

- Live Animal Export (Slaughter) Prohibition Bill 2017
- Product Emissions Standards Bill 2017
 - Product Emissions Standards (Excise) Charges Bill 2017
 - Product Emissions Standards (Customs) Charges Bill 2017
 - Product Emissions Standards (Consequential Provisions) Bill 2017
- Public Governance and Resources Legislation Amendment Bill (No. 1) 2017
- Social Security Amendment (Caring for People on Newstart) Bill 2017
- Treasury Laws Amendment (2017 Measures No. 4) Bill 2017.

(David Bushby)

Chair

10 August 2017

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

Name of bill:

- Australian Border Force Amendment (Protected Information) Bill 2017

Reasons for referral/principal issues for consideration:

- The complex nature of the Australian Border Force Act and the impact the amendments may have protected information warrants further consultation and investigation.

Possible submissions or evidence from:

- Department of Immigration and Border Protection
- Law Council of Australia
- Migration Institute of Australia
- Other industry bodies

Committee to which bill is to be referred:


- Senate Legal and Constitutional Affairs Committee

Possible hearing date(s):

- To be determined by the committee

Possible reporting date:

- 27 November 2017


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Senator Anne Urquhart

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

Name of bill:

- Migration Amendment (Regulation of Migration Agents) Bill 2017
- Migration Agents Registration Application Charge Amendment (Rates of Charge) Bill 2017

Reasons for referral/principal issues for consideration:

- The complex nature of the Migration Act and the impact any change may have on people seeking a visa, industry bodies, Australian business and residents warrants further consultation and investigation.

Possible submissions or evidence from:

- Department of Immigration and Border Protection
- Law Council of Australia
- Migration Institute of Australia
- Other industry bodies

Committee to which bill is to be referred:


- Senate Legal and Constitutional Affairs Committee

Possible hearing date(s):

- To be determined by the committee

Possible reporting date:

- 16 October 2017


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Senator Anne Urquhart

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

Name of bill: Migration Amendment (Regulation of Migration Agents) Bill 2017
Migration Agents Registration Application Charge Amendment (Rates of Charge) Bill 2017

Reasons for referral/principal issues for consideration:

The Bill proposes to amend the *Migration Act 1958* and is targeted at deregulating the migration advice industry. This will see lawyers who hold practising certificates removed from regulation by the Migration Agents Registration Authority, so that they are regulated entirely by their relevant state or territory legal professional body.

There are concerns that if lawyers were removed from the current system of registration through OMARA, consumers and other stakeholders could not rely upon receiving a consistent quality of service from those lawyers who have not been required to either demonstrate that they have sound knowledge of migration practice and procedure or undertake specialist studies in migration law.

Under the proposed amendments it would be possible for someone with a legal practising certificate to be registered as a migration agent without demonstrating any knowledge of Australia's complex migration law and policy.

The level of concern that has been raised about the proposed amendments suggests that further examination of the bill is necessary.

Possible submissions or evidence from: Migration Institute of Australia, Law Council of Australia, State and Territory Law Societies.

Committee to which bill is to be referred: Legal & Constitutional Affairs Legislation Committee

Possible hearing date(s): September 2017

Possible reporting date: 16th October 2017

(signed)



Print name:

Senator Rachel Siewert

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

Name of bill:

- Migration Amendment (Validation of Decisions) Bill 2017

Reasons for referral/principal issues for consideration:

- The complex nature of the Migration Act and the impact any change may have on people seeking a visa, industry bodies, Australian business and residents warrants further consultation and investigation.

Possible submissions or evidence from:

- Department of Immigration and Border Protection
- Law Council of Australia
- Other industry bodies
 - (on the papers only)

Committee to which bill is to be referred:

- Senate Legal and Constitutional Affairs Committee

Possible hearing date(s):

- To be determined by committee

Possible reporting date:

- Monday, 4 September 2017


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Senator Anne Urquhart

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

Name of bill: Migration Amendment (Validation of Decisions) Bill 2017

Reasons for referral/principal issues for consideration:

This Bill is in response to a current High Court challenge to section 503A of the *Migration Act 1958*. It will protect visa cancellation decisions that have relied upon information under section 503A of the Act. Information provided under section 503A is currently protected from disclosure to Courts and Tribunals.

Concerns from stakeholders about these proposed amendments suggests further examination of the bill is required

Possible submissions or evidence from: Law Council of Australia, Australian Human Rights Commission, Civil Liberties Australia, Australian Lawyers Alliance, Refugee Legal

Committee to which bill is to be referred: Legal & Constitutional Affairs Legislation Committee

Possible hearing date(s): September 2017

Possible reporting date: 26 September 2017

(signed)

A handwritten signature in blue ink, appearing to read 'Rachel Siewert', is written over a dotted line. The signature is fluid and cursive.

Print name:

Senator Rachel Siewert