



2 April 2019

Introduction

This newsletter highlights key aspects of the work of the Senate Scrutiny of Bills Committee in [Scrutiny Digest 2 of 2019](#). It has a particular focus on information that may be useful while bills are under consideration and legislative instruments are subject to disallowance, and seeks to raise awareness about the committee's scrutiny principles (see Senate Standing Order 24).

For more detail and discussion of these matters see the committee's [Scrutiny Digests](#).

Key scrutiny issues: Bills ([Scrutiny Digest 2 of 2019](#))

Counter-Terrorism Legislation Amendment Bill 2019

- Right to liberty – presumption against bail and parole: the committee notes its significant scrutiny concerns regarding the expansion of the presumptions against bail and parole.
- Trespass on rights and liberties – continuing detention orders: the committee notes its significant scrutiny concerns regarding the expansion of the continuing detention of high risk terrorist offenders after their sentences for imprisonment have been served.
- Procedural fairness: the committee notes its scrutiny concerns regarding limiting an offender's right to receive a complete copy of an application for a detention order.

Counter-Terrorism (Temporary Exclusion Orders) Bill 2019

- Trespass on personal rights and liberties: the committee notes its scrutiny concerns regarding broad discretionary ministerial powers to exclude Australian citizens from Australia and impose monitoring conditions on persons not convicted of any offence.
- Procedural fairness: the committee notes its scrutiny concerns regarding removing the obligation of the minister to observe procedural fairness.

Other bills commented on ([Scrutiny Digest 2 of 2019](#))

- **Appropriation Bill (No. 3) 2018-2019**: the committee draws to the Senate's attention the apparent misclassification of expenditure in a bill that is unamendable by the Senate.
- **Appropriation Bill (No. 4) 2018-2019**: the committee draws to the Senate's attention provisions which allow the Finance Minister to expend further money via a non-disallowable instrument.
- **Australian Business Securitisation Fund Bill 2019**: the committee notes its scrutiny concerns regarding the inclusion of significant matters in delegated legislation

- **Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019:** the committee notes its scrutiny concerns regarding the removal of merits review and the expansion of information disclosure powers.
- **Coal Prohibition (Quit Coal) Bill 2019:** the committee notes its scrutiny concerns regarding reversing the evidential burden of proof and the inclusion of offences of strict liability.
- **Combatting Child Sexual Exploitation Legislation Amendment Bill 2019:** the committee notes its scrutiny concerns regarding the abrogation of the privilege against self-incrimination, the application of significant penalties commencing the day after royal assent and the reversal of the evidential and legal burden of proof.
- **Commonwealth Registers Bill 2019 and Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019:** the committee notes its scrutiny concerns regarding the inclusion of significant matters in delegated legislation, a broad delegation of administrative powers and the reversal of the evidential burden of proof.
- **Competition and Consumer Amendment (Prevention of Exploitation of Indigenous Cultural Expressions) Bill 2019:** the committee notes its scrutiny concerns regarding reversing the evidential burden of proof and the inclusion of offences of strict liability.
- **Foreign Influence Transparency Scheme Amendment Bill 2019:** the committee reiterates its previous concerns regarding the Foreign Influence Transparency Scheme Bill 2017.
- **Murray-Darling Basin Commission of Inquiry Bill 2019:** the committee notes its scrutiny concerns regarding providing the commission with the powers of a royal commission.
- **National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019:** the committee reiterates its previous concerns regarding earlier identical bills.
- **National Sports Tribunal Bill 2019:** the committee notes its scrutiny concerns regarding reversing the evidential burden of proof and the inclusion of broad immunities from liability.
- **Native Title Legislation Amendment Bill 2019:** the committee notes its scrutiny concerns regarding the retrospective validation of certain native title agreements.
- **Office for Regional Australia Bill 2019:** the committee notes its scrutiny concerns regarding reversing the evidential burden of proof and the inclusion of immunities from civil liability.
- **Telecommunications and Other Legislation Amendment (Miscellaneous Amendments) Bill 2019:** the committee reiterates its previous concerns regarding the Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018.
- **Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019:** the committee notes its scrutiny concerns regarding the inclusion of offences of strict liability.
- **Treasury Laws Amendment (Consumer Data Right) Bill 2019:** the committee notes its scrutiny concerns regarding the use of no-invalidity clauses, the inclusion of significant matters in non-legislative standards, broad discretionary powers, the reversal of the burden of proof and the incorporation of materials.

- **Treatment Benefits (Special Access) Bill 2019:** the committee notes its scrutiny concerns regarding the broad delegation of administrative powers.

This document contains a very brief summary of some recent comments made by the Senate Scrutiny of Bills Committee (Chair: Senator Helen Polley and Deputy Chair: Senator John Williams).

For any comments or questions, please contact:
Ms Anita Coles, Secretary
Senate Scrutiny of Bills Committee
02 6277 3050 | scrutiny.sen@aph.gov.au