

SELECTION OF BILLS COMMITTEE

REPORT NO. 8 OF 2020

3 September 2020

MEMBERS OF THE COMMITTEE

Senator Dean Smith (Government Whip, Chair)

Senator Perin Davey (The Nationals Whip)

Senator Stirling Griff (Centre Alliance Whip)

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

Senator Rachel Siewert (Australian Greens Whip)

Senator Anne Urquhart (Opposition Whip)

Senator Raff Ciccone

Senator Katy Gallagher

Senator Jacqui Lambie

Senator the Hon James McGrath

Senator Rex Patrick

Senator the Hon Anne Ruston

Secretary: Tim Bryant
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 8 OF 2020

1. The committee met in private session on Wednesday, 2 September 2020 at 7.30pm.
2. The committee recommends that—
 - (a) contingent upon introduction in the House of Representatives, the *provisions* of the Australia's Foreign Relations (State and Territory Arrangements) Bill 2020 and the Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020 be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 5 November 2020 (see appendix 1 for a statement of reasons for referral);
 - (b) the *provisions* of the Civil Aviation (Unmanned Aircraft Levy) Bill 2020 and the Civil Aviation Amendment (Unmanned Aircraft Levy Collection and Payment) Bill 2020 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 4 November 2020 (see appendix 2 for a statement of reasons for referral);
 - (c) the *provisions* of the Clean Energy Finance Corporation Amendment (Grid Reliability Fund) Bill 2020 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 4 November 2020 (see appendix 3 for a statement of reasons for referral);
 - (d) the *provisions* of the Crimes Legislation Amendment (Economic Disruption) Bill 2020 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 10 November 2020 (see appendix 4 for a statement of reasons for referral);
 - (e) the *provisions* of the National Commissioner for Defence and Veteran Suicide Prevention Bill 2020 and the National Commissioner for Defence and Veteran Suicide Prevention (Consequential Amendments) Bill 2020 be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee **but was unable to reach agreement on a reporting date** (see appendix 5 for a statement of reasons for referral);
 - (f) the *provisions* of the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020, the Radiocommunications (Receiver Licence Tax) Amendment Bill 2020, and the Radiocommunications (Transmitter Licence Tax) Amendment Bill 2020 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 4 November 2020 (see appendix 6 for a statement of reasons for referral);

(g) the *provisions* of the Recycling and Waste Reduction Bill 2020, the Recycling and Waste Reduction (Consequential and Transitional Provisions) Bill 2020, the Recycling and Waste Reduction Charges (General) Bill 2020, the Recycling and Waste Reduction Charges (Customs) Bill 2020, and the Recycling and Waste Reduction Charges (Excise) Bill 2020 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 30 September 2020 (see appendix 7 for a statement of reasons for referral); and

(h) the Treasury Laws Amendment (Self Managed Superannuation Funds) Bill 2020 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 4 November 2020 (see appendix 8 for a statement of reasons for referral).

3. The committee recommends that the following bills *not* be referred to committees:
 - Family Law Amendment (Risk Screening Protections) Bill 2020
 - Franchising Laws Amendment (Fairness in Franchising) Bill 2020
4. The committee deferred consideration of the following bills to its next meeting:
 - Aged Care Legislation Amendment (Improved Home Care Payment Administration No. 1) Bill 2020
 - Air Services Amendment Bill 2018
 - Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020
 - Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
 - Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020
 - Customs Amendment (Safer Cladding) Bill 2019
 - Defence Legislation Amendment (Enhancement of Defence Force Response to Emergencies) Bill 2020
 - Discrimination Free Schools Bill 2018
 - Fair Work Amendment (Improving Unpaid Parental Leave for Parents of Stillborn Babies and Other Measures) Bill 2020
 - Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019
 - Great Australian Bight Environment Protection Bill 2019
 - Health Insurance Amendment (Administration) Bill 2020
 - Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020
 - Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020
 - National Disability Insurance Scheme Amendment (Strengthening Banning Orders) Bill 2020
 - Regional Forest Agreements Legislation (Repeal) Bill 2017
 - Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
 - Social Services Legislation Amendment (Payment Integrity) Bill 2019
 - Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020.

5. The committee considered the following bills but was unable to reach agreement:
- Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020 (see appendix 9 for a statement of reasons for referral)
 - Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020. (see appendix 10 for a statement of reasons for referral).

(Dean Smith)

Chair

3 September 2020

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

Name of bill: **Australia's Foreign Relations (State and Territory Arrangements) Bill 2020**

Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

DFAT

AGD

States and Territories

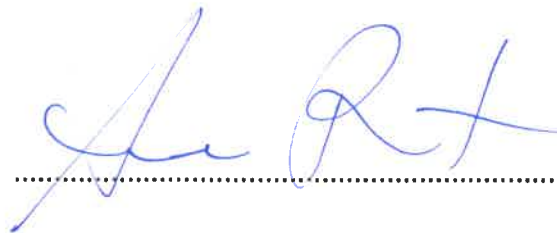
Committee to which bill is to be referred:

Legal and Constitutional

Possible hearing date(s):

Possible reporting date: **22 October**

(signed)



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Print name:

Anne Ruston

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Australia's Foreign Relations (State and Territory Arrangements) Bill 2020
Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020

Reasons for referral/principal issues for consideration:

The sort of powers that the Government is talking about to override arrangements that are counter to the national interest require careful examination to make sure it is both workable and consistent with the powers of the Parliament.

Concerns have already been raised by significant stakeholders, such as universities, particularly about lack of consultation.

Possible submissions or evidence from:

Department of Foreign Affairs and Trade
Attorney-General's Department
State and territory governments
Universities

Committee to which bill is to be referred:

Senate Foreign Affairs, Defence and Trade Legislation Committee

Possible hearing date(s):

Late September/early October

Possible reporting date:

30 November 2020

(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 Aviation (Unmanned Aircraft Levy) Bill 2020

Civil Aviation (Unmanned Aircraft Levy Collection and Payment) Bill 2020

Reasons for referral/principal issues for consideration:

- Industry participants have raised concerns about the lack of clarity on the level of fees to be set under the new arrangements.
- One of the major commercial users of RPAs in Australia has expressed concern the bill allows for a fee of up to \$300 per drone. By comparison, they quote drone registration fees in Canada as being \$5, the UK \$16, and the USA \$7.
- If fees are set too high it will be a barrier to entry for small operators, a disincentive for small operators (eg farmers, photographers, surveyors) to register their RPA, and could see R&D currently conducted in Australia sent offshore.
- A short senate inquiry would allow any issues related to fee structures to be aired before the legislation is passed.

Possible submissions or evidence from:

- Wing
- Australian Association for Unmanned Systems
- NFF and other farmers groups

Committee to which bill is to be referred:

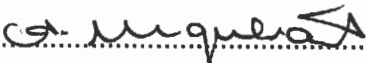
- Senate Rural and Regional Affairs and Transport Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

4 November 2020


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Senator Anne Urquhart

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

Name of bill: *Civil Aviation (Unmanned Aircraft Levy) Bill 2020 [and] Civil Aviation Amendment (Unmanned Aircraft Levy Collection and Payment) Bill 2020*

Reasons for referral/principal issues for consideration: Consideration of the level of consultation undertaken, appropriateness of levy thresholds, and use of delegated legislation.

Possible submissions or evidence from: Drone stakeholders and community organisations

Committee to which bill is to be referred: Rural and Regional Affairs and Transport

Possible hearing date(s): Hearing on the papers

Possible reporting date: 29 October 2020

(signed)



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Ruehl Smeets

Print name: _____

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

Name of bill: Clean Energy Finance Corporation Amendment (Grid Reliability Fund) Bill 2020

Reasons for referral/principal issues for consideration:

Substantive and controversial change to the CEFC Act, including to financial operation of CEFC, what investments qualify as investments, and how allowable investments are determined.

Possible submissions or evidence from:

Clean Energy Council
Australian Energy Council
Smart Energy Council
Investor Group on Climate Change
Former CEFC CEO, Oliver Yates
Climate Council
Climate Works
Australian Conservation Foundation

Committee to which bill is to be referred: (Environment and Communications)
Senate Environment and Communications
Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

4 November 2020.

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Senator Anne Urquhart

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

Name of bill:

Clean Energy Finance Corporation Amendment (Grid Reliability Fund) Bill 2020

Reasons for referral/principal issues for consideration:

Seeking the views and intentions of the CEFC Board in fulfilling the legislation, acquire stakeholder views and understand the purpose of the amendments.

Possible submissions or evidence from:

Chair and CEO of CEFC, Department of Industry, Science, Energy & Resources, Clean Energy Council, Energy Networks Association, Tesla, Snowy Hydro, APPEA, APA Group, The Australia Institute, Climate Council, State based conservation councils.

Committee to which bill is to be referred:

Environment and Communications Legislation Committee

Possible hearing date(s):

24 September 30 October, 13 November

Possible reporting date:

7 December 2020

(signed)



Print name:

Rachel Sims

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

Name of bill: *Crimes Legislation Amendment (Economic Disruption) Bill 2020*

Reasons for referral/principal issues for consideration:

Complex legislation including expansion of money laundering and proceeds of crime legislation. Govt has been slow to move on expanding money laundering legislation – this is an opportunity to demonstrate where they have not moved.

Possible submissions or evidence from:

Home Affairs; AUSTRAC; AFP; ACIC; Australian Strategic Policy Institute; Australian Banking Association; Office of the Australian Information Commissioner

Committee to which bill is to be referred:

Senate Legal & Constitutional Affairs Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

18 November 2020.

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Senator Anne Urquhart

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

Name of bill: *Crimes Legislation Amendment (Economic Disruption) Bill 2020*

Reasons for referral/principal issues for consideration: concerns regarding human rights and digital rights.

Possible submissions or evidence from: Human Rights Law Centre; Law Council of Australia; Civil Liberties Australia; Australian Lawyers Alliance; Digital Rights Watch, and Electronic Frontiers Australia.

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

Possible hearing date(s): 30 September-1October 2020

Possible reporting date: 10 November 2020

(signed)



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Rachel Street

Print name: _____

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: *National Commissioner for Veteran Suicide Prevention Bill*

Reasons for referral/principal issues for consideration: to allow for consideration of design of proposed National Commissioner, informed by the findings of the impending interim Commissioner, forthcoming government response to the Productivity Commission's *A Better Way* report, impacted stakeholder submissions and consultation.

Because the interim Commissioner (as announced February 5 2020) has yet to be appointed, the interim Commissioner's literature review, also announced in February, is also yet to commence. This review, consisting of a comprehensive review of known current and former ADF and Defence personnel suicides since 2001, as well as a progress update on the implementation of recommendations made in various reviews and reports since 2003, should be concluded to inform the design of the National Commissioner's proposed functioning.

The expectation offered by the Government in February 2020 was that the interim Commissioner would produce an initial report back twelve months from commencement, with a final report due 18 months from commencement (or six months after the initial reporting date). As this has been delayed, it is reasonable to suggest that the work of the interim Commissioner should inform the consideration of the Senate committee, and such that the work of the interim Commissioner should be allowed to proceed without delay, and without undue haste. The 12-month timeline to produce an initial report should be honoured.

Possible submissions or evidence from:

Families, spouses of suicided Defence personnel.

Departments.

Academics.

Legal experts.

Productivity Commission.

Ex-service organisations.

Veteran advocates.

Committee to which bill is to be referred:


FADT Legislative Committee

Possible hearing date(s):

Possible reporting date:

24 April 2021

(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 Legislation Amendment (Reform and Modernisation) Bill 2020
- Radiocommunications (Receiver Licence Tax) Amendment Bill 2020
- Radiocommunications (Transmitter Licence Tax) Amendment Bill 2020

Reasons for referral/principal issues for consideration:

- Scrutinise the intended operation of the bill on key issues
- Assess substantiveness of some amendments
- Understand why certain recommendations of Spectrum Review are not addressed in the package and when they will be addressed.

Possible submissions or evidence from:

- On 27 August 2020 the Government introduced the bills in the House
- On 31 August 2020 the Department published submissions on consultation on the Exposure Draft of legislation and a consultation outcomes document.
- Stakeholders advise they are still considering the bills.

Committee to which bill is to be referred:

- Senate Environment and Communications Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

- 4 November 2020

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Senator Anne Urquhart

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

Name of bill: Recycling and Waste Reduction Bill 2020
 Recycling and Waste Reduction (Consequential and Transitional
 Provisions) Bill 2020
 Recycling and Waste Reduction Charges (General) Bill 2020
 Recycling and Waste Reduction Charges (Customs) Bill 2020
 Recycling and Waste Reduction Charges (Excise) Bill 2020

Reasons for referral/principal issues for consideration: This package of Bills may see significant reform to waste management and have significant environmental implications.

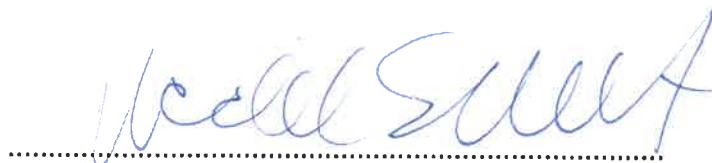
Possible submissions or evidence from: Recycling industry stakeholders (representing over 60,000 workers), NGOs, packaging and retail industry stakeholders.

Committee to which bill is to be referred: Environment and Communications Committee

Possible hearing date: September

Possible reporting date: 30 September 2020

(signed)



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Print name: _____

Rachel Siew

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

Name of bill:

Recycling & Waste Reduction Bill 2020

Recycling & Waste Reduction (Consequential and Transitional Provisions) Bill 2020

Recycling & Waste Reduction Charges (General) Bill 2020

Recycling & Waste Reduction Charges (Customs) Bill 2020

Recycling & Waste Reduction Charges (Excise) Bill 2020

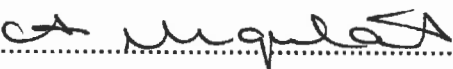
Reasons for referral/principal issues for consideration: **These bills introduce significant changes to the regulatory framework for the export of waste materials and it will be important to ensure that the measures included are appropriate.**

Possible submissions or evidence from: **National Waste & Recycling Industry Council, Australian Council of Recycling, Waste Management & Resource Recovery Association, Boomerang Alliance and the Law Council of Australia.**

Committee to which bill is to be referred: **Senate Environment and Communications Legislation Committee**

Possible hearing date(s): **To be determined by the committee**

Possible reporting date: **30 September 2020**


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Senator Anne Urquhart

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

Name of bill:

Treasury Laws Amendment (Self Managed Superannuation) Bill 2020

Reasons for referral/principal issues for consideration:

Merits of extending SMSFs to cover six people, issues in SMSF administration arising from larger coverage, operation of SMSFs, prudential matters relating to SMSFs with multiple members, tax implications of larger SMSFs, consumer matters relating to SMSF advice, retirement income impacts of SMSF expansion

Possible submissions or evidence from:

SMSF Association, Financial Services Council, Financial Planning Association of Australia, Association of Financial Advisers, Australian Banking Association, CPA Australia, CA ANZ, Institute of Public Accountants Australia, Prof Deborah Ralston, Prof Susan Thorp, Treasury, ASIC, ATO, APRA, Tax Justice Network, Productivity Commission, Super Consumers Australia

Committee to which bill is to be referred:

Senate Economics Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

4 November 2020

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Senator Anne Urquhart

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

Name of bill:

Environment Protection and Biodiversity Conservation Act Amendment (Streamlining Environmental Approvals) Bill 2020

Reasons for referral/principal issues for consideration:

- Impact of the bill on the environment
- Relationship with the Samuel Review

Possible submissions or evidence from:

Committee to which bill is to be referred:
Senate Environment and Communications Legislation Committee

Possible hearing date(s):
To be determined by the committee

Possible reporting date:
11 November 2020

A handwritten signature in black ink, appearing to read 'Anne Urquhart', is written over a horizontal dotted line.

Senator Anne Urquhart

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

Name of bill: Environment Protection and Biodiversity Conservation amendment
(Streamlining Environmental Approvals)

Reasons for referral/principal issues for consideration: This bill would make changes to important environmental approvals processes. It would amend the EPBC Act which is currently the subject of an independent review and the Senate should understand the full recommendations of the independent review before considering this legislation.



Possible submissions or evidence from:

Committee to which bill is to be referred: Environment and Communications Legislation Committee

Possible hearing date(s):

Possible reporting date: 11th November

(signed)


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Print name: _____

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Higher Education Support Amendment (Job Ready Graduates and Supporting Regional and Remote Students) Bill 2020

Reasons for referral/principal issues for consideration:

The Bill seeks to fundamentally reform university funding; student fees; student protection and institutional audit measures.

The legislation fails to address aspects of the Government's proposed reforms that have a significant bearing on university purpose and operations.

There has been significant public and expert criticism of the Bill on a range of matters – including the underlying assumptions, the evidence base, unintended consequences and perverse incentives.

Key stakeholders have expressed the need for a comprehensive inquiry given the extent and complexity of the reforms proposed and the lack of consultation to date.

Possible submissions or evidence from:

Group of Eight

Universities Australia

Australian Technology Network

Innovation Research Universities

Regional Universities Network

individual Universities

National Union of Students

Professional Associations

Deans of Science; Deans of Education; Australasian Council of Deans of Arts, Social Sciences and Humanities

NTEU, PSA

Policy experts and academics

Committee to which bill is to be referred:

Senate Education and Employment Legislation Committee

Possible hearing date(s):

September - November

Possible reporting date:

30 November 2020



Whip / Selection of Bills Committee member

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

Name of bill:

Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020

Reasons for referral/principal issues for consideration:

- To provide tertiary education providers, students, relevant unions, and other interested parties in the sector an opportunity to give feedback on the bill and comment on its likely impact on education providers and students.
- To consider the likely effectiveness of the bill in achieving its stated outcomes and its impact on tertiary education providers and students.

Possible submissions or evidence from:

- Individual Australian universities
- Individual TAFEs and Government-owned providers, registered training organisations and non-university higher education providers
- National Union of Students
- National Tertiary Education Union
- CAPA
- Universities Australia
- Group of 8
- Regional Universities Network
- Innovative Research Universities
- TAFE Directors Australia
- Independent Tertiary Education Council Australia
- TEQSA
- DESE

Committee to which bill is to be referred:

Senate Education and Employment Legislation Committee

Possible hearing date(s): no preference – depends on committee schedule

Possible reporting date: 30 November 2020

(signed)



Print name: _____

Michael Stewart

**SELECTION OF BILLS COMMITTEE—
PRESENTATION OF 8TH REPORT OF 2020—
AMENDMENT AGREED TO BY THE SENATE ON
3 SEPTEMBER 2020**

At the end of the motion, add “and, in respect of the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Bill 2020, the bill be referred to the Education and Employment Legislation Committee for inquiry and report by 25 September 2020.”.