

SELECTION OF BILLS COMMITTEE

REPORT NO. 13 OF 2021

25 November 2021

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 Nick McKim (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
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SELECTION OF BILLS COMMITTEE

REPORT NO. 13 OF 2021

1. The committee met in private session on Wednesday, 24 November 2021 at 7.20 pm.
2. The committee recommends that—
 - (a) the *provisions* of the Financial Accountability Regime Bill 2021, Financial Sector Reform (Hayne Royal Commission Response No. 3) Bill 2021, Financial Services Compensation Scheme of Last Resort Levy Bill 2021 and Financial Services Compensation Scheme of Last Resort Levy (Collection) Bill 2021 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 15 February 2022;
 - (b) the *provisions* of the Migration Amendment (Protecting Migrant Workers) Bill 2021 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 February 2022 (see appendix 1 for a statement of reasons for referral);
 - (c) the *provisions* of the Migration Amendment (Strengthening the Character Test) Bill 2021 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 28 January 2022 (see appendix 2 for a statement of reasons for referral); and
 - (d) the Statute Law Amendment (Prescribed Forms) Bill 2021 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 11 February 2022 (see appendix 3 for a statement of reasons for referral).
3. The committee recommends that the following bills *not* be referred to committees:
 - Electoral Legislation Amendment (Assurance of Senate Counting) Bill 2021
 - Electoral Legislation Amendment (Contingency Measures) Bill 2021
 - National Redress Scheme for Institutional Child Sexual Abuse Amendment (Funders of Last Resort and Other Measures) Bill 2021
 - Offshore Electricity Infrastructure (Consequential Amendments) Bill 2021
 - Public Governance, Performance and Accountability Amendment (Improved Grants Reporting) Bill 2021
 - Treasury Laws Amendment (Enhancing Superannuation Outcomes For Australians and Helping Australian Businesses Invest) Bill 2021.
4. The committee deferred consideration of the following bills to its next meeting:
 - Aged Care Amendment (Registered Nurses Ensuring Quality Care) Bill 2021
 - Air Services Amendment Bill 2018
 - Australian Federal Integrity Commission Bill 2021
 - Animal Health Australia and Plant Health Australia Funding Legislation Amendment Bill 2021
 - Biosecurity Amendment (No Crime to Return Home) Bill 2021
 - Corporate Collective Investment Vehicle Framework and Other Measures Bill 2021
 - COVID-19 Vaccination Status (Prevention of Discrimination) Bill 2021

- Customs Amendment (Controlled Trials) Bill 2021
- Customs Legislation Amendment (Commercial Greyhound Export and Import Prohibition) Bill 2021
- Discrimination Free Schools Bill 2018
- Electoral Legislation Amendment (Annual Disclosure Equality) Bill 2021
- Electoral Legislation Amendment (Candidate Eligibility) Bill 2021
- Electoral Legislation Amendment (Voter Integrity) Bill 2021
- Electric Vehicles Accountability Bill 2021
- Fair Work Amendment (Improving Paid Parental Leave for Parents of Stillborn Babies) Bill 2021
- Federal Environment Watchdog Bill 2021
- Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019
- Great Australian Bight Environment Protection Bill 2019
- Health Insurance Amendment (Enhancing the Bonded Medical Program and Other Measures) Bill 2021
- Health Insurance Legislation Amendment (Transparent Patient Outcomes) Bill 2021
- Health Legislation Amendment (Medicare Compliance and Other Measures) Bill 2021
- Human Rights Legislation Amendment Bill 2021
- Human Rights (Targeted Sanctions) Bill 2021
- International Human Rights and Corruption (Magnitsky Sanctions) Bill 2021
- Migration Amendment (New Maritime Crew Visas) Bill 2020
- Migration Amendment (Temporary Visa Extension and Reinstatements) Bill 2021
- National Health Amendment (Enhancing the Pharmaceutical Benefits Scheme) Bill 2021
- National Health Amendment (Pharmaceutical Benefits Transparency and Cost Recovery) Bill 2021
- National Security Legislation Amendment (Comprehensive Review and Other Measures No. 1) Bill 2021
- Ransomware Payments Bill 2021 (No. 2)
- Regional Forest Agreements Legislation (Repeal) Bill 2017
- Religious Discrimination Bill 2021
- Religious Discrimination (Consequential Amendments) Bill 2021
- Snowy Hydro Corporatisation Amendment (No New Fossil Fuels) Bill 2021
- Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
- Social Services Legislation Amendment (Payment Integrity) Bill 2019
- Spam Amendment (Unsolicited Political Communications) Bill 2021
- Veterans' Affairs Legislation Amendment (Exempting Disability Payments from Income Testing and Other Measures) Bill 2021.

5. The committee considered the following bills but was unable to reach agreement:

- Autonomous Sanctions Amendment (Thematic Sanctions) Bill 2021
- Corporations Amendment (Improving Outcomes for Litigation Funding Participants) Bill 2021.

(Dean Smith)

Chair

25 November 2021

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Migration Amendment (Protecting Migrant Workers) Bill 2021

Reasons for referral/principal issues for consideration:

Significant changes to migrant worker protections under the Migration Act, including strong concerns from a wide range of stakeholders.

Possible submissions or evidence from:

Unions, civil society, legal groups, migrant support groups, farmers, supermarkets, horticulture, and agriculture organisations, including Ai Group, AMES Australia, ACCI, Australian Fresh Produce Alliance, Fragomen Australia, Hammond Taylor, IARC Unions NSW, Immigration Solutions, Law Council of Australia, Migrant Worker Justice Initiative, Migrant Workers Centre, Migration Institute of Australia, NTEU, Professor Joanna Howe, Recruitment, Consulting and Staffing Association, Redfern Legal Centre, Retail Supply Chain Alliance, Settlement Council of Australia, Salvation Army, Uniting Church, United Workers Union, WestJustice, Woolworths, Coles and Aldi.

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s):

TBC

Possible reporting date:

~~Monday 28 February 2022~~

15 February 2022

(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: Migration Amendment (Protecting Migrant Workers) Bill 2021

Reasons for referral/principal issues for consideration: To ensure the bill is consistent with recommendations of the Migrant Workers' Taskforce, which reported to the Minister for Small and Family Business, the Workplace, and Deregulation in 2019.

Possible submissions or evidence from: Immigrant and migrant advocates, workers unions, recruitment industry, industry and sector peak bodies, legal experts.

Committee to which bill is to be referred: SSC Education and Employment, or JSC Migration

Possible hearing date(s): Inquiry to be conducted on the papers

Possible reporting date: First sitting day of February 2022

(signed)

.....Nick McKim.....

Print name:

.....NICK MCKIM.....

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

Name of bill: Migration Amendment (Strengthening the Character Test) Bill 2021

Reasons for referral/principal issues for consideration: The bill is materially different to the previous two iterations of the bill, both of which went to inquiry. It contains retrospectivity, engages human rights, and is possibly in breach of Australia's commitments to international obligations.

Possible submissions or evidence from: Legal, human rights, and migration experts and stakeholders, e.g. Asylum Seeker Resource Centre, Human Rights Law Centre, Refugee Legal, Australian Human Rights Commission, Peter McMullin Centre on Statelessness, Refugee Council of Australia, Kaldor Centre for International Refugee Law, Kaldor Centre for International Refugee Law, and the Law Society of Australia.

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

Possible hearing date(s): Non-sitting days in February

Possible reporting date: ~~Last sitting day of March 2022~~

(signed)


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Print name:

NICK MCKIM

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SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Migration Amendment (Strengthening The Character Test) Bill

Reasons for referral/principal issues for consideration: The Bill has changed from the original version first introduced over three years ago. It now has significant implications for victims of domestic violence and needs adequate time for detailed consideration..

Possible submissions or evidence from: Legal, civil society, refugee, asylum seekers, migrant support and domestic violence organisations.

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s):

TBC

Possible reporting date: ¹⁵~~28~~ February 2022

(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:

Statute Law Amendment (Prescribed Forms) Bill 2021

Reasons for referral/principal issues for consideration:

While the EM states that the changes made by this bill are largely technical in nature, the bill would make changes to dozens of significant and often complex Acts. It is important to fully understand the impact of any changes made to those statutory regimes, whether intended or not, and an enquiry will enable those with particular expertise to provide submissions to the Committee about those impacts.

Possible submissions or evidence from:

Law Council of Australia

Other bodies with particular expertise in the various statutory regimes impacted by this bill.

Committee to which bill is to be referred:

Legal & Constitutional Affairs

Possible hearing date(s):

Given the technical nature of this bill, it is suggested that the inquiry be conducted on the papers. Any hearing dates, if required, to be determined by the committee.

Possible reporting date:

~~25 February 2022~~

11 February 2022

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Senator Anne Urquhart

**SELECTION OF BILLS COMMITTEE—PRESENTATION OF
13TH REPORT OF 2021—AMENDMENT AGREED TO BY THE
SENATE ON 25 NOVEMBER 2021**

At the end of the motion, add, “and the Autonomous Sanctions Amendment (Thematic Sanctions) Bill 2021 not be referred to a committee”.