

**Senate Standing Committee
for the
Scrutiny of Bills**



Alert Digest

No. 10 of 2000

16 August 2000

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ISSN 1329-668X

Senate Standing Committee for the Scrutiny of Bills

Members of the Committee

Senator B Cooney (Chairman)
Senator W Crane (Deputy Chairman)
Senator T Crossin
Senator J Ferris
Senator B Mason
Senator A Murray

Terms of Reference

Extract from **Standing Order 24**

- (1) (a) At the commencement of each parliament, a Standing Committee for the Scrutiny of Bills shall be appointed to report, in respect of the clauses of bills introduced into the Senate, and in respect of Acts of the Parliament, whether such bills or Acts, by express words or otherwise:
- (i) trespass unduly on personal rights and liberties;
 - (ii) make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers;
 - (iii) make rights, liberties or obligations unduly dependent upon non-reviewable decisions;
 - (iv) inappropriately delegate legislative powers; or
 - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
- (b) The committee, for the purpose of reporting upon the clauses of a bill when the bill has been introduced into the Senate, may consider any proposed law or other document or information available to it, notwithstanding that such proposed law, document or information has not been presented to the Senate.

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- **The Committee has commented on these bills**

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Any Senator who wishes to draw matters to the attention of the
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Administrative Review Tribunal Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Attorney-General. [Portfolio responsibility: Attorney-General]

The bill seeks to give effect to a recommendation of the Administrative Review Council for the establishment of a single Commonwealth merits review tribunal. The bill proposes to establish a new Administrative Review Tribunal to replace the existing Administrative Appeals Tribunal, Social Security Appeals Tribunal, Migration Review Tribunal and Refugee Review Tribunal. The function of the new Tribunal will be to review administrative decisions on their merits.

The Tribunal will consist of a President, executive members, senior members and other members and will be constituted in Divisions. These Divisions are based on the jurisdictions of the existing specialist tribunals. This divisional structure is intended to ensure that the Tribunal retains the benefits of the specialist review tribunals, including the ability to develop flexible, cost-effective and non-legalistic procedures that are appropriate for, and tailored to, the types of decisions that they may review.

The bill also re-establishes the Administrative Review Council, which was originally established by the *Administrative Appeals Tribunal Act 1975*. The main functions of the Council will continue to be reviewing and monitoring developments in the Commonwealth administrative law system and making recommendations for improvements to the system.

Commencement

Subclause 2(3)

Subclause 2(2) of this bill states that Parts 4 to 10 (which deal with the review of decisions by the newly constituted Administrative Review Tribunal) are to commence on Proclamation. However this is qualified by subclause 2(3) which states that Parts 4 to 10 are to commence no later than 12 months after Assent.

This is a departure from the usual 6 month period referred to in *Drafting Instruction No 2 of 1989*, issued by the Office of Parliamentary Counsel. That

Drafting Instruction states that an explanation should be provided whenever a period longer than 6 months after assent is chosen.

The Explanatory Memorandum accompanying the bill restates the effect of subclauses 2(2) and (3) but provides no further explanation. In these circumstances, the Committee **seeks the advice of the Attorney-General** as to why this bill has departed from the approach to commencement set out in *Drafting Instruction No 2 of 1989*.

Pending the Attorney's advice, the Committee draws Senators' attention to this provision, as it may be considered to inappropriately delegate legislative powers, in breach of principle 1(a)(iv) of the Committee's terms of reference.

Wide power of delegation Subclauses 50(1) and (4)

Subclause 50(1)

Subclause 50(1) of this bill permits the President of the new Administrative Review Tribunal to delegate “all or any of his or her powers and functions” under the Act (other than certain specified non-delegable powers and functions, and certain specified powers and functions that may only be delegated to an executive member). These powers may be delegated to “a member, the Chief Executive Officer, staff or a consultant”.

On its face, this provision would seem to authorise broad powers and functions to be delegated to a wide class of potential recipients. The Explanatory Memorandum does not elaborate on the need for a provision of this width, but notes that, in exercising his or her powers and functions under the bill, whether delegable or not, the President is expected, where appropriate, to consult with relevant executive members and other members of the Tribunal.

A number of matters are not clear. For example, it is not clear whether this provision could enable the delegation of any decision-making or review powers. It is unclear whether staff or consultants who exercise delegated powers will have to comply with any of the requirements or duties imposed on the President, or will have to possess any of the qualifications or attributes

required of the President. A delegation to ‘staff or consultants’ would seem to comprehend a possible exercise of power by virtually anyone in the organisation, including junior employees or consultants appointed for a short term.

Subclause 50(4)

Similar concerns arise in relation to the power of delegation under subclause 50(4). Under paragraph 65(1)(d), the executive member appointed to the Division within which a first-tier decision was made must decide whether or not to grant leave for review of that decision. Subclause 50(4) authorises executive members to delegate this power to another member appointed or assigned to the executive member’s Division.

With regard to this provision, the Explanatory Memorandum states that the executive member is “expected to exercise great care” in deciding to whom to delegate this power, and that “it would rarely be appropriate to delegate the function to a member who constituted, or was part of, the Tribunal that made a first-tier decision in relation to which second-tier review is sought”.

Arguably, the issue of a decision-maker possibly being invited to consider an application to review his or her own decision is a matter that should be addressed in the bill itself, rather than in the Explanatory Memorandum.

Committee concerns

Given the apparent breadth of the powers that might be delegated under subsection 50(1), and the apparent width of the class of potential delegates, the Committee **seeks the advice of the Attorney-General** as to whether any decision-making or review powers might be delegated under the bill, and why the class of potential delegates should not be limited in some way.

Given the possibility that a decision-maker may be delegated to consider an application to review his or her own decision under subsection 50(4), the Committee **seeks the advice of the Attorney-General** as to why the appropriateness of this possibility is not dealt with in the bill itself.

Pending the Attorney’s advice, the Committee draws Senators’ attention to these provisions, as they may be considered to trespass unduly upon personal rights and liberties, in breach of principle

1(a)(i) of the Committee's terms of reference, and make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, in breach of principle 1(a)(ii) of the Committee's terms of reference.

Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Agriculture, Fisheries and Forestry]

Schedule 1 to the bill proposes to amend the *Quarantine Act 1908* to:

- clarify that sections 6C and 14A extend to both the regulations and Proclamation;
- clarify that a person may be appointed as both a quarantine officer plants and a quarantine officer animals;
- recognise that quarantinable pests and diseases may themselves be matters of quarantine concern;
- confirm that offences against State or Territory laws may be relevant to a person's suitability to manage a place where goods subject to quarantine may be treated or dealt with;
- allow certain directions to be given to a person in control of a vehicle;
- clarify that arrangements under section 46A and 66B of the Act extend to vessels; and
- allow seizure notices to be given to consignees.

A new Part VA is introduced into the Act to cater for the use of an automated electronic system for the quarantine clearance of goods.

Schedule 2 of the bill proposes to amend the *Australian Wine and Brandy Corporation Act 1980* to ensure consistency in the voting arrangements at the Corporation's annual general meeting for payers of the wine grapes levy and the wine export charge. The *Public Employment (Consequential and Transitional) Amendment Act 1999* is also amended to make a technical correction.

Retrospective application
Subclause 2(3) and Schedule 2, item 8

By virtue of subclause 2(3), item 8 of Schedule 2 to this bill is to commence retrospectively on 11 November 1999 – the date of the Assent to the *Public Employment (Consequential and Transitional) Amendment Act 1999*. This item proposes to omit “a Department of the Commonwealth” and substitute “an Agency”, thus correcting an earlier misdescribed amendment to the *Australian Wine and Brandy Corporation Act 1980*. This amendment is technical in nature, and makes no change to the substantive law.

In these circumstances, the Committee makes no further comment on this provision.

Coal Industry Repeal Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Parliamentary Secretary to the Minister for Industry, Science and Resources. [Portfolio responsibility: Industry, Science and Resources]

The bill proposes to repeal the Commonwealth *Coal Industry Act 1946* and provides for the dissolution of the Joint Coal Board as constituted under that Act and the New South Wales *Coal Industry Act 1946*. The bill also supports New South Wales in making a law to provide for the transfer of all the assets, rights, liabilities and existing staff of the Joint Coal Board to a new State-administered corporation or entity; and other matters incidental to the dissolution of the Joint Coal Board.

Commencement

Clause 2

By virtue of clause 2, this bill is to commence on Proclamation, with no further date set within which the bill must commence in any event.

While this is a departure from the approach referred to in *Drafting Instruction No 2 of 1989*, issued by the Office of Parliamentary Counsel, the Explanatory Memorandum notes that the commencement of this bill depends on the passage of complementary legislation through the New South Wales Parliament. The bill therefore comes within one of the recognised exceptions to that *Drafting Instruction*.

In these circumstances, the Committee makes no further comment on this provision.

Compensation Measures Legislation Amendment (Rent Assistance Increase) Bill 2000

This bill was introduced into the House of Representatives on 27 June 2000 by the Minister for Community Services. [Portfolio responsibility: Family and Community Services]

The bill proposes to amend the *A New Tax System (Compensation Measures Legislation Amendment) Act 1999* to provide an increase of 10% in the maximum rent assistance rates available to veterans' affairs pensioners and social security recipients, applicable from 1 July 2000. This replaces the 7% increase previously legislated.

The Committee has no comment on this bill.

Criminal Code Amendment (United Nations and Associated Personnel) Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Attorney-General. [Portfolio responsibility: Attorney-General]

The bill proposes to amend the *Criminal Code Act 1995* to protect United Nations and associated personnel and enable Australia to ratify the Convention on the Safety of United Nations and Associated Personnel.

The Convention, which came into effect on 15 January 1999, represents a response to the increasing number of violent attacks against persons connected with United Nations operations. Passage of the bill will enable Australia to become a party to the Convention.

The bill adds a new Division 71 to the *Criminal Code* which makes the crimes set out in the Convention offences in Australian domestic law. The offences include murder, manslaughter, intentionally or recklessly causing harm or serious harm, unlawful sexual penetration, kidnapping, unlawful detention, intentionally causing damage to official premises or property, or threatening to commit any of these offences, where the victims are UN and associated personnel.

Strict liability offences

Proposed new subsections 71.2(2) to 71.11 (2)

As noted above, this bill proposes to insert a new Division 71 in the Commonwealth *Criminal Code*. This Division deals with offences against United Nations and associated personnel. Strict liability will apply to certain physical elements of these offences – in general terms, to whether the person offended against was a UN or associated person who was engaged in a UN operation other than an enforcement action.

The Explanatory Memorandum states that the effect of these provisions is that “there are no fault elements for those particular elements of the offence and therefore it is immaterial whether the offender knows that the other person is a UN or associated person or that the UN or associated person is engaged in a relevant UN operation”.

While this clearly explains the effect of these subsections, it does not provide a reason for imposing strict criminal liability in these circumstances. It is unclear, for example, whether strict liability is demanded by the appropriate UN Convention.

Further, the bill creates offences for which very significant penalties (including imprisonment for life) may be imposed. It is unclear whether, as a result of this bill, offences against UN or associated personnel, which contain a measure of strict liability, will carry greater penalties than apply to equivalent offences against other people, which contain no elements of strict liability.

The Committee, therefore, **seeks the advice of the Attorney-General** as to the reasons for imposing strict criminal liability in these circumstances, and as to the comparative penalty levels for these strict liability offences when compared with equivalent offences against non-UN or associated personnel.

Pending the Attorney's advice, the Committee draws Senators' attention to these provisions, as they may be considered to trespass unduly upon personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.

Reversal of the onus of proof

Sections 71.14 and 71.15

Proposed new sections 71.14 and 71.15 set out specific defences in relation to certain offences. New section 71.14 creates a defence where any conduct which causes serious harm to another person is engaged in for the purpose of benefiting that person, or in pursuance of a socially acceptable function or activity, or, having regard to the purpose, function or activity, where the conduct was reasonable.

New section 71.15 creates a defence where any unlawful sexual penetration is carried out in the course of a procedure in good faith for medical or hygienic purposes.

In each case, the effect of subsection 13.3(3) of the *Criminal Code* is that a defendant bears an evidential burden in relation to these defences. An

evidential burden means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists.

The Explanatory Memorandum points out that the inclusion of these defences is necessary because the offences to which they relate properly make no reference to the absence of consent by the victim. The proposed defences will enable a person to escape liability by showing that, for example, the reason for their causing serious harm to a person was to benefit that person, or was done while pursuing a socially acceptable function.

In these circumstances, the Committee makes no further comment on these provisions.

Customs Tariff Amendment Bill (No. 3) 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Parliamentary Secretary to the Minister for Finance and Administration. [Portfolio responsibility: Justice and Customs]

The bill proposes to amend the *Customs Tariff Act 1995* to:

- remove customs duty from 268 so-called ‘nuisance tariffs’ (which have a duty rate of 5% or less, generate minimal revenue, and cover goods where there are few or no local producers);
- clarify the classification of tufted carpets for Customs Tariff purposes;
- impose an excise equivalent duty on imported toluene and similar chemicals used in fuel substitution activities; and
- insert a phase down to 10% in the rate of duty for automatic voltage regulators from 1 January 2005.

Retrospective application

Subclause 2(2) and Schedule 1

By virtue of subclause 2(2), the amendments proposed in Schedule 1 are to commence retrospectively on 15 December 1999. However, these amendments are beneficial to those otherwise liable to pay customs duty.

In these circumstances, the Committee makes no further comment on these provisions.

Retrospective application

Subclause 2(3) and Schedule 2

Subclause 2(3) provides that the amendments proposed in Schedule 2 are to commence retrospectively on 10 March 2000. However, these amendments have already been tabled as Customs Tariff Proposals. Their subsequent inclusion in the Principal Act is a matter about which the Committee has previously accepted a measure of retrospectivity.

In these circumstances, the Committee makes no further comment on this provision.

Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Parliamentary Secretary to the Minister for the Environment and Heritage. [Portfolio responsibility: Defence]

The bill proposes to amend the *Defence Act 1903* to enable the utilisation of the Defence Force to assist civilian authorities in protecting Commonwealth interests and States and Territories against domestic violence.

The bill creates the framework for Commonwealth or State or Territory initiated use of the Defence Force and provides for specific powers that the Defence Force has under the new scheme. These powers relate to the recapture of premises and, in connection with this, freeing hostages, detaining persons, evacuating persons, and searching and seizing dangerous things. There are also general security area powers and designated area powers.

The bill also proposes consequential amendments to the *Air Force Act 1923* and the *Naval Defence Act 1910*.

General comment

The Minister's Second Reading Speech states that this bill is intended to "bring the framework for call out of the Defence Force in law enforcement emergencies uptodate," and represents "a sound basis for the use of the Defence Force as a last resort in resolving such emergencies".

The Minister goes on to observe that the existing legislative framework "does not provide sufficient accountability to Parliament" nor does it provide the Defence Force with "appropriate authority to perform the tasks they may be required to carry out either in an assault upon terrorists or in a related public safety emergency".

In general terms, the bill seems to permit members of the Defence Force to exercise what are essentially civilian police powers when carrying out police duties during a time of threat. As such, it seems to represent a change in the distinction previously drawn between military and civilian powers. The

Committee would be concerned about the effect on civil liberties were this change to become permanent.

Given this, the Committee **seeks the Minister's advice** as to the reason for the introduction of the bill at this time; what restrictions are imposed on the exercise of powers under the bill; and how the framework proposed under the bill differs from that which exists under the current provision.

Pending the Minister's advice, the Committee draws Senators' attention to this provision, as it may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.

Search and entry provision Proposed new section 51L

Item 4 of Schedule 1 to this bill proposes to insert a new section 51L in the *Defence Act 1903*. This section will permit the Chief of the Defence Force, or an authorised Defence Force officer, to search premises in a general security area where the officer reasonably believes that it is necessary as a matter of urgency to render a dangerous thing on those premises safe, or to prevent its use. Under the Act, such an authorisation should only take place during circumstances of emergency.

In its *Fourth Report of 2000*, the Committee considered appropriate principles which should govern the inclusion of search and entry provisions in legislation. In discussing the 'emergency' powers available under the *Australian Security Intelligence Organisation Act 1979* and under the Defence (Area Control) Regulations the Committee stated that "in each case, a significant power of entry and search may be exercised on the authorisation of the relevant Minister alone. Unless there are clearly defined and exceptional circumstances, these provisions should similarly be exercisable only after a warrant has been obtained from a judicial officer".

The Committee, therefore, **seeks the Minister's advice** as to why the entry powers under proposed section 51L should not be exercisable only after a warrant has been obtained from a judicial officer.

Pending the Minister's advice, the Committee draws Senators' attention to this provision, as it may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.

Tabling "in the Parliament"

Proposed new sections 51X(3) and (4)

Proposed new section 51X imposes certain publication and reporting requirements when a call-out order ceases to be in force. In general terms, a copy of the order and the accompanying report on the utilisation of the Defence Force that occurred under the order will be taken to be published if, within 7 days after the order ceases to be in force, the copy and report are "tabled in Parliament" or published on the Department's web-site or otherwise publicly released.

If deemed publication occurs by means other than tabling in the Parliament, proposed new subsection 51X(4) requires the Minister to arrange for the order and report "to be tabled in the Parliament within 3 sitting days" after the end of the 7 day period.

Subordinate legislation is usually required to be "laid before each House of the Parliament" within a specified number of sitting days of that House after a defined event (see, for example, *Acts Interpretation Act 1901* s 48; *Environment Protection and Biodiversity Conservation Act 1999* s 522A(4)). This requirement makes clear that each House of the Parliament is entitled to receive notice of the particular matter in issue. It is unclear whether the clause "tabled in Parliament" maintains this dual entitlement, or whether it may be satisfied simply by tabling in one House. The Committee, therefore, **seeks the Minister's advice** as to why the bill does not make explicit that orders and reports be tabled in both Houses.

Pending the Minister's advice, the Committee draws Senators' attention to these provisions, as they may be considered to insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee's terms of reference.

Family and Community Services (2000 Budget and Related Measures) Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister for the Arts and the Centenary of Federation for the Minister for Community Services. [Portfolio responsibility: Family and Community Services]

Schedule 1 to the bill proposes to amend the *Social Security Act 1991* to:

- exclude ABSTUDY Scheme payments from the income test;
- exclude ABSTUDY recipients from concurrently receiving certain other social security payments;
- remove provisions relating to “dependent spouse allowance” previously payable under the ABSTUDY Scheme; and
- make certain technical amendments.

Schedule 2 amends the *A New Tax System (Family Assistance) Act 1999* and the *A New Tax System (Family Assistance) (Administration) Act 1999*, to extend the range of child care services for which a benefit is payable to include in-home care. Schedule 2 also proposes amendments to the *Fringe Benefits Tax Assessment Act 1986* to ensure that residual benefits arising out of priority of access contributions to an approved in-home care service are exempt benefits.

Schedule 3 amends the *Social Security Act 1991* to provide that 75% (rather than the current 50%) of the value of a person’s interest in farm and business assets will be disregarded under the youth allowance family assets test.

Schedule 4 amends the *Data-matching Program (Assistance and Tax) Act 1990* and the *Social Security (International Agreements) Act 1999* to extend the period for data-matching of income details between the Australian Taxation Office and Centrelink from 2 to 4 years; and to preserve the terms of the Social Security Agreement between the United Kingdom and Australia for new Australian residents who arrived in Australia on or before 1 March 2000.

The Committee has no comment on this bill.

Government Advertising (Objectivity, Fairness and Accountability) Bill 2000

This bill was introduced into the House of Representatives on 26 June 2000 by Mr Beazley as a Private Member's bill.

The bill proposes to amend the *Financial Management and Accountability Act 1997* to require government advertising to meet minimum standards with respect to objectivity, fairness and accountability; and to prohibit the expenditure of public funds for party political advertising.

The Committee has no comment on this bill.

Indigenous Education (Targeted Assistance) Bill 2000

This bill was introduced into the House of Representatives on 21 June 2000 by the Minister for Education, Training and Youth Affairs. [Portfolio responsibility: Education, Training and Youth Affairs]

This bill implements 1999-2000 Budget initiatives for indigenous education. Specifically, the bill provides funding for the Indigenous Education Strategic Initiatives Programme (IESIP) for the period 1 January 2001 to 30 June 2005. This incorporates supplementary recurrent funding and funding of specific projects. It also provides for the continuation of the 'Away-From-Base' element of ABSTUDY for the period 2001-2004.

The Committee has no comment on this bill.

Patents Amendment (Innovation Patents) Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister representing the Minister for Industry, Science and Resources. [Portfolio responsibility: Industry, Science and Resources]

The bill proposes to amend the *Patents Act 1990* to repeal the petty patent system and replace it with the innovation patent system. The bill also moves many of the fee payment requirements from the Act to the Patents Regulations 1991, thereby streamlining fee payment methods.

The bill also corrects a number of ambiguities and minor errors in the Principal Act, and proposes a consequential amendment to the *Income Tax Assessment Act 1997* as a result of the introduction of the innovation patent system.

The Committee has no comment on this bill.

Protection of the Sea (Civil Liability) Amendment Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Transport and Regional Services]

The bill proposes to amend the *Protection of the Sea (Civil Liability) Act 1981* to:

- require all ships of 400 gross tons or more entering or leaving an Australian port to maintain insurance to cover the cost of a clean up resulting from the spillage of bunker fuel or other oil;
- clarify the liability of a shipowner where the Australian Maritime Safety Authority (AMSA) has incurred expenses in exercising its powers under the *Protection of the Sea (Powers of Intervention) Act 1981*;
- clarify the ability of AMSA to recover costs and expenses incurred through the performance of its pollution combating function in the marine environment; and
- convert all penalties from dollar amounts to penalty units.

Strict liability offences

Proposed new subsection 19C(5)

Schedule 1 to this bill proposes to insert a new Part IIIA in the *Protection of the Sea (Civil Liability) Act 1981*. This Part makes provision for proof of the possession of adequate insurance cover by certain ships.

Proposed new subsection 19C create a number of offences. These include:

- entering or leaving a port in Australia without carrying a relevant insurance certificate;
- refusing to produce a relevant insurance certificate when requested; and
- leaving port without having been released from detention.

Subsection 19C(5) states that strict liability applies to these offences. In referring to this, the Explanatory Memorandum states that “for a strict liability offence, fault elements are not taken into account. That is, for a successful prosecution there is no need to consider intention, knowledge, recklessness or negligence. The only defence to a strict liability offence is mistake or ignorance of facts”.

While this describes the nature of strict criminal liability in these circumstances, it does not explain why it should be imposed in relation to these offences. The Committee, therefore, **seeks the Minister’s advice** as to why strict liability has been imposed in relation to these specific offences.

Pending the Minister’s advice, the Committee draws Senators’ attention to these provisions, as they may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee’s terms of reference.

Retirement Assistance for Farmers Scheme Extension Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Parliamentary Secretary to the Minister representing the Minister for Finance and Administration. [Portfolio responsibility: Veterans' Affairs]

The bill proposes to amend the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986* to extend the operation of the Retirement Assistance for Farmers Scheme from 14 September 2000 to 30 June 2001. This will provide a continued opportunity for age pension age farmers and their partners to transfer their farm and farm assets (up to a maximum of \$500,000) to the next generation without affecting their access to the age pension

The Committee has no comment on this bill.

States Grants (Primary and Secondary Education Assistance) Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister for Education, Training and Youth Affairs. [Portfolio responsibility: Education, Training and Youth Affairs]

The bill proposes to provide funding to the States and Territories for primary and secondary education in Australia for the 2001-2004 quadrennium and to provide for:

- the introduction of new socio-economic-status (SES)-based funding arrangements for non-government schools;
- additional funding and consequential changes to funding arrangements for the School Transitional Emergency Assistance program, formerly known as the Short Term Emergency Assistance program;
- the introduction of a revised structure for Commonwealth programs for targeted assistance for schools; and
- improved accountability arrangements for Commonwealth schools programs.

The Committee has no comment on this bill.

Taxation Laws Amendment Bill (No. 7) 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

Schedule 1 proposes to amend the *Income Tax Assessment Act 1997* to allow income tax deductions for gifts over \$2 made to certain funds and organisations; to extend the period of time within which gifts to certain funds are tax deductible; and to update the index to the gift provisions for the new funds and organisations.

Schedule 2 proposes to amend the *Taxation Administration Act 1953* in relation to the pay as you go (PAYG) instalments for certain beneficiaries of trusts to ensure that the trust income is included in income returns.

Schedule 3 proposes to amend the *Income Tax Assessment Act 1997* to make corrections to the capital gains tax (CGT) small business concessions and to broaden access to the concessions introduced by the *New Business Tax System (Capital Gains Tax) Act 1999*.

Schedule 4 proposes minor corrections to the CGT provisions in the *Income Tax Assessment Act 1997* and the *Income Tax (Transitional Provisions) Act 1997*, rewritten as part of the Tax Law Improvement Project. Also proposed is a correction to the CGT provisions in the *Income Tax Assessment Act 1936* to reinstate the position of the 1936 Act.

Schedule 5 proposes a minor technical amendment to the *Income Tax Assessment Act 1997* to replace a reference to 'foreign public official' with 'public official' in the measures providing for the non-deductibility of bribes.

Schedule 6 proposes to amend the *Income Tax Assessment Act 1997* to ensure the integrity measures in Division 115, relating to the CGT discount, operate more appropriately. The changes will also extend the availability of the CGT discount.

Retrospective application

Subclause 2(3) and Schedule 4, items 46 and 50

By virtue of subclause 2(3), the amendments proposed by items 46 and 50 of Schedule 4 are to commence retrospectively at the start of 1998-99 income year. However, the Explanatory Memorandum observes that these amendments are technical in nature, and are designed to ensure that the relevant provisions of the *Income Tax Assessment Act 1997* apply as they were originally intended.

In these circumstances, the Committee makes no further comment on these provisions.

Retrospective application

Schedule 4, item 65

By virtue of item 65 of Schedule 4 to this bill, the amendments proposed by that Schedule (other than items 46 and 50) are to apply either from the start of the 1998-99 income year or (in the case of the amendment proposed by item 2) from 29 April 1997. However, the Explanatory Memorandum observes that these amendments are technical in nature, and are designed to ensure that the relevant provisions of the *Income Tax Assessment Act 1997* apply as they were originally intended.

In these circumstances, the Committee makes no further comment on these provisions.

Retrospective application

Schedule 3, item 17

By virtue of item 17 of Schedule 3 to this bill, the amendments proposed by that Schedule are to apply from 21 September 1999. However, these amendments are beneficial to taxpayers.

In these circumstances, the Committee makes no further comment on these provisions.

**Retrospective application
Schedule 6, item 6**

By virtue of item 6 of Schedule 6 to this bill, the amendments proposed by that Schedule are to apply from 21 September 1999. However, the Explanatory Memorandum observes that these proposals have no financial impact, and their purpose is to ensure that the legislation does not produce any inappropriate results.

In these circumstances, the Committee makes no further comment on these provisions.

Telecommunications (Consumer Protection and Service Standards) Amendment Bill (No. 2) 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister representing the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Communications, Information Technology and the Arts]

Introduced with the Telecommunications (Universal Service Levy) Amendment Bill 2000, the bill proposes the repeal and substitution of the universal service regime in Part 2 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Part 2 of the Act currently imposes universal service obligations (USO) on telecommunications carriers to ensure that standard telephone services, payphones and prescribed carriage services to all people in Australia are provided on an equitable basis.

The bill:

- gives the Minister a clarification power to determine what is necessary to ensure that services provided under the Universal Service Obligation and Digital Data Service Obligation (DDSO) are ‘reasonably accessible’;
- makes provision for primary universal service providers (PUSPs) and competing universal service providers (CUSPs);
- makes minor changes which align the provisions relating to the DDSO with the new USO arrangements;
- provides that price control determinations are to take effect on the day specified rather than at the start of a financial year;
- enables the Minister to determine USPs’ subsidy entitlements for up to three years in advance;
- passes responsibility for defining eligible revenue to the Australian Communications Authority;
- provides that claims for USO subsidies are to be calculated for a ‘claim period’;

- aligns provisions relating to the Universal Service Account with the standard forms for Special Accounts under the *Financial Management and Accountability Act 1997*;
- authorises the Minister, by subordinate instrument, to modify the information disclosure provisions in the Act to make the disclosure test less restrictive; and
- requires the Australian Communications Authority to maintain a register of key subordinate instruments.

Non-disallowable declarations

Proposed new subsections 8D(4), 9A(5) and 20C(3)

Among other things, this bill proposes to insert new subsections 8D(4), 9A(5) and 20C(3) in the *Telecommunications (Consumer Protection and Service Standards) Amendment Act 1999*. Each of these provisions will permit the Minister to make a declaration the effect of which may be to modify the way in which specific legislative provisions are to apply to various persons. As such, the determinations appear to be legislative in character.

In each case, the Minister's determination must be published in the *Gazette*, but the determination does not appear to be a disallowable instrument. The Committee, therefore, **seeks the Minister's advice** as to why the Act does not provide for parliamentary scrutiny of these apparently legislative instruments.

Pending the Minister's advice, the Committee draws Senators' attention to these provisions, as they may be considered to insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee's terms of reference.

Telecommunications (Universal Service Levy) Amendment Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister representing the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Communications, Information Technology and the Arts]

The bill proposes amendments to the *Telecommunications (Universal Service Levy) Act 1997* which are consequential on the amendments proposed in the Telecommunications (Consumer Protection and Service Standards) Amendment Bill (No. 2) 2000. The amendments arise from the extension of universal service obligation (USO) and digital data service obligation (DDSO) funding to include both carriers and carriage service providers; and reflect new arrangements in relation to claim periods.

Drafting note Schedule 1, item 3

Item 3 of Schedule 1 to this bill proposes to insert a new section 6 in the *Telecommunications (Universal Service Levy) Act 1997*. This proposed new section refers to a levy debit for a claim period “because of section #[L12]” of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. The Explanatory Memorandum indicates that the reference is intended to be to section 20S of that Act.

Given this, the Committee makes no further comment on this provision.

Therapeutic Goods Amendment Bill (No. 3) 2000

This bill was introduced into the Senate on 29 June 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Health and Aged Care]

The bill proposes to amend the *Therapeutic Goods Act 1989* to include new provisions enabling the Secretary to monitor the operation of various exemptions that apply under Part 3 of the Act, and the Therapeutic Goods Regulations, which allow access by individuals to unapproved therapeutic goods.

The proposed amendments will enable the Secretary to establish whether the use, handling and supply of unapproved therapeutic goods accords with acceptable standards and with the terms and conditions under the Act and Regulations that allow access to these unapproved goods by eligible patients.

Abrogation of the privilege against self-incrimination

Proposed new section 31F

Among other things, Schedule 1 to this bill proposes to insert a new section 31F in the *Therapeutic Goods Act 1989*. This proposed new section abrogates the privilege against self-incrimination for a person providing information under proposed new section 31C. However, the section also provides that the information is not admissible in evidence in criminal proceedings against that person, other than proceedings for providing false or misleading information.

In these circumstances, the Committee makes no further comment on this provision.

Trade Marks Amendment (Madrid Protocol) Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Parliamentary Secretary to the Minister for Industry, Science and Resources. [Portfolio responsibility: Industry, Science and Resources]

The bill proposes to amend the *Trade Marks Act 1995* to give effect to the provisions of the *Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks*, a multilateral treaty administered by the World Intellectual Property Organization (WIPO).

The amendments proposed in this bill will enable the Trade Marks Office to process international applications and registrations under the Madrid Protocol. This Protocol allows trade mark owners seeking protection for their marks in countries party to the treaty to do so by filing a single application and paying one set of fees.

Commencement

Clause 2

By virtue of clause 2, this bill is to commence on Proclamation, but no later than 12 months after assent.

This is a departure from the usual 6 month period referred to in *Drafting Instruction No 2 of 1989*, issued by the Office of Parliamentary Counsel. That Drafting Instruction states that an explanation should be provided whenever a period longer than 6 months after assent is chosen.

The Explanatory Memorandum accompanying the bill states that a longer period has been chosen “to allow sufficient time for Australia’s proposed accession to the [Madrid Protocol] to be finalised”. This constitutes an acceptable explanation.

In these circumstances, the Committee makes no further comment on this provision.

Henry VIII clause

Proposed new subsection 189A(3)

Item 14 of the Schedule to this bill proposes to insert a new section 189A in the *Trade Marks Act 1995*. This will permit the making of regulations to implement the Madrid Protocol. Under proposed subsection 189A(3), any such regulations may be inconsistent with the Act, and prevail over the Act to the extent of any inconsistency. The Committee consistently draws attention to provisions which permit subordinate legislation to amend or take precedence over primary legislation.

The Explanatory Memorandum justifies the adoption of this approach as intended “to retain the level of clarity presently achieved by the Act. Allowing the Governor-General to make regulations to implement the Madrid Protocol avoids adding an unnecessary level of complexity to the Act”.

Since its establishment, the Committee has consistently drawn attention to Henry VIII clauses. While the explanation put forward in the case of this bill may provide a justification for including these particular provisions, the Committee nevertheless remains concerned whenever subordinate legislation takes precedence over the primary legislation which creates it.

For this reason, the Committee draws Senators’ attention to these provisions, as they may be considered to inappropriately delegate legislative powers, in breach of principle 1(a)(iv) of the Committee’s terms of reference.

Trade Practices Amendment Bill (No. 1) 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to amend the *Trade Practices Act 1974* to update the enforcement and remedies provisions to ensure the Act continues to deliver appropriate protection to Australian businesses and consumers, and promote competition and fair trading. This will be effected by:

- clarifying and expanding the types of sanctions a Court may impose; ensuring that the Courts give preference to compensation over fines and pecuniary penalties; and increasing the maximum penalty levels for consumer protection offences;
- improving access to available remedies and extending the statutory limitation period to 6 years from the day on which the cause of action accrued;
- extending the Australian Competition and Consumer Commission's power to commence representative actions to protect consumers and small business by intervening in private proceedings and instituting representative actions;
- providing a person who has suffered a loss or damage with as a result of a contravention of Part IVA with a right to recover damages; and
- clarifying the definition of 'goods' and 'market' for the purpose of the product recall provisions.

The Committee has no comment on this bill.

Trade Practices Amendment (International Liner Cargo Shipping) Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Transport and Regional Services]

The bill amends Part X of the *Trade Practices Act 1974* which regulates the market conduct of international liner cargo shipping companies. It sets out conditions for granting limited, but assured exemptions from section 45 and some parts of section 47 to allow liner shipping companies to collaborate as conferences. If exporters are dissatisfied with negotiations, the Minister may refer the matter to the Australian Competition and Consumer Commission (ACCC) for investigation. The bill also provides for:

- limiting exemptions relating to rate setting to those of a ‘terminal’ to ‘terminal’ nature;
- clarifying the right of shipping conferences to negotiate collectively with stevedores;
- providing importers with similar countervailing powers to those provided to exporters;
- increased powers for the Minister and the ACCC to deal with concerns about conduct which had resulted in, or is likely to result in, a substantial lessening of competition and which is likely not to result if a public benefit;
- clarifying the right of liner shipping companies to be allowed to continue to form ‘closed conferences’, but with an appeal provision;
- repeal of section 10.05 relating to price discrimination;
- enhanced protection of Australian flag shipping;
- more effective and flexible enforcement of undertakings; and
- provisions for review mechanisms.

The Committee has no comment on this bill.

Treasury Legislation Amendment (Application of Criminal Code) Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to make consequential amendments to a number of Acts to reflect the application from 15 December 2001 of the *Criminal Code Act 1995* to existing offence provisions which do not require consultation with the States. The amendments arise from the specification of the physical elements of an offence and corresponding fault elements; defining offences as being of either strict or absolute liability; and converting penalties expressed as dollar amounts to penalty units.

The bill also proposes a number of amendments to the Corporations Law made necessary by changes included in the *Corporate Law Economic Reform Program Act 1999*.

Strict liability offences Schedule 1, item 257

Item 257 of Schedule 1 to this bill proposes to insert a new Part VC in the *Trade Practices Act 1974*. Many of the provisions in this new Part expressly provide that they create criminal offences of strict liability.

The Explanatory Memorandum states that, while the existing Part V of the *Trade Practices Act 1974* will retain the core contraventions which give rise to civil actions under the Act, the new Part VC “will establish a separate criminal consumer protection regime within the [Act] which will replicate the provisions currently within Division 1 and 1A of Part V of the Act, but which gives effect to the [*Criminal Code*]. Statutory and judicial interpretation of the provisions in Division 1 and 1A of Part V indicate that many of these provisions operate as provisions of strict liability. The new Part VC “seeks to maintain the current statutory and judicial interpretation ... but re-drafts the provisions to clearly identify any fault elements applicable to each offence”.

It would seem, therefore, that the proposed new sections do no more than restate what is currently the law.

In these circumstances, the Committee makes no further comment on these provisions.

Veterans' Affairs Legislation Amendment Bill (No. 1) 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Parliamentary Secretary to the Minister representing the Minister for Finance and Administration. [Portfolio responsibility: Veterans' Affairs]

Schedule 1 of the bill proposes to amend the *Veterans' Entitlements Act 1986* to:

- increase benefits under the Military Compensation Scheme to members of the Australian Defence Forces who are severely injured and to the dependants of those members killed in compensable circumstances;
- clarify the powers of the Repatriation Medical Authority in relation to the conduct of formal reviews of Statements of Principle (SPOs);
- increase the Commission's flexibility in granting claims for travel expenses incurred obtaining treatment;
- reinstate provisions to protect financial institutions from any claims following the institution making certain amounts of pension paid into the account of a person who has died available to a surviving partner;
- improve the flexibility and efficiency of the Veterans' Review Board's operations; and the flexibility in the delegation of the Repatriation Commission's powers;
- appropriate money for special assistance provided under section 106 of the Act;
- remove from the Act outdated references to hospitals and other institutions operated by the Commission;
- enable improved efficiencies in the provision of medical or other treatment to veterans and their dependents; and to
- make consequential amendments to the Act as a result of the *A New Tax System (Compensation Measures Legislation Amendment) Act 1999*.

Schedule 2 of the bill proposes an amendment to the *Defence Service Homes Act 1918* to allow for certain subsidised advances to be made by credit providers other than the Westpac Banking Corporation which administers the Defence Service Homes Scheme.

Retrospective application Subclause 2(2) and Schedule 1, Part 4

By virtue of subclause 2(2), the amendments proposed in Part 4 of Schedule 1 to this bill are to commence on 1 January 1996. However, the Explanatory Memorandum observes that these amendments are beneficial to the surviving spouses of veterans, and are intended to correct an oversight which occurred in the simplification of the Principal Act.

In these circumstances, the Committee makes no further comment on these provisions.

Wide power of delegation Schedule 1, Part 6

The amendments proposed by Part 6 of Schedule 1 to this bill will substantially increase the range of persons and office-holders to whom the Repatriation Commission and the Secretary to the Department may delegate their powers.

The Explanatory Memorandum notes that the reason for this provision is the considerable amount of outsourcing by both the Commission and the Department. However, the Committee remains concerned about provisions which delegate widely, and **seeks the advice of the Minister** as to why the class of potential delegates under these provisions should not be limited in some way, whether by reference to appropriate attributes or qualifications.

Pending the Minister's advice, the Committee draws Senators' attention to these provisions, as they may be considered to make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, in breach of principle 1(a)(ii) of the Committee's terms of reference.

Veterans' Affairs Legislation Amendment (Budget Measures) Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Parliamentary Secretary to the Minister representing the Minister for Finance and Administration. [Portfolio responsibility: Veterans' Affairs]

The bill proposes to amend the *Veterans' Entitlements Act 1986* to:

- extend access to psychiatric assessment and counselling services to certain dependents and former dependents of Vietnam veterans;
- extend access to the Veterans' Children Education Scheme (VCES) to certain children and former children of Vietnam veterans who would not otherwise be eligible for the Scheme;
- exclude ABSTUDY from the income test applied to a partner's income support pension or supplement; and to preclude a person from receiving an income support pension or supplement in addition to an income tested ABSTUDY allowance;
- grant veterans eligibility for qualifying service and operational service in respect of various service in South-East Asia between 1955 and 1975; and
- to align the payments of grants and variations of pensions and allowances payable under the Act with the arrangements that apply to the payment of income support.

Retrospective application Schedule 4

The amendments proposed by Schedule 4 to this bill will grant veterans eligibility for qualifying service and operational service in respect of various kinds of service in South East Asia between 1955 and 1975.

Although the Schedule does not commence until 1 January 2001, it is obviously retrospective in application. However, it is also clearly of benefit to those veterans who engaged in the service referred to.

In these circumstances, the Committee makes no further comment on these provisions.

Workplace Relations Amendment (Australian Workplace Agreements Procedures) Bill 2000

This bill was introduced into the House of Representatives on 28 June 2000 by the Minister for Employment, Workplace Relations and Small Business. [Portfolio responsibility: Employment, Workplace Relations and Small Business]

The bill proposes to amend the *Workplace Relations Act 1996* to strengthen procedures and approval processes in relation to Australian Workplace Agreements (AWAs) by:

- providing for AWAs to commence on the date employment commences, or on signing, or on a date specified or at a future date;
- increasing flexibility for employees to sign AWAs;
- providing a cooling-off period for employees earning less than \$68 000 per annum;
- removing the requirement to offer identical AWAs to comparable employees;
- simplifying approval processes;
- amending the provisions dealing with the relationship between AWAs and certified agreements and awards made under subsection 170MX(3) of the Act; and
- removing the limited immunity available in respect of industrial action taken in support of a claim for an AWA.

The Committee has no comment on this bill.

Workplace Relations Amendment Bill 2000 [No. 2]

This bill was introduced into the House of Representatives on 26 June 2000 by Mr Beazley as a Private Member's bill.

The bill proposes to amend the *Workplace Relations Act 1996* to provide a framework for cooperative industrial relations and establish new functions and powers for the Industrial Relations Commission.

The Committee has no comment on this bill.

Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000

This bill was introduced into the House of Representatives on 26 June 2000 by the Minister for Employment, Workplace Relations and Small Business for the Minister for Employment Services. [Portfolio responsibility: Employment, Workplace Relations and Small Business]

The bill proposes to amend the *Workplace Relations Act 1996* to set preconditions for the taking or organising of protected industrial action by employees and organisations of employees. It proposes that industrial action must be preceded by a secret ballot process overseen by the Australian Industrial Relations Commission, thereby removing the potential for protected industrial action as a substitute for discussions during a bargaining period.

The Committee has no comment on this bill.

Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister for Employment, Workplace Relations and Small Business. [Portfolio responsibility: Employment, Workplace Relations and Small Business]

The bill proposes to amend the *Workplace Relations Act 1996* allowable matters provisions to ensure that the tally system in the meat industry, and union picnic days are no longer able to be included in federal awards.

The Committee has no comment on this bill.

Workplace Relations Amendment (Termination of Employment) Bill 2000

This bill was introduced into the House of Representatives on 29 June 2000 by the Minister for Employment, Workplace Relations and Small Business. [Portfolio responsibility: Employment, Workplace Relations and Small Business]

The bill proposes to amend the *Workplace Relations Act 1996* termination of employment provisions to reinforce disincentives to speculative and unmeritorious unfair dismissal claims; to introduce greater rigour into the processing by the Australian Industrial Relations Commission of unfair dismissal claims; and to remove unnecessary procedural burdens that unfair dismissal applications place on employers. The bill also contains application and saving provisions.

The Committee has no comment on this bill.

**PROVISIONS OF BILLS WHICH IMPOSE CRIMINAL
SANCTIONS FOR A FAILURE TO PROVIDE INFORMATION**

REPORT NO 6/2000

The Committee's *Eighth Report of 1998* dealt with the appropriate basis for penalty provisions for offences involving the giving or withholding of information. In that Report, the Committee recommended that the Attorney-General develop more detailed criteria to ensure that the penalties imposed for such offences were "more consistent, more appropriate, and make greater use of a wider range of non-custodial penalties". The Committee also recommended that such criteria be made available to Ministers, drafters and to the Parliament.

The Government responded to that Report on 14 December 1998. In that response, the Minister for Justice referred to the ongoing development of the Commonwealth *Criminal Code*, which would include rationalising penalty provisions for "administration of justice offences". The Minister undertook to provide further information when the review of penalty levels and applicable principles had taken place.

For information, the following Table sets out penalties for 'information-related' offences in the legislation covered in this *Digest*. The Committee notes that imprisonment is still prescribed as a penalty for some such offences.

TABLE

Bill/Act	Section/Subsection	Offence	Penalty
<i>Therapeutic Goods Amendment Bill (No. 3) 2000</i>	New subsection 31C(3)	Failure to comply with requirements in relation to information or documents sought	60 penalty points

STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2000

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT RECEIVED	REPORT NUMBER
		HOUSE	SENATE			
Bills Carried over from 1999						
Convention on Climate Change (Implementation) Bill 1999	14(22.9.99)	2.9.99	2.9.99	Senator Brown	3.9.99	
Copyright Amendment (Digital Agenda) Bill 1999	14(22.9.99)	2.9.99	14.8.00	Attorney-General	23.9.99	10(16.8.00)
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 1999	19(1.12.99)	24.11.99		Justice and Customs	2.12.99	15.3.00
Fair Prices and Better Access for All (Petroleum) Bill 1999	14(22.9.99)	30.8.99		Mr Fitzgibbon	23.9.99	23.12.99 DC 3.4.00
Fisheries Legislation Amendment Bill (No. 1) 1999	14(22.9.99)	1.9.99	14.10.99	Agriculture, Fisheries and Forestry	23.9.99	14.2.00 1(16.2.00) Act No. 143
<i>Migration Legislation Amendment Act (No. 1) 1999</i> (previous citation: Migration Legislation Amendment Bill (No. 2) 1998)	1(15.2.99)	30.6.99	3.12.98	Immigration and Multicultural Affairs	16.2.99 23.3.99 25.3.99 22.6.99 24.6.99 20.12.99 7.2.00	4(24.3.99) 10(23.6.99) 1(16.2.00)
<i>Telecommunications (Interception) Amendment Act 1999</i>	14(22.9.99)	2.9.99	14.10.99	Attorney-General	23.9.99 19.10.99 21.10.99 16.3.00	17(20.10.99) 3(5.4.00)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT		REPORT NUMBER
		HOUSE	SENATE		RECEIVED		
Bills being dealt with during 2000							
A New Tax System (Family Assistance and Related Measures) Bill 2000	3(15.3.00)	9.3.00	5.4.00	Family and Community Services	16.3.00	4.4.00	5(12.4.00)
Broadcasting Services Amendment Bill (No. 3) 1999	1(16.2.00)	6.12.99	9.12.99	Communications, Information and the Arts	17.2.00	4.5.00	Act No.198 7(7.6.00)
Broadcasting Services Amendment Bill (No. 4) 1999	1(16.2.00)	9.12.99		Communications, Information and the Arts	17.2.00	4.5.00	
Criminal Assets Recovery Bill 2000	4(5.4.00)	13.3.00		Mr Kerr, ALP	6.4.00	17.5.00	
Customs Legislation Amendment (Criminal Sanctions and Other Measures) Bill 2000 (previous citation: Customs Legislation Amendment (Criminal Sanctions and Other Measures) Bill 1999	*19(1.12.99) 2(8.3.00)	24.11.99	13.3.00	Justice and Customs	9.3.00		Act No. 23
Dairy Industry Adjustment Bill 2000	2(8.3.00)	16.2.00	15.3.00	Agriculture, Fisheries and Forestry	9.3.00	14.3.00	2(15.3.00)
Excise Amendment (Compliance Improvement) Bill 2000	9(28.6.00)	21.6.00	22.6.00	Treasurer	29.6.00	11.8.00	10(16.8.00)
Family and Community Services Legislation Amendment Bill 2000	3(15.3.00)	9.3.00	13.4.00	Family and Community Services	16.3.00	4.4.00	6(10.5.00)
Financial Management and Accountability Amendment Bill 2000	7(7.6.00)	10.5.00	8.6.00	Finance and Administration	8.6.00	20.6.00	8(21.6.00)
Financial Sector Legislation Amendment Bill (No. 1) 2000	6(10.5.00)	13.4.00	26.6.00	Treasurer	11.5.00	25.5.00	9(28.6.00)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Gene Technology Bill 2000	9(28.6.00)	22.6.00		Health and Aged Care	29.6.00		
Gene Technology (Licence Charges)	9(28.6.00)	22.6.00		Health and Aged Care	29.6.00		
Jurisdiction of Courts Legislation Amendment Bill 2000	3(15.3.00)	8.3.00	11.4.00	Attorney-General	16.3.00	30.3.00 13.4.00	5(12.4.00) 6(10.5.00)
Migration Legislation Amendment Bill (No. 2) 2000	4(5.4.00)	14.3.00		Immigration and Multicultural Affairs	6.4.00	26.4.00	
Migration Legislation Amendment (Parents and Other Measures) Bill 2000	8(21.6.00)	7.6.00	27.6.00	Immigration and Multicultural Affairs	22.6.00	27.6.00	9(28.6.00)
National Crime Authority Amendment Bill 2000	4(5.4.00)	13.3.00		Mr Kerr	6.4.00	17.5.00	
New Business Tax System (Miscellaneous) Bill (No. 2) 2000	6(10.5.00)	13.4.00	27.6.00	Treasurer	11.5.00	8.6.00	9(28.6.00)
Pooled Development Funds Amendment Bill 1999	1(16.2.00)	8.12.99	13.4.00	Industry, Science and Resources	17.2.00	2.3.00	6(10.5.00)
Postal Services Legislation Amendment Bill 2000	5(12.4.00)	6.4.00		Communications, Information Technology and the Arts	13.4.00		
Privacy Amendment (Private Sector) Bill 2000	6(10.5.00)	12.4.00		Attorney-General	11.5.00		
Product Grants And Benefits Administration Bill 2000	6(10.5.00)	12.4.00	11.5.00	Treasurer	11.5.00	5.6.00	7(7.6.00)
Renewable Energy (Electricity) Bill 2000	9(28.6.00)	22.6.00	14.8.00	Environment and Heritage	29.6.00	14.8.00	10(16.8.00)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Sales Tax (Industrial Safety Equipment) (Transitional Provisions) Bill 2000	7(7.6.00)	11.5.00	5.6.00	Treasurer	8.6.00	20.6.00	8(21.6.00)
Sex Discrimination Legislation Amendment (Pregnancy and Work) Bill 2000	4(5.4.00)	13.3.00		Mrs Macklin	6.4.00		
Sex Discrimination Legislation Amendment (Pregnancy and Work) Bill 2000 [No. 2]	4(5.4.00)		14.3.00	Senator Crossin	6.4.00		
Sydney Harbour Federation Trust Bill 1999	1(16.2.00)		8.12.99	Environment and Heritage	17.2.00	22.3.00	4(5.4.00)
Taxation Laws Amendment Bill (No. 11) 1999	1(16.2.00) 2(8.3.00)	9.12.99	10.5.00	Treasurer	17.2.00 9.3.00	30.3.00 5.4.00	7(7.6.00)
Telecommunications (Consumer Protection and Service Standards) Amendment Bill (No. 1) 2000	7(7.6.00)	10.5.00	22.6.00	Communications, Information Technology and the Arts	8.6.00	2.8.00	10(16.8.00)
Telecommunications (Interception) Legislation Amendment Bill 2000	3(15.3.00)	16.2.00	13.3.00	Attorney-General	16.3.00	27.4.00	6(10.5.00)
Trade Practices Amendment (Unconscionable Conduct—Saving of State and Territory Laws) Bill 2000	8(21.6.00)	5.6.00		Mr Fitzgibbon	22.6.00		

