

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



Alert Digest

No. 12 of 2003

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Senate Standing Committee for the Scrutiny of Bills

Members of the Committee

Senator T Crossin (Chair)
Senator B Mason (Deputy Chairman)
Senator G Barnett
Senator D Johnston
Senator J McLucas
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**

This Digest is circulated to all Honourable Senators.
Any Senator who wishes to draw matters to the attention of the
Committee under its terms of reference is invited to do so.

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

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Aboriginal Land Grant (Jervis Bay Territory) Amendment Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Immigration and Multicultural and Indigenous Affairs]

The bill amends the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* in relation to the Wreck Bay Aboriginal Community Council to:

- modify the quorum requirements for general meetings;
- extend the timeframe within which new by-laws must be given to the Minister; and
- enable the Minister to appoint an Australian Public Service employee within a portfolio agency as the Registrar of the Council.

The Committee has no comment on this bill.

Family and Community Services and Veterans' Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003

[Introduced into the House of Representatives on 18 September 2003. Portfolio: Family and Community Services]

The bill amends various Acts to give effect to 2003 Budget measures, a related 2001 Budget measure and minor policy changes. The main provisions:

- exclude from income tests payments made under the laws of Germany or Austria to compensate victims of National Socialist persecution;
- allow limited access by Centrelink and the Child Support Agency to new data sources relating to taxation and financial transaction activities;
- improve the operation of the Assurance of Support Scheme for new migrants;
- strengthen provisions to stop payments to social security recipients who are absent from Australia without notice;
- allow for the full recovery of overpayments that arise when a foreign pension payment is made as a lump sum in arrears; and
- reduce the allowable period of temporary overseas absences for certain payments from 26 weeks to 13 weeks.

The bill also makes technical corrections to four Acts and contains application and transitional provisions.

Retrospective commencement Schedule 7, item 1

By virtue of item 4 in the table to subclause 2(1) of this bill, the amendments proposed in item 1 of Schedule 7 would commence retrospectively on 22 May 2003.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, however, the Explanatory Memorandum notes that the amendment is technical only, and corrects a previous drafting error.

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

Retrospective commencement Schedule 7, items 2 to 18

By virtue of items 5 to 14 in the table to subclause 2(1) of this bill, the amendments proposed in items 2 to 18 of Schedule 7 would commence retrospectively on 19 or 20 September 2003.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, however, the Explanatory Memorandum notes that the amendments are technical only, correct previous drafting errors and have no financial impact.

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

Retrospective application Schedule 2, items 3, 13, 15, 18, 21 and 26

By virtue of items 3, 13, 15, 18, 21 and 26 of Schedule 2, the amendments proposed in that Schedule will apply both prospectively and retrospectively.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, however, the Explanatory

Memorandum notes that this retrospective application is a matter of practical necessity, as the information which will become available to Centrelink as a result of these amendments cannot readily be separated into that which has been obtained before commencement and that which will be obtained after commencement.

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

Retrospective application
Schedule 3, Part 2, subitem 18(5)

By virtue of subitem 18(5) of Schedule 3, the amendments to the *Social Security Act 1991* proposed in Part 2 of that Schedule will apply both prospectively and retrospectively in relation to all assurances of support debts.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, the Explanatory Memorandum does not explain the reason for the retrospective application of these amendments. The Committee is therefore unable to determine the likely impact of the measure and **seeks the Minister's advice** as to the reason for this retrospective application.

Pending the Minister's advice, the Committee draws Senators' attention to the 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.

Farm Household Support Amendment Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Agriculture, Fisheries and Forestry]

The bill amends the *Farm Household Support Act 1992* to:

- extend the closing date for applications for Farm Help Income Support to 30 June 2004;
- extend the last date for Farm Help Income Support payments to 30 June 2005; and
- make administrative changes to the Farm Help program.

The bill contains application, saving and transitional provisions.

Retrospective commencement

Schedule 1, item 25 and Schedule 2, item 1

By virtue of items 3 and 5 in the table to subclause 2(1) of this bill, the amendments proposed in item 25 of Schedule 1 and item 1 of Schedule 2 would commence retrospectively on 18 December 2000.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, however, the Explanatory Memorandum notes that the amendments are technical only and correct previous drafting errors.

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

Financial Management and Accountability (Anti-Restrictive Software Practices) Amendment Bill 2003

[Introduced into the Senate on 18 September 2003 by Senator Greig as a Private Senator's bill]

The bill proposes to amend the *Financial Management and Accountability Act 1997* to encourage the acquisition of open source computer software by government agencies.

The Committee has no comment on this bill.

Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Education, Science and Training]

Introduced with the Higher Education Support Bill 2003 and a related bill which establishes a new framework for the Commonwealth funding of higher education, the bill amends the proposed *Higher Education Support Act 2003* to ensure the adoption of voluntary student unionism in higher education institutions that receive public funds.

The Committee has no comment on this bill.

Higher Education Support Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Education, Science and Training]

Part of a package of three bills, the bill establishes a framework for the Commonwealth funding of higher education, replacing the current arrangements operating under the *Higher Education Funding Act 1988*. It provides for:

- grants, primarily through the Commonwealth Grants Scheme, and other payments to higher education providers;
- financial assistance to students in the form of loans from the Commonwealth;
- a Student Learning Entitlement scheme;
- administrative matters relating to the operation of the Act, including the creation of an offence for failing to protect personal information; and
- the administration of higher education in the external territories.

The Committee has no comment on this bill.

Higher Education Support (Transitional Provisions and Consequential Amendments) Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Education, Science and Training]

Introduced with the Higher Education Support Bill 2003 and a related bill to establish a new framework for the Commonwealth funding of higher education, the bill provides for transitional arrangements and makes consequential amendments to the *Higher Education Funding Act 1988* and 10 other Acts. The bill also amends the *Australian National University Act 1991* and *Maritime College Act 1978* to change the governance structures of those institutions.

Retrospective commencement Schedule 2, items 104 to 108

By virtue of item 9 and of item 10 (first occurring) in the table to subclause 2(1) of this bill, the amendments proposed in items 104 to 108 of Schedule 2 would commence retrospectively on 18 September 2001 or 4 April 2002.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. It appears from the notes on these items in the Explanatory Memorandum that the amendments may be beneficial to persons who have accrued either a postgraduate education loans scheme semester debt or a bridging for overseas trained professionals study period debt, however, it is not clear. Therefore, the Committee **seeks the Minister's advice** as to whether these amendments are indeed beneficial.

Pending the Minister's advice, the Committee draws Senators' attention to the 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.

Retrospective commencement Schedule 2, items 109 and 111

By virtue of item 11 (first occurring) and item 11 (second occurring) in the table to subclause 2(1) of this bill, the amendments proposed in items 109 and 111 of Schedule 2 would commence retrospectively on 18 September 2001.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, the Explanatory Memorandum gives no indication of the reason for this retrospective commencement, or the reason for choosing that particular date, but merely states that the amendments will ‘reflect the provisions of the *Higher Education Support Act 2003*’, the bill for that Act having only been introduced on 17 September 2003. The Committee, therefore, **seeks Minister’s advice** as to the reason for the retrospectivity and the reason for choosing the date of 18 September 2001.

Pending the Minister’s advice, the Committee draws Senators’ attention to the 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.

Retrospective commencement Schedule 2, item 110

By virtue of item 10 (second occurring) in the table to subclause 2(1) of this bill, the amendment proposed in item 110 of Schedule 2 would commence retrospectively on 4 April 2002.

As a matter of practice the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, the Explanatory Memorandum gives no indication of the reason for this retrospective commencement, or the reason for choosing that particular date. The Committee, therefore, **seeks the Minister’s advice** as to the reason for the retrospectivity and the reason for choosing that date.

Pending the Minister's advice, the Committee draws Senators' attention to the 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.

Maritime Transport Security Bill 2003

[Introduced into the House of Representatives on 18 September 2003. Portfolio: Transport and Regional Services]

The bill establishes a maritime transport security regulatory framework, including certification, enforcement and control mechanisms. The regime is intended to provide adequate flexibility to respond to the changing threat environment and to align Australian maritime transport security with certain mandatory requirements under the Safety of Life at Sea Convention 1974. The bill also contains a regulation-making power, savings and application provisions.

Commencement by proclamation

Subclause 2(1), item 2

By virtue of item 2 in the table to subclause 2(1) of this bill and various of the other items in that table, many of the provisions of the bill would commence on Proclamation, or at the latest 12 months after Assent.

The Committee takes the view that Parliament is responsible for determining when laws are to come into force. The Committee will not usually comment where the period of delayed commencement is 6 months or less, but where the delay is longer, expects that the Explanatory Memorandum will comply with paragraph 18 of Drafting Direction 2002, No. 2 and explain the reason for the delayed commencement being longer than 6 months.

In this case, the Explanatory Memorandum notes that the ‘provisions commencing by proclamation are, for example, those that create an obligation on a maritime industry participant to comply with their security plans’ and the like. The Explanatory Memorandum goes on to observe that the delayed commencement will allow the persons affected by the legislation time within which to ensure that they comply with the new obligations.

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

Inappropriate delegation of legislative power

Insufficient parliamentary scrutiny

Clause 39

Clause 39 of the bill would create an offence of failing to comply with a security direction. By virtue of clause 33, the Secretary of the Department of Transport and Regional Services may issue a written direction where he considers it is appropriate to do so because an unlawful interference with maritime transport is probable or imminent. The discretionary nature of this provision overturns a fundamental principle by which penalties for criminal conduct are imposed. A person should not be exposed to a penalty or criminal sanction at the discretion of an official. The decision as to what is criminal conduct is more preferably left to the Parliament.

It is suggested that this provision comes within the Committee's Terms of Reference because such a security direction is issued without any form of Parliamentary oversight and without the Parliament even being informed of its making. In other words, a member of the Australian Public Service would be given the power to create criminal offences, without reference to either House of the Parliament.

The Committee **seeks the Minister's advice** as to the reason for this apparent abrogation of one of the functions of the Parliament. The Committee also **seeks the Minister's advice** as to whether a person affected has any review rights and, if this delegation of legislative power is considered appropriate, why these security directions are not subject to parliamentary scrutiny.

Pending the Minister's advice, the Committee draws Senators' attention to the provision, as it may be considered to delegate legislative powers inappropriately, in breach of principle 1(a)(iv) of the Committee's terms of reference and insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee's terms of reference.

Parliamentary scrutiny

Part 4, paragraph 88(1)(b) and subclause 88(2)

Paragraph 88(1)(b) would empower the Secretary of the Department of Transport and Regional Services to delegate all or any of his or her powers or functions under Part 4 of the bill (which relates to ship security plans and International Ship Security Certificates) to an employee of, or contractor to, a ‘recognised security organisation’. Although such a delegate must also satisfy such criteria as will in due course be prescribed by regulations, subclause 88(2) would grant to the Secretary the completely unfettered power to determine ‘that an organisation is a recognised security organisation’. This latter power of determination is not subject to any sort of Parliamentary oversight, nor need the Parliament be informed of any instance of its exercise. The Committee, therefore, **seeks the Minister’s advice** whether the Secretary’s power to determine recognised security organisations ought not be subject to Parliamentary oversight.

Pending the Minister’s advice, the Committee draws Senators’ attention to the provision, as it 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.

Abrogation of the privilege against self-incrimination

Subclauses 185(1) and 185(2)

Subclause 185(1) would abrogate the privilege against self-incrimination for a person who is required to provide information under clause 184. At common law, people can decline to answer questions on the grounds that their replies might tend to incriminate them. Legislation which interferes with this common law entitlement trespasses on personal rights and liberties.

The Committee does not see this privilege as absolute, recognising that the public benefit in obtaining information may outweigh the harm to civil rights. One of the factors the Committee considers is the subsequent use that may be made of any incriminating disclosures. In the case, subclause 185(2) limits the circumstances in which information so provided is admissible in evidence in proceedings against that person. In general terms, the information cannot be

admitted as evidence in criminal proceedings, other than proceeding in relation to the giving of false or misleading information. The Committee accepts that the provisions strike a reasonable balance between the competing interests of obtaining information and protecting individual rights.

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

Migration Agents Registration Application Charge Amendment Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Citizenship and Multicultural Affairs]

Introduced with the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003, the bill amends the *Migration Agents Registration Application Charge Act 1997* to impose a pro rata charge on migration agents who register to provide immigration assistance on a non-commercial basis, but who give immigration assistance on a commercial basis during the course of their registration period. The bill also contains a regulation-making power and an application provision.

The Committee has no comment on this bill.

Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Citizenship and Multicultural Affairs]

The bill amends the *Migration Act 1958* to strengthen and improve the regulation of migration agents and makes minor technical and consequential amendments. The bill also contains application and transitional provisions.

Abrogation of the privilege against self-incrimination Proposed new subsections 305C(2), 305C(6), 306J(1), 311EA(6) and 311EA(2)

Proposed new subsection 305C(6) of the *Migration Act 1958*, to be inserted by item 73 of Schedule 1 to this bill, would abrogate the privilege against self-incrimination for a person who is required to provide information under proposed new subsection 305C(2). Proposed new subsection 306J(1), to be inserted by item 116, and proposed new subsection 311EA(6), to be inserted by item 141, would similarly abrogate the privilege against self-incrimination for a person who is required to provide information under sections 306D, 306E or 306F or under proposed new subsection 311EA(2) respectively.

At common law, people can decline to answer questions on the grounds that their replies might tend to incriminate them. Legislation which interferes with this common law entitlement trespasses on personal rights and liberties.

The Committee does not see this privilege as absolute, recognising that the public benefit in obtaining information may outweigh the harm to civil rights. One of the factors the Committee considers is the subsequent use that may be made of any incriminating disclosures. In each case further provisions proposed to be inserted in the Act limit the circumstances in which information so provided will be admissible in evidence in proceedings against that person. In general terms, the information cannot be admitted as evidence in criminal proceedings, other than proceeding in relation to the giving of false or misleading information. The Committee accepts that each of these provisions strikes a reasonable balance between the competing interests of obtaining information and protecting individual rights.

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

Offshore Petroleum (Safety Levies) Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Industry, Tourism and Resources]

Introduced with the Petroleum (Submerged Lands) Amendment Bill 2003, the bill imposes a number of levies on the operators of facilities engaged in the exploration, development and production of offshore petroleum. The levies will be used to recover the costs of operating the National Offshore Petroleum Safety Authority. The bill also contains a regulation-making power.

Imposing a levy by regulation

Subclauses 5(5), 6(5), 7(5), 8(5), 9(4) and 10(4)

Subclauses 5(5), 6(5), 7(5), 8(5), 9(4) and 10(4) of this bill would allow the amount of the various levies to be imposed thereby to be set by regulation, without any upper limit being specified in the primary legislation. Since levies of this nature may be regarded as a form of taxation, the Committee has regularly taken the view that the upper limit of such an impost should be determined by the Parliament as a whole, and not merely subject to possible disallowance, as is the case when the amount is to be fixed by regulation without an upper limit set in the bill. The Committee **seeks the Minister's advice** as to whether an upper limit on the various levies could be set by the primary legislation.

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

Petroleum (Submerged Lands) Amendment Bill 2003

[Introduced into the House of Representatives on 17 September 2003. Portfolio: Industry, Tourism and Resources]

Introduced with the Offshore Petroleum (Safety Levies) Bill 2003, the bill amends the *Petroleum (Submerged Lands) Act 1967* to:

- establish a National Offshore Petroleum Safety Authority to provide a uniform national safety regulatory regime for Australia's offshore petroleum industry;
- improve safety regulation and administration;
- ensure that Commonwealth remittance to the States and the Northern Territory of annual fees collected in respect of titles does not include the goods and services tax component of the fees; and
- move the machinery provisions for the submission of data to, and release of data by, the regulator from the Act into new data management regulations.

The bill also contains transitional provisions and a regulation-making power in respect of certain transitional matters.

The Committee has no comment on this bill.

Spam Bill 2003

[Introduced into the House of Representatives on 18 September 2003. Portfolio: Communications, Information Technology and the Arts]

The bill establishes a scheme to regulate the sending of commercial electronic messages, including a prohibition on sending unsolicited commercial electronic messages ('spam').

The bill also contains a regulation-making power.

The Committee has no comment on this bill.

Spam (Consequential Amendments) Bill 2003

[Introduced into the House of Representatives on 18 September 2003. Portfolio: Communications, Information Technology and the Arts]

The Spam Bill 2003 establishes a scheme to regulate the sending of commercial electronic messages. This bill makes consequential amendments to the *Telecommunications Act 1997* and the *Australian Communications Authority Act 1997* to:

- provide a framework for the Australian Communications Authority to investigate relevant matters and enforce the scheme; and
- enable the development of industry codes and standards relating to commercial electronic messages.

The bill also contains transitional provisions.

The Committee has no comment on this bill.

Telecommunications Interception and Other Legislation Amendment Bill 2003

[Introduced into the House of Representatives on 18 September 2003:
Portfolio Attorney-General]

The bill amends the *Telecommunications (Interception) Act 1979*, the *Financial Transaction Reports Act 1988* and the *Crimes Act 1914* to provide the proposed Western Australian Corruption and Crime Commission powers to perform its functions, consistent with the powers available to the existing Western Australian Anti-Corruption Commission. The measures also provide access to financial transaction reports information and the assumed identity scheme.

Schedule 2 to the bill amends the *Telecommunications (Interception) Act 1979* to include slavery, sexual servitude, deceptive recruiting and aggravated people smuggling offences set out in the Criminal Code as offences in relation to which a telecommunications interception warrant may be sought.

Commencement on Proclamation Subclause 2(1), item 2

By virtue of item 2 in the table to subclause 2(1) of this bill, the amendments proposed to be made by Schedule 1 would commence on Proclamation, but if no date is fixed by Proclamation within 12 months of Assent to the bill, those amendments are thereupon repealed.

The Committee takes the view that Parliament is responsible for determining when laws are to come into force. The Committee will not usually comment where the period of delayed commencement is 6 months or less, but where the delay is longer would expect that the Explanatory Memorandum will comply with paragraph 18 of Drafting Direction 2002, No. 2 and explain the reason for the delayed commencement being longer than 6 months.

In this case, the Explanatory Memorandum makes it clear that the delay in possible commencement for 12 months is to ensure that the Western Australian Parliament has passed complementary legislation. The passage of complementary legislation by another legislature is a reason for delaying

commencement beyond the usual 6 months which the Committee has generally been prepared to accept. Furthermore, the amendments proposed by Schedule 1 would automatically be repealed if such complementary legislation were not passed in time.

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

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

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
Maritime Transport Security Bill 2003	Clause 184	Fail to provide information to a public authority	45 penalty units
Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003	Proposed new sections 305C and 311EA	Fail to provide information to a public authority	60 penalty units

PARLIAMENTARY AMENDMENTS AND THE COMMITTEE'S TERMS OF REFERENCE

AMENDMENTS IN THE SENATE

(15 to 18 September)

Taxation Laws Amendment Bill (No. 3) 2003 (previous title: Taxation Laws Amendment Bill (No. 8) 2002): The Senate amended this bill on 15 September 2003, including by reversing the amendment agreed by the House, noted in *Alert Digest No. 11 of 2003*, which provided for the retrospective commencement of Schedule 1. The amendments raise no issues within the Committee's terms of reference.

Workplace Relations Amendment (Fair Termination) Bill 2002: The Senate reconsidered its amendments to this bill, insisted on three amendments and made two further amendments. The amendments raise no issues within the Committee's terms of reference.

STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2003

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT RECEIVED		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Bills dealt with in 2002							
<i>Charter of the United Nations Amendment Act 2002</i>	15(4.12.02)	14.11.02	5.12.02	Foreign Affairs	5.12.02	20.5.03	5(18.6.03)
Communications Legislation Amendment Bill (No. 1) 2002	7(21.8.02)	27.6.02	13.5.03	Communications, Information Technology and the Arts	22.8.02	16.9.02	4(14.5.03)
<i>Crimes Legislation Amendment (People Smuggling, Firearms Trafficking and Other Measures) Act 2002</i>	16(11.12.02)	4.12.02	12.12.02	Justice and Customs	17.12.02	11.2.03	2(5.3.03)
<i>Criminal Code Amendment (Offences Against Australians) Act 2002</i>	15(4.12.02)	12.11.02	13.11.02	Attorney-General	5.12.02	3.2.03	1(5.2.03)
Electoral and Referendum Amendment (Roll Integrity and Other Measures) Bill 2002	3(20.3.02)	14.3.02		Special Minister of State	21.3.02	30.4.02	
Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002	15(4.12.02)		19.11.02	Senator Bartlett	5.12.02	4.2.03	1(5.2.03)
Fuel Quality Standards (Renewable Content of Motor Vehicle Fuel) Amendment Bill 2002	13(13.11.02)	21.10.02		Mr Katter	14.11.02		

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Health Insurance Amendment (Professional Services Review and Other Matters) Bill 2002	15(4.12.02)	27.6.02	11.11.02	Health and Ageing re Amendments	5.12.02	31.1.03	1(5.2.03)
Intellectual Property Laws Amendment Bill 2002	7(21.8.02)	27.6.02	16.6.03	Industry, Tourism and Resources	22.8.02	17.9.02	5(18.6.03)
<i>International Criminal Court Act 2002</i>	7(21.8.02)	25.6.02	26.6.02	Attorney-General	22.8.02	13.1.03	1(5.2.03)
<i>International Criminal Court (Consequential Amendments) Act 2002</i>	7(21.8.02)	25.6.02	26.6.02	Attorney-General	22.8.02	13.1.03	1(5.2.03)
Migration Legislation Amendment Bill (No. 1) 2002	3(20.3.02)	13.3.02	5.2.03	Immigration and Multicultural and Indigenous Affairs	21.3.02	27.5.02	2(5.3.03)
<i>Quarantine Amendment Act 2002</i>	3(20.3.02)	14.3.02	21.3.02	Agriculture, Fisheries and Forestry	21.3.02	24.1.03	1(5.2.03)
Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Bill 2002	2(13.3.02)	21.2.02	19.6.02	Finance and Administration	14.3.02 20.6.02	16.5.02 20.12.02	5(19.6.02) 1(5.2.03)
Taxation Laws Amendment Bill (No. 8) 2002 (new citation) Taxation Laws Amendment Bill (No. 3) 2003	16(11.12.02)	5.12.02	15.9.03	Treasury	12.12.02	30.1.03	9(10.9.03)
<i>Taxation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Act 2002</i>	5(19.6.02)	14.5.02	19.6.02	Treasurer	20.6.02	24.12.02	1(5.2.03)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Bills introduced 2003							
A Better Future for Our Kids Bill 2003	6(18.6.03)	26.5.03		Ms Roxon MP	19.6.03		
Age Discrimination Bill 2003	8(13.8.03)	26.6.03		Attorney-General	14.8.03	17.9.03	
Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2002	1(5.2.03)	12.12.02	3.3.03	Agriculture, Fisheries and Forestry	6.2.03	24.2.03	2(5.3.03)
Australian National Training Authority Amendment Bill 2003	9(20.8.03)	14.8.03	10.9.03	Education, Science and Training	21.8.03	8.9.03	9(10.9.03)
Australian Protective Service Amendment Bill 2003	8(13.8.03)		26.6.03	Justice and Customs	14.8.03	9.9.03	9(10.9.03)
Aviation Transport Security Bill 2003	5(14.5.03)	27.3.03		Transport and Regional Services	15.5.03	20.6.03	
Civil Aviation Legislation Amendment Bill 2003	5(14.5.03)	27.3.03	11.8.03	Transport and Regional Services	15.5.03	6.6.03	7(13.8.03)
Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand and Other Matters) Bill 2003	8(13.8.03)	25.6.03		Transport and Regional Services	14.8.03		
Communications Legislation Amendment Bill (No. 2) 2003	8(13.8.03)	26.6.03	19.8.03	Communications, Information Technology and the Arts	14.8.03	19.8.03	8(20.8.03)
Communications Legislation Amendment Bill (No. 3) 2003	7(25.6.03)	19.6.03	21.8.03	Communications, Information Technology and the Arts	26.6.03	6.8.03	9(10.9.03)
Corporate Responsibility and Employment Security Bill 2003	10(10.9.03)	18.8.03		Hon S F Crean MP	11.9.03		

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
		HOUSE	SENATE				
Crimes (Overseas) Amendment Bill 2003	11(17.9.03)	11.09.03	18.9.03	Attorney-General	18.9.03	7.10.03	11(8.10.03)
Criminal Code Amendment (Hezbollah External Terrorist Organisation) Bill 2003	6(18.6.03)	2.6.03		Hon S F Crean MP	19.6.03		
Criminal Code Amendment (Hizballah) Bill 2003	6(18.6.03)	29.5.03	16.6.03	Attorney-General	19.6.03		
Criminal Code Amendment (Terrorism) Bill 2002	1(5.2.03)	12.12.02	13.5.03	Attorney-General	6.2.03	7.5.03	4(14.5.03)
Customs Amendment Bill (No. 1) 2003	6(18.6.03)	15.5.03	16.6.03	Justice and Customs	19.6.03	24.6.03	6(25.6.03)
Dairy Industry Service Reform Bill 2003	2(5.3.03)	12.2.03	19.3.03	Agriculture, Fisheries and Forestry	6.3.03	9.4.03	4(14.5.03)
Electoral Amendment (Political Honesty) Bill 2003	5(14.5.03)		27.3.03	Senator Murray		28.4.03	4(14.5.03)
Energy Grants (Credits) Scheme Bill 2003	2(5.3.03)	13.2.03	26.3.03	Treasurer	6.3.03	24.3.03	3(26.3.03)
Family Law Amendment Bill 2003	2(5.3.03)	12.2.03	20.8.03	Attorney-General	6.3.03	20.7.03	8(20.8.03)
Financial Services Reform Amendment Bill 2003	8(13.8.03)	26.6.03		Treasurer	14.8.03	12.9.03	10(17.9.03)
Late Payment of Commercial Debts (Interest) Bill 2003	3(19.3.03)		6.3.03	Senator Conroy	27.3.03		
Legislative Instruments Bill 2003	8(13.8.03)	26.6.03	9.9.03	Attorney-General	14.8.03	24.9.03	11(8.10.03)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
		HOUSE	SENATE				
Migration Legislation Amendment (Identification and Authentication) Bill 2003	9(20.8.03)	26.6.03		Immigration and Multicultural and Indigenous Affairs	21.8.03		
National Animal Welfare Bill 2003	9(20.8.03)		11.8.03	Senator Bartlett	21.8.03	10.9.03	10(17.9.03)
National Transport Commission Bill 2003	6(18.6.03)	4.6.03	14.8.03	Transport and Regional Services	19.6.03	27.6.03	8(20.8.03)
Ozone Protection and Synthetic Greenhouse Gas Legislation Amendment Bill 2003	6(18.6.03)	5.6.03		Environment and Heritage	19.6.03	4.8.03	
Petroleum (Timor Sea Treaty) Bill 2003	3(19.3.03)	5.3.03	6.3.03	Industry, Tourism and Resources	27.3.03	16.4.03	4(14.5.03)
Petroleum (Timor Sea Treaty) (Consequential Amendments) Bill 2003	3(19.3.03)	5.3.03	6.3.03	Industry, Tourism and Resources	27.3.03	16.4.03	4(14.5.03)
Private Health Insurance (Reinsurance Trust Fund Levy) Bill 2003	5(14.5.03)	26.3.03	23.6.03	Health and Ageing	15.5.03	18.6.03) 24.6.03)	6(25.6.03)
Student Assistance Amendment Bill 2003	8(13.8.03)	26.6.03	15.9.03	Education, Science and Training	14.8.03	15.9.03	10(17.9.03)
Taxation Laws Amendment Bill (No. 4) 2003	2(5.3.03)	13.2.03	19.3.03	Treasurer	6.3.03	18.3.03	3(26.3.03)
Textbook Subsidy Bill 2003	7(25.6.03)		18.6.03	Senator Stott Despoja	26.6.03	25.7.03	7(13.8.03)
Trade Practices Amendment (Public Liability Insurance) Bill 2003	10(10.9.03)	18.8.03		Mr A Griffin MP	11.9.03		

