

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



**Alert Digest**

**No. 9 of 2004**

**4 August 2004**



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# Senate Standing Committee for the Scrutiny of Bills

## Members of the Committee

Senator G Marshall (Chair)  
Senator B Mason (Deputy Chair)  
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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Committee under its terms of reference is invited to do so.



## **Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2004**

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Agriculture, Fisheries and Forestry]

The bill amends the *Australian Meat and Live-stock Industry Act 1997*, the *Primary Industries (Customs) Charges Act 1999* and the *Primary Industries (Excise) Levies Act 1999* to provide the legislative framework to:

- allow, in addition to current arrangements, for more than one industry organisation representing live-stock exporters to be determined as a marketing body and as a research body for the purpose of receiving revenue derived from compulsory levies and charges;
- enable the matching funds provided by the Commonwealth for research and development to continue to be provided to the body determined by the Minister as the industry research body; and
- permit LiveCorp, or any other organisation that may be determined by the Minister, to receive its export charge-based revenue directly.

The bill also makes technical amendments to the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2003* and the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 1) 2004* to update references to certain Acts.

### **Retrospective commencement Schedule 2, Parts 1 and 2**

By virtue of items 3 and 4 in the table in subclause 2(1), Parts 1 and 2 of Schedule 2 to this bill will commence retrospectively, immediately after the commencement of statutes which have already been passed. 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. However, the explanatory memorandum observes that the amendments “are beneficial to taxpayers and do not have the potential to act to the detriment of any person.”

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

## **Anti-terrorism Bill (No. 3) 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Attorney-General]

The bill comprises three schedules previously contained in the Anti-terrorism Bill (No. 2) 2004. These schedules were excised from that bill in the House of Representatives on 25 June 2004. The Committee commented on the original bill in its Alert Digest No. 8, dated 23 June 2004.

The bill amends the following Acts:

- *Passports Act 1938* to give authorities certain powers to demand, confiscate and seize foreign travel documents and to ensure that those suspected of serious offences or harmful conduct are prevented from leaving Australia on such documents;
- *Australian Security Intelligence Organisation Act 1979* to give ASIO powers to demand the surrender of Australian and foreign passports in certain circumstances to prevent a person leaving Australia, and to create a new offence of failure to comply with such a demand; and the
- *Crimes Act 1914* to facilitate disaster victim identification and criminal investigation in the event of a mass casualty incident occurring within Australia.

The bill also contains an application provision and a regulation-making power.

### **Personal rights and liberties**

#### **Schedule 1, item 22**

Proposed new paragraphs 17(1)(a) and (b) of the *Passports Act 1938*, to be inserted by item 22 of Schedule 1 to this bill, are in the same form as in the Anti-terrorism Bill (No. 2) 2004, on which the Committee commented in *Alert Digest No. 8 of 2004*. The Committee repeats the comments it made about those provisions and makes some additional comments.

In proposed new subsection 17(1) of the *Passports Act 1938*, to be added by item 22 of Schedule 1 to this bill, an “enforcement officer” (that is, a police officer or Customs officer) may demand that a person surrender foreign travel documents to the officer merely on the basis that the enforcement officer suspects on reasonable grounds that the travel documents have either been obtained by false or misleading conduct, or have been used in the commission of an offence against the Act. Furthermore, by virtue of new subsection 17(2), the person of whom such a demand has been made may commit an offence if he or she fails to surrender the documents.

It appears that the factual basis of an offence may be created by no more than an enforcement officer’s suspicion, on reasonable grounds, of certain conduct. The Committee is also concerned as to whether anyone charged with an offence under this provision is sufficiently protected (or protected at all) by the constraints on, and penalties for, any misuse of this power. The Committee considers that this new section may be regarded as trespassing on personal rights and liberties. The Committee, however, **leaves for the Senate as a whole** the question of whether the bill *unduly* trespasses on those rights.

*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.*

## **Australian Design Rule Amendment Bill 2004**

[Introduced into the House of Representatives on 21 June 2004 by Mr Wilkie as a Private Member's bill.]

The bill amends the *Motor Vehicle Standards Act 1989* to ensure that passenger motor vehicles are fitted with a spare wheel and tyre of similar design specifications to the standard wheels and tyres fitted to the vehicle, in order to meet Australian standards.

*The Committee has no comment on this bill.*

## **Australian Passports (Application Fees) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Foreign Affairs]

Part of a package of three bills establishing a new framework for Australia's passport system, this bill imposes application fees for passports and related travel documents.

The bill also contains a regulation-making power.

*The Committee has no comment on this bill.*

## **Australian Passports Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Foreign Affairs]

Part of a package of three bills establishing a new framework for Australia's passport system, the bill:

- makes a clear statement of the entitlement of Australians to a passport;
- increases maximum penalties for passport-related fraud;
- provides mechanisms to deal with refusal, cancellation and replacement of lost and stolen passports, and privacy matters;
- provides for exceptional circumstances when applying for a child's passport; and
- establishes a framework for the use of technology.

The bill also contains a regulation-making power.

### **Commencement on proclamation Clauses 3 to 59**

By virtue of item 2 in the table in subclause 2(1), clauses 3 to 59 of this bill might commence on Proclamation, but in any event must commence 9 months after Assent. The Committee expects that, where legislation is expressed to commence on proclamation, the date should be no later than 6 months after the Parliament passes the relevant measure. Where the period will be longer, the Committee expects that the explanatory memorandum will provide an explanation for the delayed commencement. In this case, the explanatory memorandum observes that delayed commencement is "necessary to ensure time for an adequate public awareness campaign" relating to the changes to the existing law to be made by this bill.

The Committee accepts that this is an adequate reason for such a delay in commencement.

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

## **Personal rights and liberties**

### **Paragraphs 23(1)(a) and (b)**

Paragraphs 23(1)(a) and (b) are in terms virtually identical to proposed new paragraphs 17(1)(a) and (b) of the *Passports Act 1938*, to be inserted by the Anti-terrorism Bill (No. 3) 2004, referred to on page 7 of this Digest, which were originally contained in the Anti-terrorism Bill (No. 2) 2004. The Committee repeats the comments it originally made in *Alert Digest No. 8 of 2004* and makes some additional comments.

In proposed new subsection 17(1) of the *Passports Act 1938*, to be added by item 22 of Schedule 1 to this bill, an “enforcement officer” (that is, a police officer or Customs officer) may demand that a person surrender foreign travel documents to the officer merely on the basis that the enforcement officer suspects on reasonable grounds that the travel documents have either been obtained by false or misleading conduct, or have been used in the commission of an offence against the Act. Furthermore, by virtue of new subsection 17(2), the person of whom such a demand has been made may commit an offence if he or she fails to surrender the document.

It appears that the factual basis of an offence may be created by no more than an enforcement officer’s suspicion, on reasonable grounds, of certain conduct. The Committee is also concerned as to whether anyone charged with an offence under this provision is sufficiently protected (or protected at all) by the constraints on, and penalties for, any misuse of this power. The Committee considers that this new section may be regarded as trespassing on personal rights and liberties. The Committee, however, **leaves for the Senate as a whole** the question of whether the bill *unduly* trespasses on those rights.

*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.*



## **Australian Passports (Transitionals and Consequentials) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Foreign Affairs]

Part of a package of three bills establishing a new framework for Australia's passport system, the bill:

- makes consequential amendments to six Acts, including the *Passports Act 1938*;
- removes all provisions relating to Australian passports or travel-related documents from the *Passports Act 1938* and renames that Act the *Foreign Passports (Law Enforcement and Security) Act 2004*; and
- contains transitional provisions to ensure the continuing validity of travel documents, the continued application of the *Passports Act 1938* to pending proceedings and reviews, and the application of the proposed *Australian Passports Act 2004* to pending applications.

The bill also contains a regulation-making power.

*The Committee has no comment on this bill.*

## **Broadcasting Services Amendment (Anti-Siphoning) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Communications, Information Technology and the Arts]

The bill amends the *Broadcasting Services Act 1992* to extend the automatic de-listing period for events on the ‘anti-siphoning’ list, which lists events determined by the Minister to be available free-to-air, so that events are removed 12 weeks prior to their commencement.

*The Committee has no comment on this bill.*

## **Crimes                      Legislation                      Amendment (Telecommunications Offences and Other Measures) Bill 2004**

[Introduced into the Senate on 24 June 2004. Portfolio: Justice and Customs]

The bill repeals existing telecommunications offences in the *Crimes Act 1914* and replaces them with new and updated telecommunications offences in the *Criminal Code Act 1995* as a part of the process to include all ‘serious Commonwealth offences’ in the Code. The bill makes consequential amendments to five Acts, including the *Crimes Act 1914* and the *Criminal Code Act 1995*.

The bill also amends the following Acts:

- *Criminal Code Act 1995* to insert new offences relating to contamination of goods and dishonestly obtaining or dealing in personal financial information, and clarify the application of the general principles of criminal responsibility relating to alternative verdicts, obtaining financial advantage and the knowledge of the law;
- *Crimes (Aviation) Act 1991* to outlaw child prostitution on board Australian-registered aircraft outside Australia;
- *Customs Act 1901* to clarify the operation of certain serious drug offences;
- *Cybercrime Act 2001* to correct a misdescription; and
- *Mutual Assistance in Criminal Matters Act 1987* to simplify processes for obtaining material for use in foreign proceedings.

The bill also contains application, saving and transitional provisions.

### **Retrospective commencement Schedule 6, item 9**

By virtue of item 5 in the table in subclause 2(1), item 9 of Schedule 5 to this bill will commence retrospectively, immediately after the commencement of

item 6 of Schedule 1 to the *Cybercrime Act 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. However, the explanatory memorandum notes that the relevant amendment corrects a misdescription of other legislation, and “does not effect any substantive change to the law”.

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

### **Absolute criminal liability Schedule 1, item 1**

Proposed new subsections 474.6(2), (4) and (6) of the *Criminal Code*, to be inserted by item 1 of Schedule 1 to this bill, would impose absolute criminal liability in relation to the physical elements of the offences created by subsections 474.6(1), (3) and (5) respectively. The Committee will generally draw to the Senators’ attention provisions which create strict liability and absolute liability offences.

Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum which accompanies the bill. In considering bills which provide for the application of the Criminal Code to offence provisions in Commonwealth legislation, the Committee has generally accepted provisions such as these, which identify *existing* strict liability or absolute liability offences, and sought confirmation that no new strict or absolute liability offences have been created. In this case, the explanatory memorandum observes that these provisions replace existing provisions in the *Crimes Act 1914*, and that the only changes are in the drafting style, in the light of general provisions as to criminal liability in the *Criminal Code*.

The memorandum further explains that in each case that this element “does not affect the culpability of the offender, but rather sets the perimeter of the offence.”

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

**Absolute criminal liability**  
**Schedule 1, item 1**

Proposed new subsections 474.28(1) and (2) of the *Criminal Code*, also to be inserted by item 1 of Schedule 1 to this bill, would impose absolute criminal liability in relation to one of the physical elements of the offences created by sections 474.26 and 474.27 respectively. The Committee will generally draw to the Senators' attention provisions which create strict liability and absolute liability offences.

Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum which accompanies the bill. In this case, the explanatory memorandum observes that the "dramatic effect of imposing absolute liability is ameliorated through the provision of a specific defence based on belief about age" in proposed subsections 474.29(1) and (2) respectively.

It appears that, reading both provisions together, they have the effect of reversing the onus of proof, and require a defendant to prove a reasonable belief in the age of other possible participants in criminal activity. The memorandum further explains, "Applying absolute liability to this element of each offence, together with a belief of age defence, is consistent with the child sex tourism offences in ... the *Crimes Act 1914*."

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

## **Customs Tariff Amendment (Oil, Gas and Other Measures) Bill 2004**

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Justice and Customs]

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

- the tariff on goods for use in oil and gas exploration to reflect changes in technology and to extend the coverage of the item;
- the country code abbreviations for Poland and Wake Island; and
- the upper limit for alcohol content of grape wine.

### **Retrospective commencement Schedule 1**

By virtue of item 2 in the table in subclause 2(1), the amendment proposed in Schedule 1 to this bill would commence retrospectively on 18 October 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. However, the explanatory memorandum notes that this amendment gives effect to a customs tariff proposal which had been introduced into the House of Representatives prior to its proposed date of effect. The Committee has regularly been prepared to accept a measure of retrospectivity in the commencement of legislation giving effect to tariff proposals.

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

**Retrospective commencement**  
**Schedule 3**

By virtue of item 4 in the table in subclause 2(1), the amendment proposed in Schedule 3 to this bill would commence retrospectively on 1 July 2003, immediately after the commencement of item 13 of Schedule 2 to the *Customs Tariff Amendment Act (No. 1) 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. However, the explanatory memorandum notes that the amendments are technical only, and make no change to the substantive law.

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

## **Family and Community Services and Veterans' Affairs Legislation Amendment (2004 Budget Measures) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Family and Community Services]

The bill amends the following Acts:

- *Social Security Act 1991* and *Veterans' Entitlements Act 1986* to exempt fee waiver and fee pay scholarships, and such components of any scholarships from the income tests for income support payments;
- *Social Security Act 1991* to expand the eligibility criteria for carer allowance to carers who provide certain care for an adult with a disability, even if they do not live with that adult, and to correct a drafting error.

### **Retrospective commencement Schedule 2, part 3**

By virtue of item 4 in the table in subclause 2(1), the amendment proposed in Part 3 of Schedule 2 to this bill would commence retrospectively on 30 March 2000, immediately after the commencement of item 147 of Schedule 1 to the *Social Security (Administration and International Agreements) (Consequential Amendments) Act 1999*. 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. However, the explanatory memorandum notes that the amendment merely corrects an earlier drafting oversight. The explanatory memorandum also provides the express assurance that “[no] person will be adversely affected by this technical amendment.”

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



## **Family and Community Services and Veterans' Affairs Legislation Amendment (Sugar Reform) Bill 2004**

[Introduced into the House of Representatives on 22 June 2004. Portfolio: Family and Community Services]

The bill amends the *Social Security Act 1991* and *Veterans' Entitlements Act 1986* to exempt intergenerational transfer of sugarcane farms by persons of pension age, or relevant sugarcane farm assets, from gifting rules for a 3-year period.

The bill also amends the *Social Security (Administration) Act 1999* to add a new section that addresses the needs of sugar cane farmers and their partners who gift their properties and apply for social security payments.

This bill was passed by the Senate on 24 June 2004 and was assented to on 13 July 2004.

*The Committee has no comment on this bill.*

## Higher Education Legislation Amendment Bill (No. 2) 2004

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Education, Science and Training]

The bill amends the following Acts:

- *Higher Education Funding Act 1988* to set maximum aggregate funding levels for 2004 and maximum amounts for transition funding in the years 2005 to 2007;
- *Higher Education Support Act 2003* in relation to:
  - conditions for and requirements of higher education providers;
  - funding and grant levels for certain purposes;
  - transitional assistance for certain regional tertiary institutions;
  - extending Commonwealth scholarships provisions and setting funding levels;
  - administration of, and eligibility for, various forms of student assistance;
- *Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003* to clarify the definition of “institution”;
- *Australian National University Act 1991* to enable the Australian National University to comply with the National Governance Protocols; and
- *Income Tax Assessment Act 1936* to make consequential amendments

The bill also contains transitional provisions.

*The Committee has no comment on this bill.*

## **Indigenous Education (Targeted Assistance) Amendment Bill 2004**

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Education, Science and Training]

The bill amends the *Indigenous Education (Targeted Assistance) Act 2000* to:

- continue funding for the Indigenous Education Strategic Initiatives Programme and the Indigenous Education Direct Assistance Programme for the period 1 January 2005 to 30 June 2009;
- continue the “away-from-base” element of ABSTUDY for 2005 to 2008; and
- specify accountability arrangements for funding agreements made under the Act and to enable ministerial intervention to address underperformance by funding recipients.

The bill also repeals the *Indigenous Education (Supplementary Assistance) Act 1989*, contains an application provision and extends a regulation-making power.

*The Committee has no comment on this bill.*

## **Indirect Tax Legislation Amendment (Small Business Measures) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Treasury]

The bill amends the *A New Tax System (Goods and Services Tax) Act 1999* and the *Taxation Administration Act 1953* to:

- allow certain small businesses and non-profit bodies the option to elect to lodge their goods and services tax (GST) returns and pay the GST on an annual basis;
- allow small businesses to elect to undertake annual apportionment of input tax credits for certain acquisitions and importations used partly for non-business purposes; and
- remove the requirement for an entity to make an annual election to continue with the option to pay GST by instalments.

The bill also contains application provisions.

*The Committee has no comment on this bill.*

## **Marriage Amendment Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Attorney-General]

The provisions of this bill are the same as parts of the Marriage Legislation Amendment Bill 2004.

The bill amends the *Marriage Act 1961* to define marriage as a union of a man and a woman, and to clarify that same-sex marriages entered into under the law of another country cannot be recognised in Australia.

The bill was negatived by the Senate at the first reading stage on 25 June 2004.

*The Committee has no comment on this bill.*

## **New International Tax Arrangements (Managed Funds and Other Measures) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Treasury]

The bill amends the following Acts:

- *Income Tax Assessment Act 1997* to modify the capital gains tax treatment of foreign residents with interests in Australian managed funds to provide comparable tax outcomes to those investing directly;
- *International Tax Agreements Act 1953* to amend the rules for determining the source of income derived by certain residents of treaty partner countries;
- *Income Tax Assessment Act 1936, Income Tax Assessment Act 1997* and *Financial Corporations (Transfer of Assets and Liabilities) Act 1993* in relation to interest withholding tax.

The bill also contains application provisions.

*The Committee has no comment on this bill.*

## **Parliamentary Service Amendment Bill 2004**

[Introduced into the Senate on 21 June 2004 by the President (Senator Calvert) as a Private Senator's bill.]

The bill amends the *Parliamentary Service Act 1999* to create a statutory position of Parliamentary Librarian.

*The Committee has no comment on this bill.*

## **Schools Assistance (Learning Together— Achievement through Choice and Opportunity) Bill 2004**

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Education, Science and Training]

The bill establishes the framework for granting financial assistance to the States and Territories for government and non-government schools between 2005 and 2008.

The bill also contains transitional provisions and a regulation-making power.

*The Committee has no comment on this bill.*



## **States Grants (Primary and Secondary Education Assistance) Legislation Amendment Bill 2004**

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Education, Science and Training]

The bill amends the *States Grants (Primary and Secondary Education Assistance) Act 2000* to appropriate additional funding for the National Literacy and Numeracy Strategies and Projects Programme for the Tutorial Credits Initiative in 2004 and to correct a technical defect in the socioeconomic status (SES) funding phasing-in arrangements for non-government schools.

*The Committee has no comment on this bill.*

## **Superannuation (Entitlements of same sex couples) Bill 2004**

[Introduced into the House of Representatives on 21 June 2004 by Mr Albanese as a Private Member's bill.]

The bill amends the *Superannuation Industry (Supervision) Act 1993* to provide that same sex couples receive the same superannuation benefits as heterosexual couples.

*The Committee has no comment on this bill.*

## Surveillance Devices Bill (No. 2) 2004

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Attorney-General]

The bill establishes a framework for the use of surveillance devices where such use would ordinarily be prohibited under State or Territory law. The bill:

- includes procedures for federal, State and Territory law enforcement agencies to obtain warrants and emergency authorisations for the installation, maintenance, use and retrieval of surveillance devices in relation to certain criminal investigations and child recovery orders;
- provides for the use of surveillance devices for the investigation of certain Commonwealth offences in a foreign country, or on a foreign vessel or aircraft, with the agreement of an appropriate official of the foreign country;
- regulates the making and use of records of surveillance device operations; and
- establishes a reporting and inspection regime that allows for the scrutiny of the exercise of these powers.

The bill makes consequential amendments to the *Australian Federal Police Act 1979*, the *Criminal Code Act 1995*, the *Customs Act 1901* and the *Mutual Assistance in Criminal Matters Act 1987*.

The bill also contains transitional and savings provisions, and a regulation-making power.

*The Committee has no comment on this bill.*

## **Tax Laws Amendment (2004 Measures No. 4) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Treasury]

The bill amends income tax laws:

- to clarify the operation of the consolidation regime and provide greater flexibility and certainty to the consolidation membership and loss rules;
- to ensure that copyright collecting societies are not taxed on income they collect on behalf of members;
- to further implement the simplified imputation system;
- to add certain fire and emergency service bodies and other entities to the list of specifically listed deductible gift recipients; and
- to extend the transitional period in the debt/equity rules for at call loans to 30 June 2005.

The bill also contains application provisions.

### **Retrospective commencement Schedule 1, Part 1**

By virtue of Part 1 of Schedule 1 to this Bill, the amendments proposed in that Schedule would apply retrospectively from 1 July 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. However, the explanatory memorandum observes that the amendments “are beneficial to taxpayers and do not have the potential to act to the detriment of any person.”

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

**Retrospective application**  
**Schedule 2, item 13**

By virtue of item 13 of Schedule 2 to this bill, the amendments proposed in that Schedule would apply retrospectively from 1 July 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. However, the explanatory memorandum observes that “the financial impact of the amendments is expected to be negligible.”

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

**Retrospective application**  
**Schedule 3, item 111**

By virtue of item 111 of Schedule 3 to this bill, the amendments proposed in that Schedule would generally apply retrospectively from 1 July 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. However, the explanatory memorandum observes that the purpose of the amendments is to relocate into the *Income Tax Assessment Act 1997* provisions which were formerly in the *Income Tax Assessment Act 1936*, and further that those amendments have no financial impact.

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

## **Tax Laws Amendment (Wine Producer Rebate and Other Measures) Bill 2004**

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Treasury]

The bill amends the *A New Tax System (Wine Equalisation Tax) Act 1999* to:

- introduce a new wine producer rebate to replace the existing cellar door rebate scheme;
- provide that the costs associated with wine packaging are included in the tax base for assessing wine tax liability;
- ensure that payment of wine tax is not avoided by the export and re-entry of wine; and
- correct a technical error relating to the term ‘price’.

The bill amends the *Income Tax Assessment Act 1997* to repeal provisions relating to accelerated depreciation for grapevine plantings.

The bill also contains application and transitional provisions.

*The Committee has no comment on this bill.*

## Trade Practices Legislation Amendment Bill 2004

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Treasury]

The bill amends the *Trade Practices Act 1974* to implement the Government's response to the *Review of the Competition Provisions of the Trade Practices Act* (the Dawson Review). The amendments:

- create a voluntary formal merger clearance system;
- make merger and non-merger authorisations clearer and more timely;
- introduce a notification process for collective bargaining by small business dealing with large business;
- provide a 'joint venture defence' to the prohibitions on exclusionary and price-fixing provisions;
- provide that dual listed companies are treated as corporate groups for certain purposes, and prohibit the formation of dual listed companies where it would substantially lessen competition;
- bring the treatment of third line forcing provisions into line with other forms of exclusive dealing;
- replace the provisions which provide the ACCC the power to enter premises and inspect documents without a warrant with new arrangements requiring the ACCC to obtain a warrant to search premises and seize evidence;
- increase penalties and prohibit corporations indemnifying employees and agents against pecuniary penalty;
- clarify the application of the Act to local government bodies; and
- address issues of constitutional validity by expressly providing that States and Territories may confer duties on the Commission under the provisions of the Competition Code.

The bill also amends the *Corporations Act 2001* and *Trade Practices Act 1974* in relation to disqualification from managing corporations.

## **Retrospective commencement Schedule 12**

By virtue of item 12 in the table in subclause 2(1), the amendment proposed in Schedule 12 to this bill would commence retrospectively on 1 March 2004, immediately after the commencement of Schedule 1 to the *Trade Practices Amendments Act 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. However, the explanatory memorandum notes that the amendment merely corrects an earlier incorrect cross-reference and makes no change to the substantive law.

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

## **Abrogation of the privilege against self-incrimination Schedule 8, item 4**

Proposed new subsection 154R(3) of the *Trade Practices Act 1974*, to be inserted by item 4 of Schedule 8 to this bill, would abrogate the privilege against self-incrimination for a person required to provide information under proposed new subsection 154R(1). 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 this case, subsection 154R(4) limits the circumstances in which information so provided is admissible in evidence in proceedings against the affected person. The Committee accepts that it strikes a reasonable balance between the competing interests of obtaining information and protecting individuals' rights.

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



## US Free Trade Agreement Implementation Bill 2004

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Trade]

Introduced with the US Free Trade Agreement Implementation (Customs Tariff) Bill 2004, the bill amends 11 Acts relating to customs, agricultural and veterinary chemicals, Australian geographical wine indications, life insurance, foreign acquisitions and takeovers, Commonwealth authorities and companies, therapeutic goods, patents and copyright, to implement Australia's obligations under the Australia-United States Free Trade Agreement.

### **Uncertainty of commencement Subclause 2(1), item 2**

By virtue of item 2 in the table in subclause 2(1), and other items in that table which refer to item 2, a large number of the amendments proposed in this Bill commence on the later of 1 January 2005 or the day on which the Australia-United States Free Trade Agreement comes into force for Australia. If the Agreement does not come into force, those items do not commence at all. The timing of the commencement is therefore uncertain, although item 2 requires the Minister for Trade to announce by notice in the *Gazette* the day on which that Agreement comes into force for Australia.

The Committee takes the view that Parliament is responsible for determining when laws are to come into force. The Committee is wary, for instance, of provisions which enable legislation to commence on a date 'to be proclaimed' rather than on a determinable date and seeks an explanation, where one is not provided, for any significant delay in commencement.

The Committee is equally wary of provisions which link commencement to an 'uncertain event' and would generally expect to see a fixed date (or period of time) by which that event must occur to trigger either commencement or repeal. The Committee would also expect the explanatory memorandum accompanying a bill to explain the reasons for including uncertain commencement provisions, as outlined in Drafting Direction No. 3 of 2003. In this case, the memorandum makes no reference to the reasons for uncertainty.

The Committee therefore **seeks the Minister's advice** as to whether item 2 of the table might not also be subject to the provision that if the Agreement has not entered into force for Australia by some further fixed date then the Act will be automatically treated as having been repealed on that date.

*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.*

## **US Free Trade Agreement Implementation (Customs Tariff) Bill 2004**

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Justice and Customs]

Introduced with the US Free Trade Agreement Implementation Bill 2004, the bill amends the *Customs Tariff Act 1995* to vary customs duty for certain goods and to include a regulation-making power, in order to implement Australia's obligations under the Australia-United States Free Trade Agreement.

### **Uncertainty of commencement Subclause 2(1)**

By virtue of item 2 in the table in subclause 2(1), and other items in that table which refer to item 2, a large number of the amendments proposed in this Bill commence on the later of 1 January 2005 or the day on which the Australia-United States Free Trade Agreement comes into force for Australia. If the Agreement does not come into force, those items do not commence at all. The timing of the commencement is therefore uncertain, although item 2 requires the Minister for Trade to announce by notice in the *Gazette* the day on which that Agreement comes into force for Australia.

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The Committee therefore **seeks the Minister's advice** as to whether item 2 of the table might not also be subject to the provision that if the Agreement has not entered into force for Australia by some further fixed date then the Act will be automatically treated as having been repealed on that date.

*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.*

## **Vocational Education and Training Funding Amendment Bill 2004**

[Introduced into the House of Representatives on 23 June 2004. Portfolio: Education, Science and Training]

The bill amends the *Vocational Education and Training Funding Act 1992* to provide funds for vocational education and training in 2005 under the Australian National Training Authority (ANTA) agreement, and to update the current funding limits for 2004 to reflect the outcome of negotiations on a new ANTA agreement.

*The Committee has no comment on this bill.*

## Water Efficiency Labelling and Standards Bill 2004

[Introduced into the House of Representatives on 24 June 2004. Portfolio: Environment and Heritage]

The bill provides for the establishment and operation of a scheme to apply national water efficiency labelling and minimum performance standards to certain water-use products. The bill also creates offences and associated penalties, establishes a Special Account to receive funds and to make payments, and includes internal and Administrative Appeals Tribunal review of decisions.

The bills also contains a regulation-making power.

### **Strict liability**

#### **Clauses 33, 34, 35, 36, 37 and 38**

Clauses 33, 34, 35, 36, 37 and 38 would impose criminal offences of strict liability.

The Committee will generally draw to the Senators' attention provisions which create strict liability and absolute liability offences. Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum which accompanies the bill. The explanatory memorandum seeks to justify these provisions on the basis that strict liability will "facilitate the expedient enforcement of the provisions given that there are expected to be a high number of inadvertent contraventions of the Act." The explanatory memorandum also observes that "Without a strict liability regime in place, it would be very difficult to enforce these provisions."

There is no indication in the explanatory memorandum whether consideration has been given either to the Committee's Sixth Report of 2002 on *Application of Absolute and Strict Liability Offences in Commonwealth Legislation* or to the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers*, issued by the authority of the Minister for Justice and Customs in February 2004, which, in paragraph 4.5 states that "strict ... liability should only be used in an offence where there are well thought out grounds for this."

The Committee **seeks the Minister's advice** as to whether consideration was given to either of the above papers in the framing of the above clauses.

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

## 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**

<b>Bill/Act</b>	<b>Section/Subsection</b>	<b>Offence</b>	<b>Penalty</b>
Trade Practices Legislation Amendment Bill 2004	Proposed new subsection 154R(2)	Fail to provide information to a public authority	30 penalty units
Water Efficiency Labelling and Standards Bill 2004	Clause 61	Fail to provide information to a public authority	Imprisonment for 6 months



## **BILLS GIVING EFFECT TO NATIONAL SCHEMES OF LEGISLATION**

Discussions between the Chairs and Deputy Chairs of Commonwealth, State and Territory Scrutiny Committees have noted difficulties in the identification and scrutiny of national schemes of legislation. Essentially, these difficulties arise because 'national scheme' bills are devised by Ministerial Councils and are presented to Parliaments as agreed and uniform legislation. Any requests for amendment are seen to threaten that agreement and that uniformity. This has the potential to undermine the legislative authority of those Parliaments.

To assist in the early identification of national schemes of legislation, the Committee proposes to note bills that give effect to such schemes as they come before the Committee for consideration.

### **Water Efficiency Labelling and Standards Bill 2004**

The bill provides for the establishment and operation of a scheme to apply national water efficiency labelling and minimum performance standards to certain water-use products. The bill also creates offences and associated penalties, establishes a Special Account to receive funds and to make payments, and includes internal and Administrative Appeals Tribunal review of decisions.

At the Council of Australian Governments (COAG) meeting in August 2003 the Commonwealth Government agreed to develop a draft national water initiative, encompassing water access entitlements, water markets, environmental flow regimes and urban water reform. This bill principally addresses urban water reform.

The bill draws on the Commonwealth's Constitutional powers in respect of corporations, trade and commerce. According to the explanatory memorandum, it is expected that "State and Territory governments will enact complementary 'mirror' legislation" to cover any gaps in the Constitutional coverage of the scheme. The memorandum also includes an executive summary regulation impact statement relating to the Proposed National System of Mandatory Water Efficiency Labelling for Selected Products.

## PARLIAMENTARY AMENDMENTS AND THE COMMITTEE'S TERMS OF REFERENCE

### AMENDMENTS IN THE HOUSE OF REPRESENTATIVES (21 to 26 June 2004)

**Anti-terrorism Bill (No. 2) 2004:** The House of Representatives amended this bill on 25 June 2004 to excise three Schedules, including one on which the Committee had commented in its *Alert Digest No. 8 of 2004*. That Schedule is now contained in the Anti-terrorism Bill (No. 3) 2004, on which the Committee comments in this Digest. Similar provisions also appear in the Australian Passports Bill 2004, which is also dealt with in this Digest.

**Customs Legislation Amendment (Airport, Port and Cargo Security) Bill 2004:** The House of Representatives amended this bill on 23 June 2004. The amendments raise no issues within the Committee's terms of reference.

### AMENDMENTS IN THE SENATE (21 to 25 June 2004)

**Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Bill 2004:** The Senate amended this bill on 24 June 2004. The amendment raises no issues within the Committee's terms of reference.

**Appropriation Bill (No. 2) 2004-2005:** The Senate amended this bill on 24 June 2004. The amendment raises no issues within the Committee's terms of reference.

**Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003:** The Senate amended this bill on 22 June 2004, and again on 25 June 2004 after a disagreement with the House. The amendments raise no issues within the Committee's terms of reference.

**Customs Legislation Amendment (Airport, Port and Cargo Security) Bill 2004:** The Senate amended this bill on 25 June 2004. Amendments made by the Senate impose additional notification requirements in the case of detention by Customs officers extending beyond 45 minutes or involving the detention of minors. These amendments ameliorate to some extent unreasonable aspects of the regime established by the bill, and provide

protection to a class of people who, traditionally in law, have been afforded additional legal protection. The Committee welcomes these amendments.

**Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004:** The Senate amended this bill on 25 June 2004.

***The voting rights of prisoners***  
***Schedule 1, items 6, 7 and 18***

The Committee noted in its *Seventh Report of 2004* that, under these proposed items, voters may be dealt with differently depending on the nature of their sentences and the effectiveness of notification procedures.

The amendments to items 6 and 7 made by the Senate substitute a different arrangement, so that the provision applies to prisoners whose sentences cover the duration of a Parliament (ie, from the return of the writs for one election to the issuing of the writs for the next), rather than, as proposed by the bill, applying to all prisoners. This amendment does not appear to address the Committee's underlying concern about the possible differential treatment of voters.

The Committee notes that this provision adversely and retrospectively affects the rights of certain prisoners, namely those serving custodial sentences shorter than 5 years, but longer than the period contemplated in the replacement amendment (approximately 3 years).

The Committee also notes an amendment which removed item 18 from the bill. This item proposed to remove prisoners' rights enrol or to remain on the electoral roll.

The bill was passed by both Houses with these amendments in June 2004.

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

**Extension of Charitable Purpose Bill 2004:** The Senate amended this bill on 23 June 2004. The amendment raises no issues within the Committee's terms of reference.

**National Health Amendment (Pharmaceutical Benefits—Budget Measures) Bill 2002 [No. 2]:** The Senate amended this bill on 24 June 2004. The amendments raise no issues within the Committee's terms of reference.

**Superannuation Budget Measures Bill 2004:** The Senate amended this bill on 24 June 2004 and again on 25 June 2004 after a disagreement with the House. The amendments raise no issues within the Committee's terms of reference.

**Superannuation Laws Amendment (2004 Measures No. 2) Bill 2004:** The Senate amended this bill on 23 June 2004. The amendments raise no issues within the Committee's terms of reference.

**Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2003:** The Senate amended this bill on 22 June 2004. The amendments raise no issues within the Committee's terms of reference.

**Taxation Laws Amendment Bill (No.7) 2003:** The Senate amended this bill on 22 June 2004. The amendment raises no issues within the Committee's terms of reference.

**Trade Practices Amendment (Personal Injuries and Death) Bill (No.2) 2004:** The Senate again amended this bill on 22 June 2004 after a disagreement with the House. The amendment raises no issues within the Committee's terms of reference.

**Veterans' Entitlements (Clarke Review) Bill 2004:** The Senate made amendments and requests to this bill on 21 June 2004. The amendments and requests raise no issues within the Committee's terms of reference.

**Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003:** The Senate amended this bill on 22 June 2004.

### *Abrogation of privilege against self-incrimination*

#### ***Proposed section 88AB***

An amendment made by the Senate inserts into the bill a new Part VA, containing many provisions equivalent in their terms with provisions in Chapter 12, Part 2 of the Building and Construction Industry Improvement Bill 2003. The amendment in the Workplace Relations bill inserts in the *Workplace Relations Act 1996* a new section 88AB, equivalent to clause 231 of the Building and Construction Industry bill, on which the Committee commented in its *Alert Digest No. 15 of 2003*.

In considering clause 231, the Committee considered that provision would abrogate the privilege against self-incrimination for a person required to provide information under clause 230 [new section 88AA in this bill]. The Committee accepted that the provisions struck a reasonable balance between the competing interests of obtaining information and protecting individuals' rights. The Committee also notes the requirement under new section 88AI for an annual review by the Ombudsman of the exercise of the section 88AA compliance power.

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

***Retrospective application  
Schedule 5, item 9***

An amendment inserted a new Schedule 5 – Disqualification from office of person serving a suspended sentence, which excludes a person convicted of a prescribed office from holding office in an organisation if that person is convicted of a prescribed offence but that sentence is suspended for a period. Item 9 provides that the amendments apply to persons convicted of a prescribed offence whether before or after the commencement of the relevant Part.

The supplementary explanatory memorandum accompanying the amendments did not seek to explain the reasons for this retrospectivity. The bill was passed by both Houses with these amendments in June 2004.

*The Committee, nevertheless, 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.*

## STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

## INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2004

NAME OF BILL	ALERT DIGEST	INTRODUCED HOUSE	SENATE	MINISTER	RESPONSE SOUGHT RECEIVED	REPORT NUMBER
<b>Bill dealt with in 2002 still awaiting reporting</b>						
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	
<b>Bills dealt with in 2003 still awaiting reporting</b>						
<i>ASIO Legislation Amendment Act 2003</i>	16(3.12.03)	27.11.03	3.12.03	Attorney-General	4.12.03 9.2.04	1(11.2.04)
Australian Protective Service Amendment Bill 2003 <b>Amendments</b>	8(13.8.03)	15.10.03	26.6.03	Justice and Customs	14.8.03 9.9.03 27.11.03 4.2.04	9(10.9.03) 1(11.2.04)
Aviation Transport Security Bill 2003 <b>Amendments</b>	5(14.5.03) 1(11.2.04)	27.3.03	10.2.04	Transport and Regional Services	15.5.03 20.6.03 12.2.04 27.2.04	1(11.2.04) 2(3.3.04)
Broadcasting Services Amendment (Media Ownership) Bill 2002 [No. 2]	15(26.11.03)	5.11.03	2.12.03	Communications, Information Technology and the Arts	27.11.03 24.3.04	5(31.3.04)
Building and Construction Industry Improvement Bill 2003	15(26.11.03)	6.11.03	10.2.04	Employment and Workplace Relations	27.11.03 12.1.04	1(11.2.04)
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 29.10.03	

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Corporate Responsibility and Employment Security Bill 2003	10(10.9.03)	18.8.03	--	Hon S F Crean MP	11.9.03	--	RNP
Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003	16(3.12.03)	16.2.04	28.11.03	Agriculture, Fisheries and Forestry	4.12.03	5.2.04	1(11.2.04)
Late Payment of Commercial Debts (Interest) Bill 2003	3(19.3.03)		6.3.03	Senator Conroy	27.3.03		
Migration Legislation Amendment (Identification and Authentication) Bill 2003	9(20.8.03)	26.6.03	7.10.03	Immigration and Multicultural and Indigenous Affairs	21.8.03	10.2.04	1(11.2.04)
Sexuality and Gender Identity Discrimination Bill 2003	16(3.12.03)		25.11.03	Senator Greig	4.12.03	20.4.04	6(12.5.04)
Superannuation Safety Amendment Bill 2003	16(3.12.03)	27.11.03	11.2.04	Treasurer/Revenue	4.12.03	1.3.04	2(3.3.04)
Trade Practices Amendment (Public Liability Insurance) Bill 2003	10(10.9.03)	18.8.03	--	Mr A Griffin MP	11.9.03	--	RNP
<b>Bills dealt with in 2004</b>							
<i>Agriculture, Fisheries and Forestry Legislation Amendment (Export Control) Act 2004</i>	7(16.6.04)	2.6.04	16.6.04	Agriculture, Fisheries and Forestry	17.6.04	24.6.04	9(4.8.04)
Anti-terrorism Bill (No. 2) 2004	8(23.6.04)	17.6.04		Attorney-General	24.6.04		
Australian Crime Commission Amendment Bill 2004	1(11.2.04)	8.3.04	4.12.03	Attorney-General/Justice & Customs	12.2.04	1.3.04	2(3.3.04)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
<i>Australian Energy Market Act 2004</i>	8(23.6.04)	17.6.04	23.6.04	Industry, Tourism and Resources	24.6.04	24.6.04	9(4.8.04)
Bankruptcy Legislation Amendment Bill 2004	5(31.3.04)	24.3.04	15.6.04	Attorney-General	1.4.04	5.5.04	7(16.6.04)
<i>Customs Legislation Amendment (Airport, Port and Cargo Security) Act 2004</i>	7(16.6.04)	27.5.04	24.6.04	Justice and Customs	17.6.04	21.6.04	9(4.8.04)
Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Bill 2003	1(11.2.04)	4.12.03	11.3.04	Justice and Customs	12.2.04	8.03.04	4(24.3.04)
Dairy Produce Amendment Bill 2003	1(11.2.04)	3.12.03	24.3.04	Agriculture, Fisheries and Forestry	12.2.04	18.3.04	4(24.3.04)
Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004	6(12.5.04)	1.4.04	15.6.04	Special Minister of State	13.5.04	15.6.04	7(16.6.04)
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	2(3.3.04)	28.6.99	12.11.98	Environment and Heritage	4.3.04		
Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Bill 2004	7(16.6.04)	13.5.04	15.6.04	Health and Ageing	17.6.04		
Military Rehabilitation and Compensation Bill 2003	1(11.2.04)	4.12.03	1.3.04	Veterans' Affairs	12.2.04	23.3.04	4(24.3.04)
<i>Trade Practices Amendment (Australian Energy Market) Act 2004</i>	8(23.6.04)	17.6.04	23.6.04	Treasury	24.6.04	24.6.04	9(4.8.04)



<b>NAME OF BILL</b>	<b>ALERT DIGEST</b>	<b>INTRODUCED HOUSE SENATE</b>	<b>MINISTER</b>	<b>RESPONSE SOUGHT</b>	<b>RECEIVED</b>	<b>REPORT NUMBER</b>
Veterans' Entitlements Amendment (Direct Deductions and Other Measures) Bill 2004	5(31.3.04)	25.3.04      22.6.04	Veterans' Affairs	1.4.04	23.4.04	8(23.6.04)

