

# **SELECTION OF BILLS COMMITTEE**

**REPORT NO. 9 OF 2020**

*8 October 2020*

## **MEMBERS OF THE COMMITTEE**

Senator Dean Smith (Government Whip, Chair)

Senator Perin Davey (The Nationals Whip)

Senator Stirling Griff (Centre Alliance Whip)

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

Senator Rachel Siewert (Australian Greens Whip)

Senator Anne Urquhart (Opposition Whip)

Senator Raff Ciccone

Senator Katy Gallagher

Senator Jacqui Lambie

Senator the Hon James McGrath

Senator Rex Patrick

Senator the Hon Anne Ruston

Secretary: Tim Bryant  
 6277 3020

## SELECTION OF BILLS COMMITTEE

### REPORT NO. 9 OF 2020

1. The committee met in private session on Wednesday, 7 October 2020 at 7.26pm.
2. The committee recommends that—
  - (a) the Defence Legislation Amendment (Enhancement of Defence Force Response to Emergencies) Bill 2020 be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 4 November 2020 (see appendix 1 for a statement of reasons for referral);
  - (b) the *provisions* of the Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020 be *referred immediately* to the Education and Employment Legislation Committee for inquiry and report by 27 November 2020 (see appendix 2 for a statement of reasons for referral); and
  - (c) contingent upon introduction in the House of Representatives, the *provisions* of the National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 5 November 2020 (see appendix 3 for a statement of reasons for referral).
  - (d) contingent upon introduction in the House of Representatives, the *provisions* of the Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020 be *referred immediately* to the Community Affairs Legislation Committee **but was unable to reach agreement on a reporting date** (see appendix 4 for a statement of reasons for referral).
3. The committee recommends that the following bills *not* be referred to committees:
  - Fair Work Amendment (Improving Unpaid Parental Leave for Parents of Stillborn Babies and Other Measures) Bill 2020
  - Health Insurance Amendment (Administration) Bill 2020
  - Royal Commissions Amendment (Confidentiality Protections) Bill 2020.
4. The committee deferred consideration of the following bills to its next meeting:
  - Aged Care Legislation Amendment (Improved Home Care Payment Administration No. 1) Bill 2020
  - Air Services Amendment Bill 2018
  - Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020
  - Bankruptcy (Estate Charges) Amendment (Norfolk Island) Bill 2020
  - Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
  - Customs Amendment (Safer Cladding) Bill 2019
  - Discrimination Free Schools Bill 2018
  - Export Market Development Grants Legislation Amendment Bill 2020

- Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019
  - Great Australian Bight Environment Protection Bill 2019
  - Interactive Gambling Amendment (Prohibition on Credit Card Use) Bill 2020
  - Judges' Pensions Amendment (Pension Not Payable for Misconduct) Bill 2020
  - National Disability Insurance Scheme Amendment (Strengthening Banning Orders) Bill 2020
  - Native Title Amendment (Infrastructure and Public Facilities) Bill 2020
  - Regional Forest Agreements Legislation (Repeal) Bill 2017
  - Social Security Amendment (COVID-19 Supplement) Bill 2020
  - Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
  - Social Services Legislation Amendment (Payment Integrity) Bill 2019
  - Territories Legislation Amendment Bill 2020.
5. The committee considered the following bills but was unable to reach agreement:
- Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020
  - Economic Recovery Package (JobMaker Hiring Credit) Amendment Bill 2020
  - Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020
  - Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020
  - Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020.

(Dean Smith)

**Chair**

8 October 2020

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

**Name of bill:**

Defence Legislation Amendment (Enhancement of Defence Force Response to Emergencies) Bill 2020

**Reasons for referral/principal issues for consideration:**

- Human rights and civil liberties considerations
- Processes around the call out of Reservists
- Civil and criminal immunities granted to ADF personnel
- Status of Forces Agreement apropos civil/criminal immunity foreign forces
- Constitutional analysis and implications regarding the role of the ADF in civilian emergency matters
- Further analysis on legal aspects of the bill, time constraints on the use of the powers proposed by this bill, and any related matters

**Possible submissions or evidence from:**

- Bret Walker SC (Fifth Floor St James Hall Chambers)
- Scientia Professor George Williams AO (The University of New South Wales, Constitutional Law, National Security, Human Rights Expertise)
- The Hon Justice Margaret White
- The Law Council of Australia
- Professor Michael Head (School of Law, Western Sydney University)
- Civil Liberties Australia
- Australian Lawyers Alliance
- Human Rights Law Centre
- Admiral Chris Barrie
- Professor Peter Leahy AC (The University of Canberra, Director, National Security Institute)
- Paul Hunter Barratt AO (Former Secretary of Australian Departments of Defence and Primary Industries & Energy, now in Armidale at University of New England)
- Professor John Blaxland (Professor of International Security & Intelligence Studies, Strategic and Defence Studies Centre at the Australian National University)
- Key ADF and Departmental Officials from the Department of Defence

**Committee to which bill is to be referred:**

Foreign Affairs, Defence and Trade Legislation Committee

**Possible hearing date(s):**

- 2<sup>nd</sup> – 6<sup>th</sup> November

**Possible reporting date:**

- 9<sup>th</sup>-13<sup>th</sup> November

(signed)



Paul Sene

Print name: \_\_\_\_\_

## SELECTION OF BILLS COMMITTEE

### Proposal to refer a bill to a committee

**Name of bill:** Defence Legislation Amendment (Enhancement of Defence Force Response to Emergencies) Bill 2020

**Reasons for referral/principal issues for consideration:**

To ensure the intent of the legislation is met, without unintended consequences, including with respect to proposed immunity provisions as well as assurances from the Government that the Bill does not expand or alter existing authorities to deploy the Australian Defence Force.

**Possible submissions or evidence from:**

The Department of Defence  
Attorney-General's Department  
Emergency Management Australia  
Law Council of Australia  
Defence Reserves Association  
Australia Defence Association

**Committee to which bill is to be referred:**

Foreign Affairs, Defence and Trade Legislation Committee

**Possible hearing date(s):**

**Possible reporting date:** 9 November 2020

(signed)

  
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Whip / Selection of Bills Committee member

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

**Name of bill:**

Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020

**Reasons for referral/principal issues for consideration:**

Investigate the implications of the Bill on universities maintaining their university status.

**Possible submissions or evidence from:**

- The Department of Education, Skills and Employment
- Group of Eight
- Universities Australia

**Committee to which bill is to be referred:**

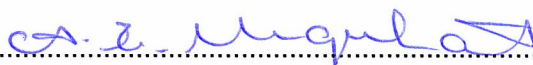
Senate Education and Employment Legislation Committee

**Possible hearing date(s):**

To be determined by the committee

**Possible reporting date:**

November 27, 2020



Senator Anne Urquhart

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

Name of bill:

*National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendment) Bill 2020*

Reasons for referral/principal issues for consideration:

- To gain a better understanding of the operation and implications of the Bill
- Get feedback from survivors

Possible submissions or evidence from:

- Survivor organisations
- KnowMore Legal Services

Committee to which bill is to be referred:

Senate Community Affairs Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

5 November 2020

  
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Senator Anne Urquhart



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

Name of bill: Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020

Reasons for referral/principal issues for consideration: to examine the impact of prolonged Cashless Debit Card trial sites on people's health and wellbeing and the impact of having the Cashless Debit Card rolled out to First Nations peoples in the Northern Territory.

Possible submissions or evidence from: ANU, Consumer Action Law centre, Dr Elise Klein, ACOSS, National Social Security Rights Network, Anglicare, Aboriginal Peak Organisations NT, Australian Human Rights Commission, Danila Dilba Health Service, Dr Shelley Bielefeld, The Say No Seven, North Australian Aboriginal Justice Agency, Professor Jon Altman and Dr Francis Markham

Committee to which bill is to be referred: Community Affairs Legislation Committee

Possible hearing date(s):

Possible reporting date: 1st December

(signed)

  
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Print name: Senator Siewert

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

Name of bill:

*Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020*

Reasons for referral/principal issues for consideration:

- To gain a better understanding of the operation and implications of the Bill
- Independent Cashless Debit Card review has not been published
- Clarify stakeholder positions

Possible submissions or evidence from:

- First nations organisations
- Social welfare organisations
- Local government

Committee to which bill is to be referred:

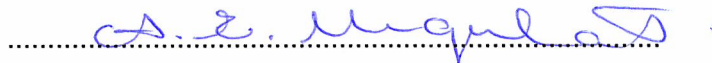
Senate Community Affairs Legislation Committee

Possible hearing date(s):

**To be determined by the committee**

Possible reporting date:

26 November 2020



Senator Anne Urquhart

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

Name of bill:

*Counter-Terrorism Legislation Amendment (High Risk Terrorist Offenders) Bill 2020*

Reasons for referral/principal issues for consideration:

*Committee consideration of this Bill as it seeks to expand Extended Supervision Orders as requested by the Minister of Home Affairs.*

*The Bill also provides for electronic monitoring of people by the Australian Federal Police. These issues should be considered by the Committee.*

Possible submissions or evidence from:

- Law Council of Australia
- Bar Associations of States and Territories

Committee to which bill is to be referred:

*Legal and Constitutional Affairs Legislation Committee*

Possible hearing date(s):

Possible reporting date:

*March 2020*

(signed)



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**Whip / Selection of Bills Committee member**

Print name:

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

Name of bill:

Economic Recovery Package (JobMaker Hiring Credit) Amendment Bill 2020

Reasons for referral/principal issues for consideration:

Senate needs to consider:

- impact of amendments to the Payments and Benefits Act on ministerial power and parliamentary oversight
- impact of the Hiring Credit scheme on:
  - Youth and general unemployment
  - Wages and conditions
  - Aggregate demand, stimulus and job creation
  - Integrity and whether it will provide genuine employment additionality

Possible submissions or evidence from:

- Treasury & ATO
- Department of Education, Skills and Employment
- Economists and Academics
- ACTU
- BCA
- COSBOA

Committee to which bill is to be referred:

Senate Economics References Committee

Possible hearing date(s):

2<sup>nd</sup> – 27<sup>th</sup> November

Possible reporting date:

4<sup>th</sup> December

(signed)



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Print name: \_\_\_\_\_

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

Name of bill:

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

Reasons for referral/principal issues for consideration:

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


Possible submissions or evidence from:

Committee to which bill is to be referred:

**Senate Environment and Communications Legislation Committee**

Possible hearing date(s):

Possible reporting date:  
**11 November 2020**

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Senator Anne Urquhart

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

Name of bill:

*Sport Integrity Australia Amendment (World Anti-Doping Code Review) Bill 2020*

Reasons for referral/principal issues for consideration:

*Committee consideration of a further piece of legislation in an area that recently been the subject of multiple complex pieces of legislation.*

Possible submissions or evidence from:

*Sport Integrity Australia,  
Nikki Dryden (former Olympic athlete and lawyer)*

Committee to which bill is to be referred:

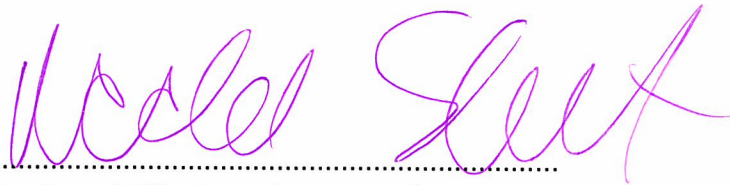
*Community Affairs Committee*

Possible hearing date(s):

Possible reporting date:

*30 November 2020*

(signed)

A handwritten signature in purple ink, appearing to read 'Walter Scott', is written over a dotted line.

**Whip / Selection of Bills Committee member**

Print name:

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

Name of bill:

Treasury Laws Amendment (A Tax Plan for the COVID-19 Economic Recovery) Bill 2020

Reasons for referral/principal issues for consideration:

Given over \$50 billion of tax cuts contained within, Senate needs to consider:

- what the impact on aggregate demand, stimulus and job creation will be
- what the impact on inequality and the revenue base will be
- what safeguards exist for ensuring the integrity of the new arrangements

Possible submissions or evidence from:

- Treasury and ATO
- Academics and Economists (including TTPI, TAI, Grattan etc.)
- ACTU
- ACOSS
- BCA
- COSBOA

Committee to which bill is to be referred:

Senate Economics Legislation Committee

Possible hearing date(s):

2<sup>nd</sup> – 26<sup>th</sup> of November

Possible reporting date:

1<sup>st</sup> of December 2020

(signed)



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Print name: \_\_\_\_\_



**SELECTION OF BILLS COMMITTEE—  
PRESENTATION OF 9TH REPORT OF 2020—  
AMENDMENT AGREED TO BY THE SENATE ON  
8 OCTOBER 2020**

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At the end of the motion, add, “and in respect of

- (a) Economic Recovery Package (JobMaker Hiring Credit) Amendment Bill 2020, the provisions of the bill be referred immediately to the Economics Legislation Committee for inquiry and report by 6 November 2020; and
- (b) Export Market Development Grants Legislation Amendment Bill 2020, the provisions of the bill be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 4 November 2020.