

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 of 2005

7 September 2005

MEMBERS OF THE COMMITTEE

Senator Ferris (Government Whip, Chair)

Senator George Campbell (Opposition Whip)

Senator Bartlett (Australian Democrats Whip)

Senator McGauran (The Nationals Whip)

Senator Siewert (The Australian Greens Whip)

Senator Eggleston

Senator the Hon C Ellison

Senator Ludwig

Senator Webber

Secretary: Rosemary Laing
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2005

1. The committee met in private session on Tuesday, 6 September 2005 at 4.18 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Corporations (Aboriginal and Torres Strait Islander) Bill 2005 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 12 October 2005 (see appendix 1 for statement of reasons for referral); and
 - (b) the *provisions* of the Therapeutic Goods Amendment Bill 2005 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 28 October 2005 (see appendix 2 for statement of reasons for referral).
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Defence Legislation Amendment Bill (No. 1) 2005
 - Protection of the Sea (Shipping Levy) Amendment Bill 2005
 - Tax Laws Amendment (2005 Measures No. 5) Bill 2005.

The committee recommends accordingly.

(Jeannie Ferris)

Chair

7 September 2005



AUSTRALIAN SENATE

SELECTION OF BILLS COMMITTEE**Proposal to refer a bill to a committee****Name of bill:** Corporations (Aboriginal and Torres Strait Islander) Bill 2005**Reasons for referral/principal issues for consideration:**

To examine the viability and operation of the provisions of the bill which intends to replace the *Aboriginal Councils and Associations Act 1976* (the ACA Act) in order to improve governance and capacity in the Indigenous corporate sector.

Possible submissions or evidence from:

Ms Laura Beacroft, Registrar of Aboriginal Corporations

Mick Dodson

Senatore Brennan Rashid

Dr Christos Manziaris

Mr Graeme Neate

Dr Jim Fingleton

Mr Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner,

Miriuwung Gajerrong (Prescribed Body Corporate) Aboriginal Corporation

North Queensland Land Council Native Title Representative Body Corporation

Land Councils - Cape York Land Council, the Central Land Council and the Northern
Land Council

Aboriginal legal services

Jennifer Clarke (ANU)

Garth Nettheim (UNSW).

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

Legislation Committee

Possible hearing date(s):**Possible reporting date:** 12 October 2005

Senator Andrew Bartlett, Party Whip



AUSTRALIAN SENATE

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Therapeutic Goods Amendment Bill 2005

Reasons for referral/principal issues for consideration:

To examine the provisions of the bill relating to new enforcement options for the TGA to:

- a) identify if the Bill provides sufficient detail on the scope of alleged breaches to which infringement notices may apply, on the use of alternatives to court proceedings, and the extent to which the processes of investigation of offences will be in line with procedural fairness (including the use of media during investigations and prosecutions)
- b) ascertain if the bill adequately accommodates differences between registrable and listable goods
- c) examine inequity implications for Australian based manufacturers due to the non-applicability of the civil penalty regime to foreign entities
- d) examine the need for ad hoc appeals mechanism against the imposition of an infringement notice and a fine under the civil penalties regime currently included in the Guidelines, to be included in the Regulations to preserve the appeal mechanism and prevent arbitrary variations and application.

Possible submissions or evidence from:

- Medicines Australia
- Medical Industry Association of Australia
- The Complementary Healthcare Council of Australia
- Johanson and Associates Consulting
- Department of Health and Ageing, Therapeutic Goods Administration
- Therapeutic Goods Administration, Office of Complementary Medicines
- Deloitte Touche Tohmatsu
- Professor Stephen Myers, Australian Centre for Complementary Medicine
- Australian Traditional Medicine Society
- Dr Ian Brighthope, Australasian College of Nutritional and Environmental Medicine
- Doug Kentwell, Regulatory Solutions
- ACNEM - Australasian College of Nutritional & Environmental Medicine

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

Possible hearing date(s):

Possible reporting date: 30 November 2005

Andrew Bartlett, Party Whip