

SELECTION OF BILLS COMMITTEE

REPORT NO. 16 of 2006

7 December 2006

MEMBERS OF THE COMMITTEE

Senator Jeannie Ferris (Government Whip, Chair)

Senator George Campbell (Opposition Whip)

Senator Andrew Bartlett (Australian Democrats Whip)

Senator Nigel Scullion (The Nationals Whip)

Senator Rachel Siewert (The Australian Greens Whip)

Senator the Hon Chris Ellison

Senator Joe Ludwig

Senator Stephen Parry

Senator Ruth Webber

Secretary: Richard Pye
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 16 OF 2006

1. The committee met in private session on Thursday, 7 December 2006 at 3.23 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Electoral and Referendum Legislation Amendment Bill 2006 be *referred immediately* to the Finance and Public Administration Committee for inquiry and report by 20 February 2007 (see appendix 1 for a statement of reasons for referral);
 - (b) the *provisions* of the Airspace Bill 2006 and the Airspace (Consequential and Other Measures) Bill 2006 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 26 February 2007 (see appendices 2 and 3 for statements of reasons for referral);
 - (c) the *provisions* of the Airports Amendment Bill 2006 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 26 February 2007 (see appendices 4 and 5 for statements of reasons for referral);
 - (d) the *provisions* of the Private Health Insurance Bill 2006 **and 6 related bills** be *referred immediately* to the Community Affairs Committee for inquiry and report by 26 February 2007 (see appendices 6 and 7 for statements of reasons for referral);
 - (e) the *provisions* of the Tax Laws Amendment (Simplified Superannuation) Bill 2006 **and 5 related bills** be *referred immediately* to the Economics Committee for inquiry and report by 6 February 2007 (see appendices 8 and 9 for statements of reasons for referral);
 - (f) the *provisions* of the Native Title Amendment Bill 2006 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 23 February 2007 (see appendices 10 and 11 for statements of reasons for referral);
 - (g) the *provisions* of the Customs Legislation Amendment (Augmenting Offshore Powers and Other Measures) Bill 2006 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 8 February 2007 (see appendix 12 for a statement of reasons for referral)
 - (h) the Migration Amendment (Review Provisions) Bill 2006 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 20 February 2007 (see appendices 13 and 14 for statements of reasons for referral); and
 - (i) the *provisions* of the Murray-Darling Basin Amendment Bill 2006 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 26 February 2007 (see appendix 15 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill (No. 2) 2006
 - Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2006
 - Maritime Legislation Amendment (Prevention of Air Pollution from Ships) Bill 2006
 - Migration Legislation Amendment (Restoration of Fair Process) Bill 2006
 - Tax Laws Amendment (2006 Measures No. 7) Bill 2006.

The committee recommends accordingly.

4. The committee considered a proposal to refer the Recognition of US Military Commissions (David Hicks) Bill 2006 to the Legal and Constitutional Affairs Committee, but was unable to reach agreement on whether the bill should be referred (see appendix 16 for a statement of reasons for proposed referral).
5. The committee deferred consideration of the following bills to its next meeting:
- AusCheck Bill 2006
 - Australian Energy Market Amendment (Gas Legislation) Bill 2006
 - Classification (Publications, Films and Computer Games) Amendment Bill 2006
 - Veterans' Affairs Legislation Amendment (Statements of Principles and Other Measures) Bill 2006.

(Jeannie Ferris)

Chair

7 December 2006



THE SENATE

CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Electoral and Referendum Legislation
Amendment Bill 2006

Reasons for referral/principal issues for consideration: Examination of the bill as necessary

Possible submissions or evidence from:

Committee to which bill is to be referred: Finance and Public
Administration

Possible hearing date(s):

Possible reporting date: 20 February 2007

(signed)

[Signature]
Whip / Selection of Bills Committee member



THE SENATE

CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Airspace Bill 2006 + Airspace (Consequential and other Measures) Bill 2006

Reasons for referral/principal issues for consideration:

Examination of the bill is necessary

Possible submissions or evidence from:

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Committee to which bill is to be referred: Rural and Regional Affairs and Transport

Possible hearing date(s):

Possible reporting date: 26 February 2007

(signed)

[Signature]
Whip/ Selection of Bills Committee member

STATEMENT TO THE SELECTION OF BILLS COMMITTEE

JUSTIFICATION FOR THE

AIRSPACE BILL

AND THE

AIRSPACE CONSEQUENTIALS AND OTHER MEASURES BILL

**TO BE CONSIDERED BY THE SENATE STANDING COMMITTEE ON RURAL
AND REGIONAL AFFAIRS AND TRANSPORT**

In the second reading speech given to the House of Representatives on 29 November 2006, the Government indicated its intention to have these bills discussed in committee. The Bills underpin a transfer of airspace administration and regulation from Airservices Australia to the Civil Aviation Safety Authority (CASA), and form a key element in the reform agenda for Australian administered airspace. The Bills will strengthen Australia's planning and administration of airspace.

The Bills are required to enable the transfer of the airspace regulatory function from Airservices Australia to CASA. The Government intends that this transfer be complete by 01 July 2007, after which CASA will be expected to operate as a best practice airspace administrator and regulator in its own right. In order to meet this timetable, it is important that the passage of the Bills be completed in the next session and regulations be put in place.

Early and comprehensive discussion of the Bills in Committee will facilitate their passage through Parliament and enable the Government to meet the timeframe for the transfer of the airspace regulatory function and the establishment of the CASA Office of Airspace Regulation.



THE SENATE

CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill Airspace Bill 2006

Reasons for referral/principal issues for consideration:

This Bill provides further responsibility to CASA at a time when confidence in the regulator is waning. Concerns have been lodged re handling of safety audits and whether CASA is sufficiently resourced to do its primary role. Recent decision to refer Transair to DPP by ATSB indicative that CASA may not be as stringent as should be.

Possible submissions or evidence from: Aviation industry, CASA

Committee to which bill is to be referred: RRAT

Possible hearing date(s):

Possible reporting date: 1.1 20/3/07

(signed) [Signature]
Whip / Selection of Bills Committee member



THE SENATE
CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Airports Amendment Bill 2006

Reasons for referral/principal issues for consideration:

Examination of the bill as necessary.

Possible submissions or evidence from:

Committee to which bill is to be referred: Rural and Regional
Affairs and Transport

Possible hearing date(s):

Possible reporting date: 26 February 2007

(signed)

[Signature]
Whip / Selection of Bills Committee member

STATEMENT TO THE SELECTION OF BILLS COMMITTEE

JUSTIFICATION FOR THE AIRPORTS AMENDMENT BILL

TO BE CONSIDERED BY THE SENATE STANDING COMMITTEE ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT

The Airports Act sets out a comprehensive regime for the regulation of the leased 22 federal airports. The proposed amendments are a balance of strengthening regulatory powers on airport development decisions and reducing regulatory burden on airports and airport businesses.

The Airports Amendment Bill 2006 was developed following a comprehensive review of the Airports Act 1996. The review recommended a number of changes to improve the operation of the regulatory regime in the Act. The Bill implements a number of recommendations arising from the June 2000 Senate Committee Inquiry into the Brisbane Airport Master Plan. The Bill also seeks to exclude Canberra Airport from the operation of the National Capital Plan, as provided for in the *Australian Capital Territory (Planning and Land Management) Act 1988*, aligning Canberra Airport's planning obligations with the other leased federal airports.

Key planning reform elements include:

- A “stop the clock” provision which allows the Minister to seek additional information and research on airport major development proposals. This will enable the Minister to better deal with any major development proposals where they consider that further information is required to assess the proposal. Currently the Minister can only approve or reject a development proposal within a 90 day period or the project is deemed to be approved;
- Better access to key planning and development proposals to be provided to the community by airports through requiring proposals to be readily available free of charge on a website. This will ensure the public have ready access to associated documents in an electronic form, free of charge, to assist in their providing comment on land use proposals;
- Streamlining the public comment and assessment periods for master plans, major development plans and environment strategies. This better aligns the consultation period requirements with State/Territory planning and environment requirements.
- A requirement that master plans provide better information for communities on flight paths and the noise exposure contours for an airport. This will require improved information regarding aircraft noise exposure levels and indicative flight paths; and
- Requiring an airport-lessee company to ‘demonstrate’ to the Minister how it had due regard to all public comment when preparing their draft master plans and major development plans – currently the airport company need only state that it had due regard and not explain or describe how.

These measures are aimed at improving the confidence of the community and airport operators in the planning and development regulatory regime in the Act. Early and comprehensive discussion of the Bill in Committee will facilitate its passage through Parliament and enable the Government to address the number of airport development proposals currently being prepared for community consultation and regulatory approval.



THE SENATE
CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill AIRPORTS AMENDMENT BILL 2006

Reasons for referral/principal issues for consideration: Non Aviation Development on airport precincts has become very controversial in recent years. Large retail + manufacturing developments have been approved over the objections of State Governments, Local Councils, retailers + local residents. Reference would provide an opportunity for interested + affected parties to make submission concerning whether issues would be addressed in proposed bill

Possible submissions or evidence from: Community groups, local retailers local councils, state government planning and airport leasing companies DOTARD

Committee to which bill is to be referred: RRAT

Possible hearing date(s): _____

Possible reporting date: _____ 26/3/07

(signed)

[Signature]
Whip / Selection of Bills Committee member



THE SENATE

CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee
upon its introduction into the Parliament

Name of bill: *Private Health Insurance Bill 2006 and related bills (see attached)*

Reasons for referral/principal issues for consideration:

Examination of the bills as necessary

Possible submissions or evidence from:

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

Possible hearing date(s):

Possible reporting date: *20 February 2007*

(signed)

[Handwritten Signature]
Whip/Selection of Bills Committee member

Private Health Insurance Bill 2006

Private Health Insurance (Transitional Provisions and Consequential Amendments) Bill 2006

Private Health Insurance (Prostheses Application and Listing Fees) Bill 2006

Private Health Insurance (Collapsed Organization Levy) Amendment Bill 2006

Private Health Insurance Complaints Levy Amendment Bill 2006

Private Health Insurance (Council Administration Levy) Amendment Bill 2006

Private Health Insurance (Reinsurance Trust Fund Levy) Amendment Bill 2006

These Bills provide:

- Legislative authority for the Government's announced major reforms to private health insurance coverage beginning in April 2007; and
- Simplifying the current maze of legislation regulating the private health insurance industry.

In April 2006 the Government announced the biggest revamp of private health insurance (PHI) in 50 years. Other than ancillaries what PHI can cover is now limited almost entirely to admitted-patient services – you generally have to go to hospital to claim a PHI benefit. The Government's reforms will take it "out the hospital gate":

- From 1 April 2007 health funds can offer Broader Health Cover: not just for in-patient hospital services but services that substitute for, or prevent, hospital admissions.
- The Government is not being prescriptive about what might in fact be covered but it could be taken to include outpatient and day procedures services, in-home services (eg dialysis and post-discharge care), condition management (eg diabetes and asthma) and wellness and prevention services such as personalised health checks, dietary and weight management advice.



THE SENATE
CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill Private Health Insurance Bill 2006

Reasons for referral/principal issues for consideration:

First time National Health Act is being
split across public/private lines.
This is an entirely new bill to legislate for
all aspects of private health care provision.
Requires close scrutiny for implications for
health system at large including Medicare.

Possible submissions or evidence from: APHA, Catholic Health,
Consumer groups, Ombudsman, PHAC, Public
Hospitals, AMA, ADOP, Ian McCauley, Tim Butcher.

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

Possible hearing date(s): March 2007

Possible reporting date: March - April 2007

(signed)

[Signature]
Whip / Selection of Bills Committee member



THE SENATE

CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE
upon its introduction into the Parliament

Proposal to refer a bill to a committee

Name of bill: Tax Laws Amendment (Simplified Superannuation)
Bill 2006 and 5 related bills (see attached)

Reasons for referral/principal issues for consideration:

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Possible submissions or evidence from:

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Committee to which bill is to be referred: ECONOMICS

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Possible hearing date(s):

Possible reporting date: 6 February 2007

(signed)

[Handwritten Signature]
Whip / Selection of Bills Committee member

**Tax Laws Amendment (Simplified Superannuation) Bill 2006
Superannuation (Excess Untaxed Roll-over Tax) Bill 2006; and
Superannuation (Excess Concessional Contributions Tax) Bill 2006;
Superannuation (Excess Non-concessional Contributions Tax) Bill
2006;
Superannuation (Departing Australia Superannuation Payments
Tax) Bill 2006
Superannuation (Self Managed Superannuation Funds) Supervisory
Levy Amendment Bill 2006**

The Tax Laws Amendment (Simplified Superannuation) Bill 2006 implements the Government's simplified superannuation reforms and rewrites other areas of superannuation taxation law into the *Income Tax Assessment Act 1997*.

The Bill implements the Government's simplified superannuation reforms as announced in *Simplified Superannuation - Final Decisions*.
www.simplersuper.treasury.gov.au



APPENDIX 9

THE SENATE
CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill Tax Laws Amendment (Simplified Superannuation) Bill 2006

Reasons for referral/principal issues for consideration: to obtain costings of individual measures and impact on tax increase on contributions where TFN not provided

Possible submissions or evidence from: Treasury, ATO, ASFA, IFSA, CMSE, Financial Planners Association, REST, ACTU

Committee to which bill is to be referred: Economics

Possible hearing date(s): Monday 29th January 2007 - Fri. 2nd February 2007

Possible reporting date: 9 February 2007

(signed)

Whip / Selection of Bills Committee member



THE SENATE
CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee
upon its introduction into the Parliament

Name of bill: *Native Title Amendment Bill 2006*

Reasons for referral/principal issues for consideration:

Examination of the bill is necessary

Possible submissions or evidence from:

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

Possible hearing date(s):

Possible reporting date: *9 February 2007*

(signed)

[Signature]
Whip / Selection of Bills Committee member

Native Title Amendment Bill

The Bill implements part of a package of six inter-related reforms to the native title system announced by the Government in September 2005.

The object of the reforms is to ensure existing native title processes work more effectively and efficiently in securing outcomes for all parties.

The four of the six elements of the reform package are:

- measures to improve the effectiveness of representative Aboriginal and Torres Strait Islander bodies (representative bodies)
- an independent review of native title claims resolution processes to consider how the National Native Title Tribunal (NNTT) and the Federal Court of Australia (Court) may work more effectively in managing and resolving native title claims
- measures to encourage the effective functioning of prescribed bodies corporate (PBCs), the bodies established to manage native title once it is recognised, and
- reforms to the native title non-claimants (respondents) financial assistance program to encourage agreement-making rather than litigation.



THE SENATE
CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill Native Title Amendment Bill 2006

Reasons for referral/principal issues for consideration: The new regime for Native Title Representative Bodies (NTRBs) will have a dramatic impact on the sector yet have had no public consideration or exposure to date. NTRBs have also expressed concerns about other elements of the Bill

Possible submissions or evidence from: NTRBs, Industry (Minerals Council), Federal Court, NNTT, State + Territory Governments, PBCs, Law Council of Australia, ABSI Commissioner Tom Calma, ANTAK

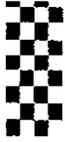
Committee to which bill is to be referred: Legal and Con

Possible hearing date(s):

Possible reporting date: 16 March 2006

(signed)

Whip / Selection of Bills Committee member



THE SENATE
CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill Customs Legislative Amendment
(Augmenting Offshore Powers and Other Measures)

Reasons for referral/principal issues for consideration:
to examine the schedules dealing with
- new powers for Customs
- Duty recovery
- Implementation of SmartGate
- arrangements and licensing for
Customs brokers and agents.

Possible submissions or evidence from: CBFCA, ACS,
DIMA, Law Council

Committee to which bill is to be referred: Legal and Con.

Possible hearing date(s): 8

Possible reporting date: 8.02.06

(signed)

[Signature]
Whip / Selection of Bills Committee member



THE SENATE

CANBERRA ACT 2600
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee
upon its introduction into the Parliament

Name of bill Migration Amendment (Review Provisions) Bill 2006

Reasons for referral/principal issues for consideration:

Examination of the bill as necessary
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Possible submissions or evidence from:

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

Possible hearing date(s):

Possible reporting date: 20 February 2007

(signed) *Jeannette*
Whip/ Selection of Bills Committee member

The Migration Amendment (Review Provisions) Bill 2006

The Bill will amend the *Migration Act 1958* (“the Act”) to:

- a) allow the Migration Review Tribunal (“the MRT”) and the Refugee Review Tribunal (“the RRT”) to give procedural fairness to review applicants, during a hearing, by allowing the Tribunals to orally give clear particulars of any information that the Tribunal considers would be the reason, or part of the reason, for affirming the decision that is under review and invite the applicant to comment on the information;
- b) clarify that the obligation to give an applicant information and invite comment on information does not extend to information already provided by the applicant to the Department of Immigration and Multicultural Affairs (“the Department”), as part of the process leading to the decision under review, other than information that the applicant has given orally to the Department;
- c) provide that if the Tribunals give, orally or in writing, clear particulars of the information that the Tribunals consider would be the reason or part of the reason for affirming the decision under review, then the Tribunals must ensure that the applicant understands why the information is relevant to the review and the consequences of the information being relied on in affirming the decision;
- d) provide that if an applicant is given information at the hearing and seeks more time to comment on the information and the Tribunals consider that the applicant reasonably needs additional time, the Tribunals must adjourn the review and provide the applicant with that opportunity; and
- e) clarify the Tribunal’s obligation to act fairly and justly in the conduct of a review under Division 5 of the Act.



AUSTRALIAN SENATE

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill: Migration Amendment (Review Provisions) Bill 2006

Reasons for referral/principal issues for consideration:

Concerns that these amendments will hinder the ability of lawyers and migration agents to properly represent their clients.

Concerns that provisions in this bill will prevent applicants for review from receiving natural justice.

Concerns that oral rather than written particulars within 424A (2) will result in increased rather than reduced complexity of litigation.

Possible submission or evidence from:

Asylum Seeker Resource Centre.

Refugee Immigration Legal Centre.

Refugee Advice and Casework Service

Legal Aid NSW

Marion Le – Migration Agent

Micheala Byers – Migration Agent

Committee to which bill is to be referred:

Legal and Constitutional

Possible hearing date(s):

Possible reporting date: 20 February 2006

A handwritten signature in black ink, appearing to read 'Mark Scott', written over a horizontal line.

Whip/Selection of Bills Committee member



AUSTRALIAN SENATE

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill:

Murray-Darling Basin Amendment Bill 2006

Reasons for referral/principal issues for consideration:

The current water crisis facing the Murray Darling Basin and the need to fully investigate the implications of the bill in that context.

Possible submission or evidence from:

Stakeholders in the Murray Darling region

Landholders in the Murray Darling region

The Murray Darling Commission

Respective State and Federal government departments

Community members

Environmental groups.

Committee to which bill is to be referred: Rural and Regional Affairs and Transport - Standing Committee

Possible hearing date(s): February

Possible reporting date: 28th February

A handwritten signature in black ink, appearing to read "Michael Steer".

Whip/Selection of Bills Committee member



AUSTRALIAN SENATE

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill:

Removal of Recognition of US Military Commissions (David Hicks) Bill 2006

Reasons for referral/principal issues for consideration:

The continued incarceration of David Hicks in Guantanamo Bay

The legality and appropriateness of the recognition of US military commissions in Australian law

The impact on Australian citizens who wish to receive literary proceeds of the inclusion of US military commissions in the Proceeds of Crime Act 2002

The appropriateness of removing the recognition of US military commissions from the Proceeds of Crime Act 2002

Possible submission or evidence from:

Legal practitioners and organisations including the Law Council of Australia and lawyers for David Hicks

Community organisations including those representing the Arab and Muslim Community

Media and Publishing industry representatives

Concerned citizens

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

Possible hearing date(s): March 12-14 2007

Possible reporting date: March 20 2007

A handwritten signature in black ink, appearing to read "Michael E. Bell", written over a horizontal line.

Whip/Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE—REPORT NO. 16 OF 2006—
AMENDMENT TO REPORT**

(after adoption of committee report is moved)

SENATOR MARSHALL:

I move the following amendment: At the end of the motion, add:

and, the following bills be referred to the Employment, Workplace Relations and Education Committee for inquiry and report by 20 February 2007:

the Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill (No. 2) 2006; and

the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2006