

SELECTION OF BILLS COMMITTEE

REPORT NO. 3 of 2008

19 March 2008

MEMBERS OF THE COMMITTEE

Senator Kerry O'Brien (Government Whip, Chair)

Senator Stephen Parry (Opposition Whip)

Senator Andrew Bartlett (Australian Democrats Whip)

Senator Fiona Nash (The Nationals Whip)

Senator Rachel Siewert (The Australian Greens Whip)

Senator Steve Fielding (The Family First Whip)

Senator Judith Adams

Senator the Hon. Chris Ellison

Senator Joe Ludwig

Senator Ruth Webber

Secretary: Richard Pye
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 3 OF 2008

1. The committee met in private session on Tuesday, 18 March 2008 at 4.17 pm.
2. The committee resolved to recommend—That—
 - (a) the Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 16 September 2008 (see appendix 1 for a statement of reasons for referral);
 - (b) the *provisions* of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 be *referred immediately* to the Community Affairs Committee for inquiry and report by 7 May 2008 (see appendix 2 for a statement of reasons for referral);
 - (c) the *provisions* of the Telecommunications Legislation Amendment (Communications Fund) Bill 2008 be *referred immediately* to the Environment, Communications and the Arts Committee for inquiry and report by 30 April 2008 (see appendix 3 for a statement of reasons for referral); and
 - (d) the Telecommunications (Interception and Access) Amendment Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 1 May 2008 (see appendix 4 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Cluster Munitions (Prohibition) Bill 2006 [2008]
 - Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001 [2008]
 - Constitution Alteration (Electors' Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2008]
 - Electoral (Greater Fairness of Electoral Processes) Amendment Bill 2007 [2008]
 - Electoral Amendment (Political Honesty) Bill 2003 [2008]
 - Euthanasia Laws (Repeal) Bill 2004 [2008]
 - Genetic Privacy and Non-discrimination Bill 1998 [2008]
 - Horse Disease Response Levy Bill 2008
 - Horse Disease Response Levy Collection Bill 2008
 - Horse Disease Response Levy (Consequential Amendments) Bill 2008

- Interstate Road Transport Charge Amendment Bill 2008
Road Transport Charges (Australian Capital Territory) Repeal Bill 2008
- Migration Legislation Amendment (Access to Judicial Review of Migration Decisions) Bill 2007 [2008]
- Migration Legislation Amendment (Complementary Protection Visas) Bill 2006 [2008]
- Migration Legislation Amendment (End of Mandatory Detention) Bill 2006 [2008]
- Migration Legislation Amendment (Migration Zone Excision Repeal) Bill 2006 [2008]
Migration Legislation Amendment (Migration Zone Excision Repeal) (Consequential Provisions) Bill 2006 [2008]
- Migration Legislation Amendment (Provisions Relating to Character and Conduct) Bill 2006 [2008]
- Migration Legislation Amendment (Restoration of Rights and Procedural Fairness) Bill 2007 [2008]
- Migration Legislation Amendment (Temporary Protection Visas Repeal) Bill 2006 [2008]
- Ministers of State (Post-Retirement Employment Restrictions) Bill 2002 [2008]
- Parliamentary Charter of Rights and Freedoms Bill 2001 [2008]
- Patents Amendment Bill 1996 [2008]
- Peace and Non-Violence Commission Bill 2007 [2008]
- Privacy (Data Security Breach Notification) Amendment Bill 2007 [2008]
- Privacy (Extension to Political Acts and Practices) Amendment Bill 2006 [2008]
- Protecting Children from Junk Food Advertising Bill 2006 [2008]
- Public Interest Disclosures Bill 2007 [2008]
- Qantas Sale (Keep Jetstar Australian) Amendment Bill 2007 [2008]
- Repatriation of Citizens Bill 2007 [2008]
- Republic (Consultation of the People) Bill 2001 [2008]
- Same-Sex Marriages Bill 2006 [2008]
- Same-Sex: Same Entitlements Bill 2007 [2008]
- Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2008
- State Elections (One Vote, One Value) Bill 2001 [2008]
- Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008
- Taxation Laws Amendment (Scholarships) Bill 2005 [2008]
- Textbook Subsidy Bill 2003 [2008]
- Uranium Mining in or near Australian World Heritage Properties (Prohibition) Bill 1998 [2008]

- Veterans' Entitlements Legislation Amendment (2007 Election Commitments) Bill 2008
- Workplace Relations (Guaranteeing Paid Maternity Leave) Amendment Bill 2007 [2008].

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

- Drink Container Recycling Bill 2008
- Tax Laws Amendment (2008 Measures No. 1) Bill 2008
- Trade Practices (Creeping Acquisitions) Amendment Bill 2007 [2008].

(Kerry O'Brien)

Chair

19 March 2008

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008

Reasons for referral/principal issues for consideration:

An earlier version of the Fair Bank and Credit Card Fees Bill was referred for inquiry by the Senate Economics Committee last year, but the inquiry did not finish because of the election.

Family First's bill is to stop banks slugging customers with unreasonable bank penalty fees on their accounts and credit cards by:

- Ensuring penalty fees are for cost recovery only;
- Giving the Australian Securities and Investments Commission (ASIC) the power to demand information to ensure fees reflect costs;
- Boosting the powers of ASIC to monitor fees and investigate customer complaints and issues referred by the Treasurer;
- Outlawing inward cheque dishonour fees;
- Stopping penalty fees charged because another bank charge has pushed the customer over or under the necessary bank balance;
- Preventing penalty fees for customers exceeding their credit card limit where the bank does not give customers the option of a solid maximum credit limit; and,
- Banning charging multiple fees for the same mistake.

Possible submissions or evidence from:

Choice, Consumer Action Law Centre, Australian Bankers Association, Australian Securities and Investments Commission, Law Council of Australia, St Vincent de Paul Society.

Committee to which bill is to be referred:

Senate Economics Committee

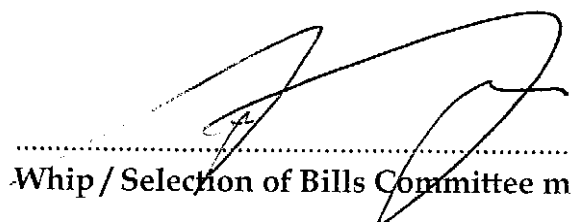
Possible hearing date(s):

18-20 August

Possible reporting date:

16 September 2008

(signed)


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Whip / Selection of Bills Committee member

13/3/08.

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Families, Housing, Community Services & Indigenous Affairs and other Legislation Amendment (Emergency Response Consolidation) Bill 2008
Reasons for referral/principal issues for consideration:

- Transmission of pornography via broadcast
- Transportation of pornography through communities
- Reinstatement of permit system.

Possible submissions or evidence from:

- Child welfare agencies
- Committee for NT intervention
- Women & Child Representative Groups.
- Victims advocacy groups.
- Indigenous representatives

Committee to which bill is to be referred:

Legal & Constitution

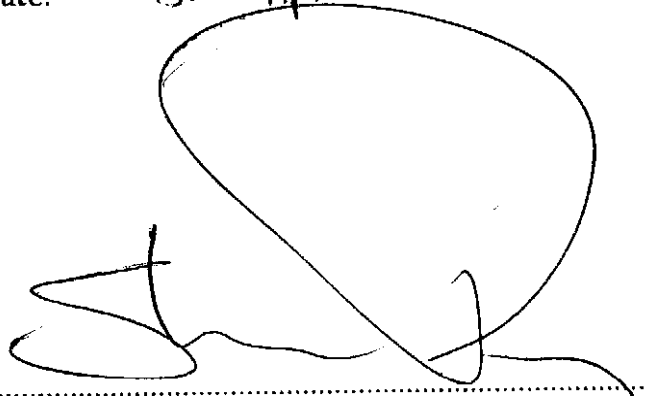
Possible hearing date(s):

Hearings in all states recommended.

Possible reporting date:

30th April 2008

(signed)



Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: *Telecommunications Legislation Amendment
(Communication Fund) Bill 2008*

Reasons for referral/principal issues for consideration:

*LABOR WANTS TO USE THE COMMUNICATIONS FUND, PLUS ITS INTEREST TO PAY FOR ITS SHARE
TO THE NUCLE NETWORK, WHICH WILL BE DOMINANTLY SERVICE PEOPLE IN & AROUND OUR
CAPITAL CITIES. THERE ARE VERY REAL FEARS THAT THIS MONEY, RESPONSIBLY LOCKED
AWAY BY THE FORMER GOVT FOR USE IN RURAL & REGIONAL AUSTRALIA IN PERMANENTLY, WILL BE
RECKLESSLY USED TO DISPLACE PRIVATE SECTOR INVESTMENT IN SECTORS OF THE MARKET*

Possible submissions or evidence from:

Industry & Consumer Groups.

Committee to which bill is to be referred:

*Environment, Communications, Information Tech
& The Arts.*

Possible hearing date(s):

Possible reporting date: *30th April 2008*

*THAT ARE PLACED BY COMMERCIALLY VIABLE. THIS WAS A MEASURE THAT HAD CONSERVITY.
THE PERMANENT FUND WAS FINANCIALLY CONSERVATIVE, IT WAS FORWARD LOOKING BUT IT
IS BEING ABANDONED BY THE RUND LABOR GOVT. ~~AT THE SAME TIME~~*

(signed)

[Signature]
Whip / Selection of Bills Committee member



AUSTRALIAN SENATE

APPENDIX 4

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Telecommunications (Interception and Access) Amendment Bill 2008

Reasons for referral/principal issues for consideration:

To examine the provisions of the bill, and in particular the device-based interception warrant regime and whether the proposed amendments:

- (a) amount to an incremental expansion in the telecommunication interception powers of intelligence and law enforcement agencies;
- (b) will result in the diminution of safeguards provided by the warrant process;
- (c) will exacerbate the risks associated with device-based interception;
- (d) should require that every device authorized under warrant for interception is be identified in the warrant;
- (e) are appropriate given uncertainty as to whether devices to be intercepted under warrant can be uniquely and reliably identified for interception purposes.

Possible submissions or evidence from:

Law Council
Electronic Frontiers Australia
Australian Privacy Foundation

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

Possible hearing date(s):

Possible reporting date: 1 May 2008

Senator Andrew Bartlett, Australian Democrats Whip