

*SELECTION OF BILLS COMMITTEE*

*REPORT NO. 10 of 2009*

*25 June 2009*

## **MEMBERS OF THE COMMITTEE**

Senator Kerry O'Brien (Government Whip, Chair)

Senator Stephen Parry (Opposition Whip)

Senator John Williams (The Nationals Whip)

Senator Rachel Siewert (The Australian Greens Whip)

Senator Steve Fielding (The Family First Party Whip)

Senator Judith Adams

Senator David Bushby

Senator the Hon. Joe Ludwig

Senator Anne McEwen

Secretary: Maureen Weeks  
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 10 OF 2009

1. The committee met in private session on Thursday, 25 June 2009 at 11.49 am.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 17 September 2009 (see appendix 1 for a statement of reasons for referral);
  - (b) the Anti-Terrorism Laws Reform Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 28 October 2009 (see appendix 2 for a statement of reasons for referral);
  - (c) the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 September 2009 (see appendix 3 for a statement of reasons for referral);
  - (d) the *provisions* of the Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 August 2009 (see appendix 4 for a statement of reasons for referral);
  - (e) the *provisions* of the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 17 September 2009 (see appendix 5 for a statement of reasons for referral);
  - (f) the *provisions* of the Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009 and **2 related bills** be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 7 August 2009 (see appendix 6 for a statement of reasons for referral);
  - (g) the Marriage Equality Amendment Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 26 November 2009 (see appendix 7 for a statement of reasons for referral);
  - (h) the Migration Amendment (Immigration Detention Reform) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 August 2009 (see appendix 8 for a statement of reasons for referral);

- (i) the *provisions* of the National Consumer Credit Protection Bill 2009 and **3 related bills** be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 August 2009 (see appendix 9 for a statement of reasons for referral);
  - (j) the National Security Legislation Monitor Bill 2009 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 7 September 2009 (see appendix 10 for a statement of reasons for referral);
  - (k) the *provisions* of the Personal Property Securities Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 August 2009 (see appendix 11 for a statement of reasons for referral);
  - (l) the Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 17 August 2009 (see appendices 12 and 13 for statements of reasons for referral);
  - (m) the *provisions* of the Therapeutic Goods Amendment (2009 Measures No. 2) Bill 2009 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 7 August 2009 (see appendix 14 for a statement of reasons for referral); and
  - (n) the *provisions* of the Trade Practices Amendment (Australian Consumer Law) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 September 2009 (see appendices 15 and 16 for statements of reasons for referral).
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- ACIS Administration Amendment Bill 2009
  - Australian Wine and Brandy Corporation Amendment Bill 2009
  - Automotive Transformation Scheme Bill 2009
  - Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2]
  - Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2]
  - Higher Education Support Amendment Bill 2009
  - Road Transport Reform (Dangerous Goods) Repeal Bill 2009
  - Statute Stocktake (Regulatory and Other Laws) Bill 2009
  - Tax Agent Services (Transitional Provisions and Consequential Amendments) Bill 2009
  - Tax Laws Amendment (2009 Measures No. 4) Bill 2009.

*The committee recommends accordingly.*

4. The committee deferred consideration of the following bills to its next meeting:
- Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009
  - Banking Amendment (Keeping Banks Accountable) Bill 2009
  - National Health Security Amendment Bill 2009
  - Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009.

(Kerry O'Brien)

**Chair**

25 June 2009

**Proposal to refer a bill to a committee**

**Name of bill:** Access to Justice (Civil Litigation Reforms) Amendment Bill 2009

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

Complexity of amendments deserves and requires adequate time for review. The Access to Justice Inquiry has yielded response on the measures in the Bill, experts and organisations submitting and appearing to give evidence should be utilised to ascertain the extent to which this meets their concerns.

**Possible submissions or evidence from:**

Australian Women Lawyers, President, Fiona McLeod SC  
Dr Joo-Cheong Tham, Melbourne University Law School  
Hugh de Krestler, Federation of Community Legal Services  
Hilary Charlesworth, Australian National University Law School  
Margaret Davies Flinders University Law School  
Greg Mead, Senior Counsel, Legal Services Commission of South Australia  
Anna Copeland, SCALES, Murdoch University  
Phoebe Knowles, Campaign Coordinator, Australian Human Rights Group  
Kate Davis, Women's Legal Centre  
Matt Tinkler, Executive Director, Public Interest Law Clearing House (VIC) Inc.  
Rebecca Lee, President of Women Lawyers of WA Inc

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

Legal and Constitutional Legislation Committee

**Possible hearing date(s):** Late August - Early September

**Possible reporting date:** 17 September

(signed)

  
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**Whip / Selection of Bills Committee member**

**Proposal to refer a bill to a committee**

**Name of bill:** Anti-Terrorism Laws Reform Bill 2009

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

The Bill outlines specific provisions in the *Criminal Code 1995* related to the definitions relating to terrorism offences, provisions relating to the proscription of 'terrorist organisations', offences relating to interaction with 'terrorist organisations', 'reckless possession of a thing' and the offence of sedition, provisions in the *Crimes Act 1914* relating to detention of terrorism suspects, provisions in the *Australian Security Information Organisation Act 1979* relating to the questioning of terrorism suspects and the detention of terrorism suspects; and repeals the *National Security Information Act 2004*. The Bill seeks to implement the recommendations and findings of reviews that have been held in response to particular situations arising from the terror laws, Haneef etc, and the objections of leading legal organisations and advocates to particular provisions of the anti-terrorism laws, which were passed in haste. Australia's parliament and community did not get an opportunity to hold a thorough, calm and considered debate over the terrorism laws when they were introduced, an inquiry into these components of the laws offers such an opportunity.

**Possible submissions or evidence from:**

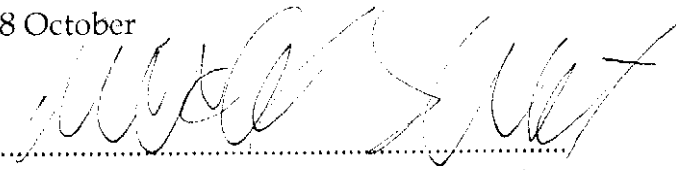
Law Council of Australia  
Julian Burnside, Liberty Victoria  
Phil Lynch, Director, Human Rights Law Resource Centre Ltd  
Dr Patrick Emerton, Monash University Law School  
Justice John Dowd, President, Australian chapter of the Int'l Commission of Jurists  
Assoc. Professor Jude McCulloch, Castan Centre for Human Rights Law,  
Gilbert and Tobin Centre of Public Law, Faculty of Law, University of NSW  
Law Society of New South Wales  
Australian Muslim Civil Rights Advocacy Network  
Sydney Centre for International Law, Faculty of Law, Sydney University  
Australian Lawyers Alliance  
Australian Human Rights Commission  
Civil Liberties Australia  
Mary Heath, Flinders University Law School

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

**Possible hearing date(s):** late September/early October

Possible reporting date: 28 October

(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:**

Australian Citizenship Amendment (Citizenship Test Review and Other Measures)  
Bill 2009

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

**Possible submissions or evidence from:**

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

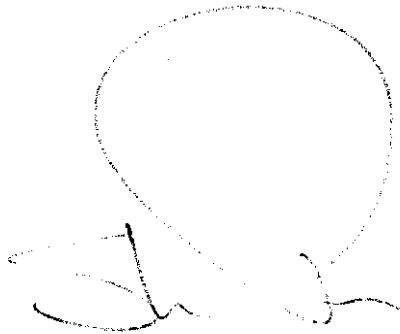
Legal and Constitutional Affairs

**Possible hearing date(s):**

**Possible reporting date:**

7 September 2009

(signed)



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Whip / Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE**

**APPENDIX 4**

**Proposal to refer a bill to a committee**

**Name of bill:**

- Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009

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

- Significant change to the remuneration of executives
- Examine unintended consequences

**Possible submissions or evidence from:**

- Industry submissions (business & industry associations)
- Press articles

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

- Senate Economics Committee

**Possible hearing date(s):**

**Possible reporting date:**

1 August

(signed) .....

**Whip / Selection of Bills Committee member**

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**

Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009

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

**Possible submissions or evidence from:**

State and territory police

Anti-crime groups

Criminologists/Law Reform Institute

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

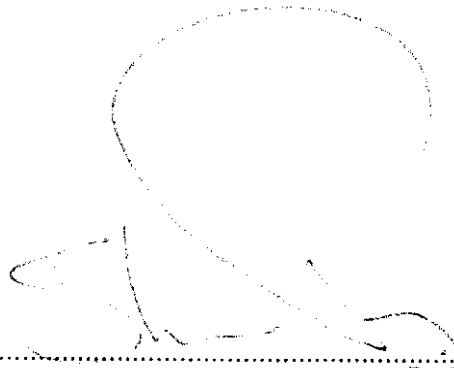
Legal and Constitutional Affairs

**Possible hearing date(s):**

**Possible reporting date:**

17 September 2009

(signed)



Whip / Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**

Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009  
Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009  
Midwife Professional Indemnity (Run-Off Cover support Payment) Bill 2009

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

**Possible submissions or evidence from:**

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

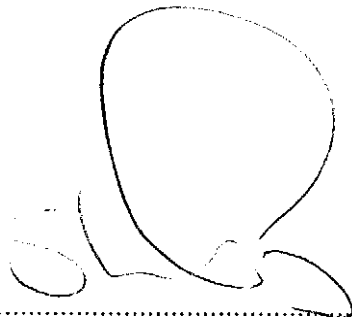
Community Affairs

**Possible hearing date(s):**

**Possible reporting date:**

7 August 2009

(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:** Marriage Equality Amendment Bill 2009

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

To determine whether marriage should be extended to all, regardless of sex, sexuality or gender

**Possible submissions or evidence from:**

Marriage Equality Australia  
NSW Gay and Lesbian Rights Lobby

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

Legal and Constitutional Affairs Legislative Committee

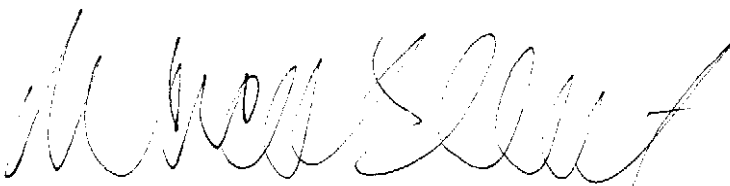
**Possible hearing date(s):**

October non-sitting period

**Possible reporting date:**

November 26 2009

(signed)



Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Migration Amendment (Immigration Detention Reform) Bill 2009

Reasons for referral/principal issues for consideration:

Examine the proposed provisions of the Migration Amendment (Immigration Detention Reform) Bill 2009

Possible submissions or evidence from:

Australian Law Council  
Commonwealth Ombudsman  
Australian Human Rights Commission  
Refugee Council of Australia  
Amnesty International  
Hotham Mission Asylum Project  
Law Institute of Victoria  
Liberty Victoria  
Refugee and Immigration Legal Centre Incorporated  
Commonwealth Ombudsman  
UNHCR  
Just Australia

Committee to which bill is to be referred:

Legal & Constitutional Legislation Committee

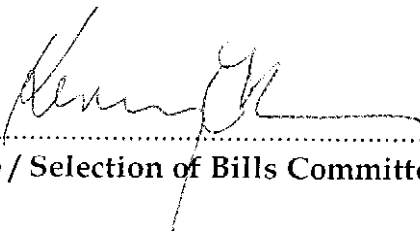
Possible hearing date(s):

To be confirmed by the Committee

Possible reporting date:

August 11

(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:**

National Consumer Credit Protection Bill 2009  
National Consumer Credit Protection (Transitional and Consequential Provisions)  
Bill 2009  
National Consumer Credit (Fees) Bill 2009  
Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009

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

The size and extent of the reforms warrant further scrutiny through a Senate inquiry.

**Possible submissions or evidence from:**

The Australian Bankers' Association, ABACUS, Consumer Action Law Centre and other industry and consumer groups.

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

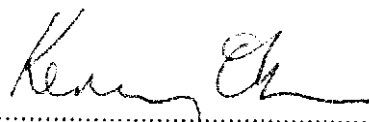
The Senate Economics Committee.

**Possible hearing date(s):**

**Possible reporting date:**

Thursday, August 13

(signed)



Whip / Selection of Bills Committee member

**Proposal to refer a bill to a committee**

**Name of bill:** National Security Legislation Monitor Bill 2009

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

The Bill will apparently provide the government's response to the repeated call of the Senate for an independent reviewer of terrorism laws. The Committee will need to assess the extent to which the recommendations of the Legal and Constitutional Inquiry into the Troeth/Trood Bill of last year were taken on board, and the scope of the Reviewer's mandate.

**Possible submissions or evidence from:**

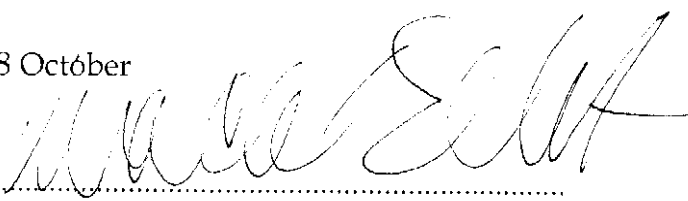
Law Council of Australia  
Julian Burnside, Liberty Victoria  
Phil Lynch, Director, Human Rights Law Resource Centre Ltd  
Dr Patrick Emerton, Monash University Law School  
Justice John Dowd, President, Australian chapter of the Int'l Commission of Jurists  
Assoc. Professor Jude McCulloch, Castan Centre for Human Rights Law,  
Gilbert and Tobin Centre of Public Law, Faculty of Law, University of NSW  
Law Society of New South Wales  
Australian Muslim Civil Rights Advocacy Network  
Sydney Centre for International Law, Faculty of Law, Sydney University  
Australian Lawyers Alliance  
Australian Human Rights Commission  
Civil Liberties Australia  
Mary Heath, Flinders University Law School

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

**Possible hearing date(s):** late September/early October

**Possible reporting date:** 28 October

(signed)

  
.....  
**Whip / Selection of Bills Committee member**



**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**

Personal Property Securities Bill 2009

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

So as to enable scrutiny of bill to see that bill measures up with the committee recommendations arising out of the inquiry into the exposure draft of this bill.

**Possible submissions or evidence from:**

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

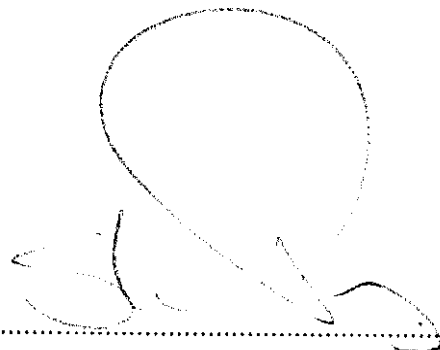
Legal and Constitutional Affairs

**Possible hearing date(s):**

**Possible reporting date:**

4 August 2009

(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:** Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009

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

Detailed consideration of scope of the requirements and the confidentiality protections.

**Possible submissions or evidence from:**

Telecommunications carriers and utility companies.

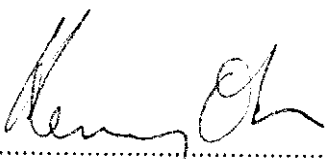
**Committee to which bill is to be referred:**

Environment, Communications and the Arts Legislation.

**Possible hearing date(s):**

**Possible reporting date:** 17<sup>th</sup> August 2009

(signed)

  
.....  
Whip / Selection of Bills Committee member

**Proposal to refer a bill to a committee**

**Name of bill:** Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009

**Reasons for referral/principal issues for consideration:** Need to assess that privacy provisions are adequate, and that the powers conferred are commensurate with need.

**Possible submissions or evidence from:**

Simon Sheik, Get Up  
Dale Clapperton, Electronic Frontiers Australia  
Peter Black, School of Law  
Dr. Jeffrey E. Brand Bond University, CRICOS Provider 00017B  
Professor Trevor Barr, Swinburne University, Room BA 923B

**Committee to which bill is to be referred:** Environment, Communication and the Arts

**Possible hearing date(s):** late September/early October

**Possible reporting date:** 28 October

(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:**

Therapeutic Goods Amendment (2009 Measures No 2) Bill 2009

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

**Possible submissions or evidence from:**

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

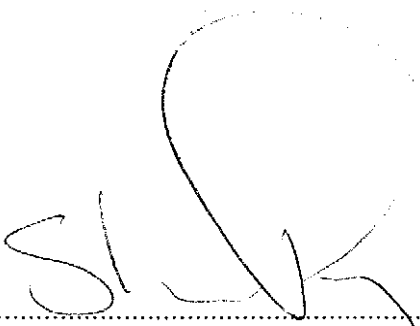
Community Affairs

**Possible hearing date(s):**

**Possible reporting date:**

7 August 2009

(signed)

  
.....  
**Whip / Selection of Bills Committee member**

## Proposal to refer a bill to a committee

**Name of bill:**

Trade Practices Amendment (Australian Consumer Law) Bill 2009

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

The Bill introduces new concepts into Commonwealth consumer protection legislation, particularly in relation to the creation of an unfair contract terms law. These concepts currently exist in various forms in the States and Territories and their adoption at the Commonwealth level have been endorsed by the Council of Australian Governments.

**Possible submissions or evidence from:** Interest is likely from a wide range of business and consumer organisations. The Treasury received around 200 public submissions during 2009 in developing the provisions of the Bill.

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

Senate Standing Committee on Economics


**Possible hearing date(s):**

August / September 2009

**Possible reporting date:**

September 2009

(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:** Trade Practices Amendment (Australian Consumer Law) Bill 2009

**Reasons for referral/principal issues for consideration:**  
To get further detail on the Bill.  
To assess for any unintended consequences and impacts.

**Possible submissions or evidence from:**

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

**Possible hearing date(s):**

**Possible reporting date:**  
Monday, 10 August 2009

(signed)



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Whip / Selection of Bills Committee member