

SELECTION OF BILLS COMMITTEE

REPORT NO. 16 of 2009

29 October 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. 16 OF 2009

1. The committee met in private session on Wednesday, 28 October 2009 at 7.16 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Bankruptcy Legislation Amendment Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 February 2010 (see appendix 1 for a statement of reasons for referral);
 - (b) the *provisions* of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 be *referred immediately* to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 16 November 2009 (see appendix 2 for a statement of reasons for referral);
 - (c) the *provisions* of the Native Title Amendment Bill (No. 2) 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 February 2010 (see appendix 3 for a statement of reasons for referral);
 - (d) the *provisions* of the Personal Property Securities (Consequential Amendments) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 November 2009 (see appendix 4 for a statement of reasons for referral); and
 - (e) the *provisions* of the Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009 and the Income Tax (TFN Withholding Tax (ESS)) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 16 November 2009 (see appendix 5 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Australian Climate Change Regulatory Authority Bill 2009 [No. 2]
 - Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009 [No. 2]
 - Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009 [No. 2]
 - Carbon Pollution Reduction Scheme (Charges—General) Bill 2009 [No. 2]
 - Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009 [No. 2]
 - Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009 [No. 2]
 - Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009 [No. 2]

- Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009 [No. 2]
- Carbon Pollution Reduction Scheme Bill 2009 [No. 2]
- Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [No. 2]
- Customs Tariff Amendment (Incorporation of Proposals) Bill 2009
- Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [No. 2]
- Health Insurance Amendment (New Zealand Overseas Trained Doctors) Bill 2009
- Health Insurance Amendment (Revival of Table Items) Bill 2009
- Safety, Rehabilitation and Compensation Amendment Bill 2009
- Statute Law Revision Bill 2009.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
- Britt Laphorne Bill 2009
 - Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009
 - Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009
 - Protecting Problem Gamblers Bill 2009.

(Kerry O'Brien)

Chair

29 October 2009

SELECTION OF BILLS COMMITTEE

APPENDIX 1

Proposal to refer a bill to a committee

Name of bill: Bankruptcy Legislation Amendment Bill 2009

Reasons for referral/principal issues for consideration:

To consider:

- The potential effects on business of the proposed increase in the bankruptcy threshold and the extension of the stay period;
- The practical effect of the amendments on the effectiveness of debt agreements;
- The effect of the amendments on the operations and resources of Insolvency and Trustee Services Australia (ITSA);

Possible submissions or evidence from:

Trustee Corporations Association of Australia
ITSA
Insolvency Practitioners Association of Australia
COSBOA
Banks, Credit Unions and Financial Institutions

Committee to which bill is to be referred:

Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

Throughout summer sitting break.

Possible reporting date:

2 February 2010

(signed)

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a large, looped 'R'.

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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: The provisions of "FairWork Amendment (State Referrals and other Measures) Bill 2009"

Reasons for referral/principal issues for consideration:

Committee consideration of the Technical aspects of the Bill.

Possible submissions or evidence from:

SA govt, ACCI, AIG, ACTU

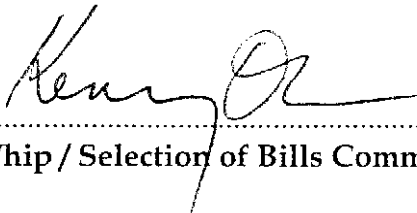
Committee to which bill is to be referred:

Education Employment & Workplace Relations
Legislation Committee

Possible hearing date(s):

Possible reporting date: 16th November 2009

(signed)


Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Native Title Amendment Bill (No.2) 2009

Reasons for referral/principal issues for consideration:

Substantial concerns were voiced in response to the discussion paper that these changes substantially erode Native Title rights

Possible submissions or evidence from:

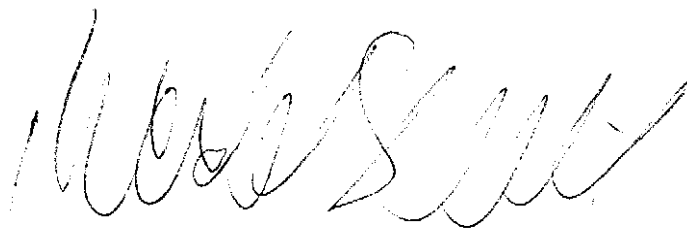
NNTC, Land Councils, NTRBs, NNTT, CAEPR ... and others

Committee to which bill is to be referred:

Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

Possible reporting date: 2 February 2010



(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: Personal Property Securities (Consequential Amendments) Bill 2009

Reasons for referral/principal issues for consideration:
Significant reforms to state, territory and federal legislation

Possible submissions or evidence from:

Attorney-General's Department
The Institute for Factors and Discounters of Australia and New Zealand
Australian Bankers Association
Australian Finance Conference

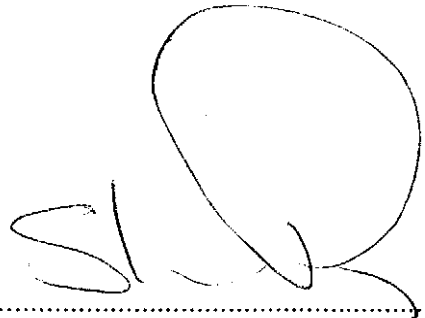
Committee to which bill is to be referred:
Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):
Weeks of either 2 November or 9 November

Possible reporting date:
~~21~~ November 2009

16

(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:

Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009
Income Tax (TFN Withholding Tax (ESS)) Bill 2009
(introduced in the House of Representatives 21 October 2009)

Reasons for referral/principal issues for consideration:

After introduction in the Reps a briefing was given to the Opposition and they have indicated they would like one measure of this bill referred to Economics Committee to ensure constituency views are considered prior to debate in the Senate.

The Government is supportive of the Opposition's request and both Government and Opposition have agreed that only Schedule 2 - the Non-Commercial losses measure of this Bill be referred to committee, Schedule 1 - Employee Share scheme and Schedule 3 - Lost Super measures need not be referred. Schedule 1 has already been extensively examined by the Senate Economics References Committee which gave its report on 17 August 2009 and schedule 3 is not seen as contentious in any way.

Possible submissions or evidence from:

Treasury, ACTU and NFF (National Farmers Federation)

Committee to which bill is to be referred:

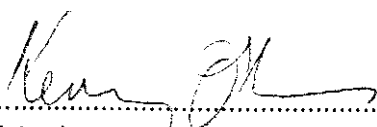
Senate Economics Committee

Possible hearing date(s):

Possible reporting date:

16 November 2009

(signed)


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Whip / Selection of Bills Committee member