

SELECTION OF BILLS COMMITTEE

REPORT NO. 2 of 2011

3 March 2011

MEMBERS OF THE COMMITTEE

Senator Anne McEwen (Government Whip, Chair)

Senator Stephen Parry (Opposition Whip)

Senator John Williams (The Nationals Whip)

Senator Rachel Siewert (Australian Greens Whip)

Senator Steve Fielding (Family First Party Whip)

Senator Judith Adams

Senator Carol Brown

Senator Mitch Fifield

Senator the Hon. Joe Ludwig

Secretary: Maureen Weeks
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 2 OF 2011

1. The committee met in private session on Wednesday, 2 March 2011 at 7.31 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Bill 2011 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 21 March 2011 (see appendix 1 for a statement of reasons for referral);
 - (b) the *provisions* of the Combating the Financing of People Smuggling and Other Measures Bill 2011 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 21 March 2011 (see appendix 2 for a statement of reasons for referral);
 - (c) the Customs Amendment (Anti-Dumping) Bill 2011 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 22 June 2011 (see appendix 3 for a statement of reasons for referral);
 - (d) the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 13 May 2011 (see appendix 4 for a statement of reasons for referral); and
 - (e) the Tax Laws Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011 and Income Tax Rates Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 21 March 2011 (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:
 - Corporations and Other Legislation Amendment (Trustee Companies and Other Measures) Bill 2011
 - Customs Amendment (Serious Drugs Detection) Bill 2011
 - Electronic Transactions Amendment Bill 2011
 - Environment Protection and Biodiversity Conservation (Public Health and Safety) Amendment Bill 2010
 - Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Election Commitments and Other Measures) Bill 2011
 - Family Assistance and Other Legislation Amendment (Child Care and Other Measures) Bill 2011
 - Family Assistance Legislation Amendment (Child Care Rebate) Bill 2011
 - Higher Education Support Amendment (No. 1) Bill 2011

- Migration Amendment (Complementary Protection) Bill 2011
- Military Rehabilitation and Compensation Amendment (MRCA Supplement) Bill 2011
- Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies (Consequential Amendments) Bill 2011
- Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 1) Bill 2011
- Personal Property Securities (Corporations and Other Amendments) Bill 2011
- Schools Assistance Amendment (Financial Assistance) Bill 2011
- Tax Laws Amendment (2011 Measures No. 1) Bill 2011
- Therapeutic Goods Legislation Amendment (Copyright) Bill 2011.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
- Corporations Amendment (Improving Accountability on Director and Executive Remuneration) Bill 2011
 - Customs Amendment (Anti-dumping Measures) Bill 2011
 - Electoral and Referendum Amendment (Provisional Voting) Bill 2011
 - Migration Amendment (Detention of Minors) Bill 2010
 - Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010
 - Responsible Takeaway Alcohol Hours Bill 2010
 - Trans-Tasman Proceedings Amendment and Other Measures Bill 2011.

(Anne McEwen)

Chair

3 March 2011

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of Bill:

Broadcasting Legislation Amendment (Digital Dividend and Other Measures Bill 2011)

Reasons for referral/principal issues for consideration:

There is nothing in this Schedule of the Bill that requires urgent passage. This is unlike the situation regarding its predecessor, the *Broadcasting Legislation Amendment (Digital Television) Bill 2010*, which during its final passage in the Senate on 24 June 2010 required to be passed for the Mildura / Sunraysia analog switch-off to go ahead just 6 days later on 30 June 2010.

Schedule 1 of this Bill is likely to represent the only time for Parliamentary scrutiny of the principles guiding the most important spectrum allocation for broadcasting for decades. The guidelines to ACMA governing the process of this reallocation and subsequent sale of freed up spectrum were withdrawn from the previous Bill on Opposition pressure on 24 June. The Government's reaction to this was to 'house' the vital policy objectives for the Digital Dividend in a Directions Instrument to ACMA not subject to any Parliamentary scrutiny. **Schedule 1** of this Bill represents the last opportunity for such important guidelines, which will dominate broadcasting for the foreseeable future and quite possibly fixed wireless aspects of the NBN, to be considered and, if necessary, have them altered and enshrined in legislation (rather than housed in a Ministerial ACMA Direction) for the public good.

Schedule 2 - In essence, the provisions in this section of the bill deserve further scrutiny as they raise significant issues on the future balance of terrestrial versus satellite services for regional viewers. A Senate Committee provides a unique opportunity for the parliament to scrutinise more broadly the progress on digital switchover to date as well as consumer safeguards for digital switchover in regional Queensland and beyond.

Possible submissions or evidence from:

Regional Broadcasters Australia

Broadcast Australia

Local Government Association Queensland

Remote Area Planning and Development Board Queensland (RAPAD)

Regional Telecommunications Committee

Free TV

ABC

SBS

Committee to which bill is to be referred:

Senate Environment and Communications Legislation Committee

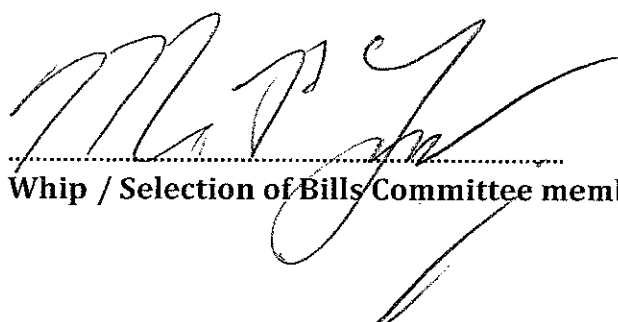
Possible hearing date(s):

Early March 2011

Possible reporting date:

Late March 2011

(signed)


Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Combating the Financing of People Smuggling and Other Measures Bill 2011

Reasons for referral/principal issues for consideration:

The Bill imposes a substantially heavier regulatory burden on the alternative remittance sector and raises privacy concerns arising from the enhanced information sharing provisions and the use of credit reporting data.

Possible submissions or evidence from:

AUSTRAC
Remittance sector

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee.

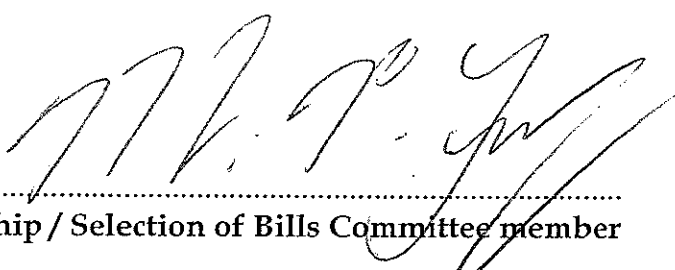
Possible hearing date(s):

To be determined by committee

Possible reporting date:

To be set by SBC

(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:

Customs Amendment (Anti-Dumping) Bill 2011

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Australian Industry Group
CFMEU
AWU
AMWU
Kimberly-Clark
Australian Customs and Border Protection Service
Importers

Committee to which bill is to be referred:

Senate Economics (Legislation) Committee

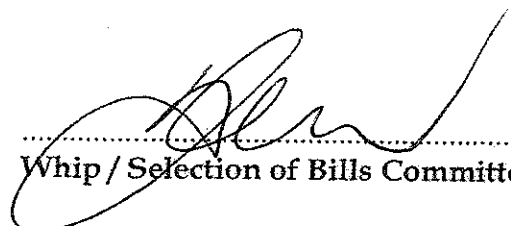
Possible hearing date(s):

April 2011

Possible reporting date:

22 June 2011

(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: Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011

Reasons for referral/principal issues for consideration:

This bill would make significant change to the way decisions are made on the declaration of protected areas and therefore on the conservation of biodiversity, the full impact of the proposed changes needs to be examined.

Possible submissions or evidence from:

Organisations to be consulted include environment organisations such as ACF, HIS, WWF, PEW, AMCS, the Environmental Defenders organisations, producer groups, recreational groups and industry groups.

Committee to which bill is to be referred:

Environment and Communications Legislation Committee

Possible hearing date(s):

To be decided by the Environment and Communications Legislation Committee

Possible reporting date:

13 May 2011

(signed)



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Whip / Selection of Bills Committee member

Proposal to refer a bill to a committee

Name of bill:

Tax Laws Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011

Income Tax Rates Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011

Reasons for referral/principal issues for consideration:

These Bills requires a quick reporting date as it is crucial that it be passed asap to provide certainty to taxpayers and allow adequate time for software providers, businesses, employers and the ATO to prepare their systems for the new financial year.

While the legislation does not commence until 1 July 2011, the ATO, employers and their software providers need to have certainty ahead of time to get systems in place, such as new withholding schedules and updated software. Delaying passage could mean these systems are not in place for the commencement of the levy. Taxpayers also need to have this certainty.

All of the affected parts of the community will have to come to terms with the workings of the levy, adjust their payroll systems (in the case of employers, many of whom will rely on payroll software providers), and understand whether they may qualify for an exemption (for flood affected taxpayers) before 1 July 2011.

Possible submissions or evidence from:

Committee to which bill is to be referred:

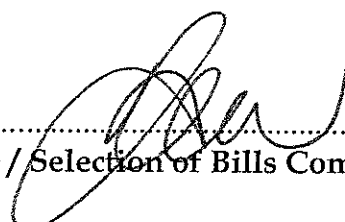
Senate Economics Legislation Committee

Possible hearing date(s):

Possible reporting date:

21 March 2011

(signed)


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Whip / Selection of Bills Committee member