

SELECTION OF BILLS COMMITTEE

REPORT NO. 17 of 2011

25 November 2011

MEMBERS OF THE COMMITTEE

Senator Anne McEwen (Government Whip, Chair)

Senator Helen Kroger (Opposition Whip)

Senator John Williams (The Nationals Whip)

Senator Rachel Siewert (Australian Greens 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. 17 OF 2011

1. The committee met in private session on Thursday, 24 November 2011 at 3.32 pm.
2. The committee resolved to recommend—That—
 - (a) the **provisions** of the Access to Justice (Federal Jurisdiction) Amendment Bill 2011 be **referred immediately** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 22 March 2012 (see appendix 1 for a statement of reasons for referral);
 - (b) the **provisions** of the Corporations Amendment (Further Future of Financial Advice Measures) Bill 2011 be **referred immediately** to the Economics Legislation Committee for inquiry and report by 14 March 2012 (see appendix 2 for a statement of reasons for referral);
 - (c) the Crimes Amendment (Fairness for Minors) Bill 2011 be **referred immediately** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 22 March 2012 (see appendix 3 for a statement of reasons for referral);
 - (d) the Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011 be **referred immediately** to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 27 February 2012 (see appendix 4 for a statement of reasons for referral);
 - (e) the **provisions** of the Illegal Logging Prohibition Bill 2011 be **referred immediately** to the Rural Affairs and Transport Legislation Committee for inquiry and report by 8 February 2012 (see appendix 5 for a statement of reasons for referral);
 - (f) the **provisions** of the Personally Controlled Electronic Health Records Bill 2011 and the **provisions** of the Personally Controlled Electronic Health Records (Consequential Amendments) Bill 2011 be **referred immediately** to the Community Affairs Legislation Committee for inquiry and report by 29 February 2012 (see appendix 6 for a statement of reasons for referral); and
 - (g) the **provisions** of the Social Security Legislation Amendment Bill 2011, Stronger Futures in the Northern Territory Bill 2011 and the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 be **referred immediately** to the Community Affairs Legislation Committee for inquiry and report by 29 February 2012 (see appendices 7 and 8 for statements of reason for referral).

3. The committee resolved to recommend—That the following bills **not** be referred to committees:

- Antarctic Treaty (Environment Protection) Amendment Bill 2011
- Australian Research Council Amendment Bill 2011
- Broadcasting Services Amendment (Regional Commercial Radio) Bill 2011
- Crimes Legislation Amendment (Powers and Offences) Bill 2011
- Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2011
- Customs Amendment (Reducing Business Compliance Burden) Bill 2011
- Electoral and Referendum Amendment (Maintaining Address) Bill 2011
- Excise Amendment (Reducing Business Compliance Burden) Bill 2011
- Higher Education Support Amendment (VET FEE-HELP and Other Measures) Bill 2011
- Insurance Contracts Amendment Bill 2011
- Nuclear Terrorism Legislation Amendment Bill 2011
- Road Safety Remuneration Bill 2011
- Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011
- Tax Laws Amendment (2011 Measures No. 9) Bill 2011.

The committee considered the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 and, noting that the bill had passed the Senate on 24 November 2011, resolved to recommend that the bill **not** be referred to a committee.

The committee recommends accordingly.

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

- Australian Broadcasting Corporation Amendment (International Broadcasting Services) Bill 2011
- National Health Amendment (Fifth Community Pharmacy Agreement Initiatives) Bill 2011
- Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
- Public Accounts and Audit Committee Amendment (Ombudsman) Bill 2011
- Telecommunications Amendment (Mobile Phone Towers) Bill 2011.

(Anne McEwen)

Chair

25 November 2011

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Access to Justice (Federal Jurisdiction) Amendment Bill 2011

Reasons for referral/principal issues for consideration:

- Whether costs orders for discovery will enhance access to justice and to ensure that any potential for abuse is limited;
- Whether further ALRC recommendations on discovery are proposed and likely timing;
- Examination of the provisions relating to suppression orders to ensure that principles of open justice prevail.

Possible submissions or evidence from:

Law Council of Australia
Family Court
Federal Court
Federal Magistrates Courts
Attorney-General's Department

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s):

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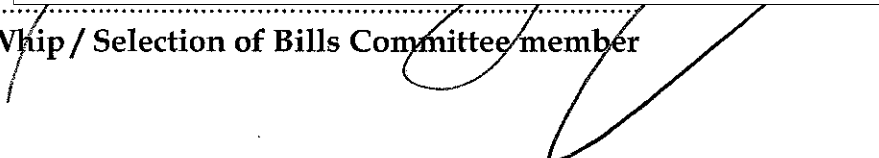
Possible reporting date:

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Senator Fifield

(signed)

Whip / Selection of Bills Committee member



SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Corporations Amendment (Further Future of Financial Advice Measures) Bill 2011

Reasons for referral/principal issues for consideration:

To consider the impact of the proposed changes on consumer and financial advisers.

Possible submissions or evidence from:

Financial Services Council; Association of Superannuation Funds of Australia; Financial Planning Association; Association of Financial Advisers; Industry Superannuation Network

Committee to which bill is to be referred:

Senate Economics Committee

Possible hearing date(s):

To be determined by Committee

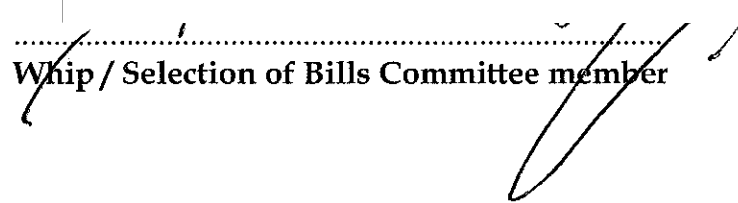
Possible reporting date:

14 March 2012 – the reporting date set for the inquiry into the related Corporations Amendment (Future of Financial Advice) Bill 2011.

(signed)

Senator Fifield

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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: Crimes Act Amendment (Fairness to Minors) Bill 2011

Reasons for referral/principal issues for consideration:

To examine at the medical and forensic value of wrist and dental x-rays

To scrutinise the legal aspects and merits of placing children in adult prison or remand

To examine the sequence of events which lead to children being charged, or not charged, with people smuggling

To look at evidentiary aspects of age determination process for alleged minors charged with people smuggling

Possible submissions or evidence from:

Victoria Legal Aid

Alliance of Australian Lawyers

Australian Bar Association

Human Rights Commission

State and Territory Children's Commissioners

Indonesian Consulate

Department of Immigration

Australian Federal Police

Commonwealth Department of Public Prosecutions

Royal Australian College of Physicians, or Australasian Paediatric Endocrine Group, or Australian and New Zealand Society for Paediatric Radiology, or Royal Australian and New Zealand College of Radiologists

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

Possible hearing date(s): February/March 2012

Possible reporting date: 22 March 2012

Senator Siewert

(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: Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011

Reasons for referral/principal issues for consideration:

To ensure the Bill would achieve the objectives of the Bill and has no unintended consequences.

Possible submissions or evidence from:

Australian Chamber of Commerce and Industry
Textiles and Footwear Industry Association
CCI WA

Committee to which bill is to be referred:

Senate Education, Employment and Workplace Relations Committee

Possible hearing date(s):

Possible reporting date:

March 2012

(signed)

Senator Fifield

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Illegal Logging Prohibition Bill

Reasons for referral/principal issues for consideration:

Consider the Bill against Committee's recommendations.

Possible submissions or evidence from:

Australian Government Department of Agriculture, Fisheries and Forestry
Australian Timber Importers Federation
Australian Forest Products Association
Greenpeace
Uniting Church Social Justice Mission

Committee to which bill is to be referred:

Rural Affairs & Transport Legislation Committee

Possible hearing date(s):

Possible reporting date:

8 February

(signed)

Senator McEwen

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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:

- Personally Controlled Electronic Health Records Bill 2011
- Personally Controlled Electronic Health Records (Consequential Amendments) Bill 2011

Reasons for referral/principal issues for consideration:

- Privacy issues/Privacy Breaches/ Penalties for breaches
- Security of information on the PCEHR
- Questions about the design, functionality, and capability of the PCEHR,
- Questions regarding the use of consultants, contractors, and tenders let or hired by NEHTA in regard to the development of the PCEHR
- The level of functionality of the PCEHR at 1 July 2012
- Questions around the continuation of NEHTA after 1 July 2012
- The products that NEHTA designed, made, tested, certified for use in the PCEHR.
- Any other issues the Committee considers appropriate.

Possible submissions or evidence from:

- Any interested parties

Committee to which bill is to be referred:

- Senate Community Affairs Committee

Possible hearing date(s):

Possible reporting date:

- 29 February 2012

(signed)

Senator Fifield

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: *Social Security Legislation Amendment Bill 2011*

Reasons for referral/principal issues for consideration:

Consideration of measures forming part of the *Stronger Futures in the Northern Territory* legislation package

Possible submissions or evidence from:

Committee to which bill is to be referred:

Senate Community Affairs Committee

Possible hearing date(s):

Possible reporting date:

29/2/12

(signed)

Senator Fifield

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Stronger Futures in the Northern Territory Bill 2011
Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011

Reasons for referral/principal issues for consideration:

Effect of measures and implementation plans, evidence of community awareness/acceptance. Assessment of intended and unintended consequences.

Possible submissions or evidence from:

Northern Territory Government, FaHCSIA, Northern Land Council, Central Land council, NT Shire Councils, NT Indigenous Advisory Group, Aboriginal Legal Aid, Concerned Australians, Stop The Intervention group, effected individuals.

Committee to which bill is to be referred:

Community Affairs - Legislation Committee

Possible hearing date(s):

TBA

Possible reporting date:

29 Feb 2012

(signed)

Senator Fifield

Whip / Selection of Bills Committee member