

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 of 2012

22 March 2012

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 the Hon Jacinta Collins

Senator Mitch Fifield

Secretary: Maureen Weeks
 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2012

1. The committee met in private session on Wednesday, 21 March 2012 at 7.38 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2012 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 18 June 2012 (see appendix 1 for a statement of reasons for referral);
 - (b) the orders of the Senate of 1 March 2012 and 24 March 2011 adopting the committee's 2nd report of 2012 and 4th report of 2011 respectively, be varied to provide that the Assisting Victims of Overseas Terrorism Bill 2012 and the *provisions* of the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 8 May 2012 (see appendix 2 for a statement of reasons for referral);
 - (c) subject to introduction in the Senate, the Broadcasting Services Amendment (Anti-siphoning) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 4 May 2012 (see appendix 3 for a statement of reasons for referral);
 - (d) the *provisions* of the Coastal Trading (Revitalising Australian Shipping) Bill 2012, the Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Bill 2012, the Shipping Registration Amendment (Australian International Shipping Register) Bill 2012, the Shipping Reform (Tax Incentives) Bill 2012, and the Tax Laws Amendment (Shipping Reform) Bill 2012 be *referred immediately* to both the Economics Legislation Committee, and the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 19 June 2012 (see appendix 4 for a statement of reasons for referral);
 - (e) the order of the Senate of 1 March 2012 adopting the committee's 2nd report of 2012 be varied to provide that the Corporations Amendment (Phoenixing and Other Measures) Bill 2012 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 8 May 2012 (see appendix 5 for a statement of reasons for referral);
 - (f) the *provisions* of the Courts Legislation Amendment (Judicial Complaints) Bill 2012 and the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 June 2012 (see appendix 6 for a statement of reasons for referral);

- (g) the *provisions* of the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012 be ***referred immediately*** to the Environment and Communications Legislation Committee for inquiry and report by 20 June 2012 (see appendix 7 for a statement of reasons for referral);
- (h) the Health Insurance (Dental Services) Bill 2012 [No. 2] be ***referred immediately*** to the Finance and Public Administration Legislation Committee for inquiry and report by 8 May 2012 (see appendix 8 for a statement of reasons for referral);
- (i) the *provisions* of the Judges and Governors-General Legislation Amendment (Family Law) Bill 2012 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 8 May 2012 (see appendix 9 for a statement of reasons for referral);
- (j) the *provisions* of the Migration Legislation Amendment (Student Visas) Bill 2012 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 June 2012 (see appendix 10 for a statement of reasons for referral);
- (k) the *provisions* of the National Health Reform Amendment (Administrator and National Health Funding Body) Bill 2012 be ***referred immediately*** to the Finance and Public Administration Legislation Committee for inquiry and report by 9 May 2012 (see appendix 11 for a statement of reasons for referral);
- (l) the *provisions* of the National Vocational Education and Training Regulator (Charges) Bill 2012 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report by 9 May 2012 (see appendix 12 for a statement of reasons for referral);
- (m) subject to introduction in the Senate, the National Water Commission Amendment Bill 2012 be ***referred immediately*** to the Environment and Communications Legislation Committee for inquiry and report by 1 May 2012 (see appendix 13 for a statement of reasons for referral);
- (n) the *provisions* of the Skills Australia Amendment (Australian Workforce and Productivity Agency) Bill 2012 be ***referred immediately*** to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 8 May 2012 (see appendix 14 for a statement of reasons for referral); and
- (o) the *provisions* of the Wheat Export Marketing Amendment Bill 2012 be ***referred immediately*** to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 18 June 2012 (see appendix 15 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012
 - Solar Hot Water Rebate Bill 2012
 - Tax Laws Amendment (2012 Measures No. 1) Bill 2012.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
- Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2012
 - Customs Tariff (Anti-Dumping) Amendment Bill (No. 1) 2012
 - Customs Tariff Amendment (Schedule 4) Bill 2012
 - Low Aromatic Fuel Bill 2012
 - Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
 - Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012.

(Anne McEwen)

Chair

22 March 2012

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Agricultural, Fisheries and Forestry Legislation Amendment Bill (No 1)

Reasons for referral/principal issues for consideration:

To consider regulatory and practical applications of the Bill

Possible submissions or evidence from:

Relevant industry stakeholder groups

Committee to which bill is to be referred:

Rural and Regional Affairs and Transport Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

18 June 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: *Assisting Victims of Overseas Terrorism Bill 2012*

Reasons for referral/principal issues for consideration:

Consideration of the extent and scope of the proposed scheme to be examined. Australian Greens have also moved an amendment for it to be referred for inquiry.

Possible submissions or evidence from:

Committee to which bill is to be referred:

Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

Possible reporting date:

May.

(signed)

Senator McEwen

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011

Reasons for referral/principal issues for consideration:

Consideration of the scope and extent of the proposed scheme to be examined. Especially in comparison to Senator Brandis' Bill on this topic.

Possible submissions or evidence from:

Committee to which bill is to be referred:

Legal + Constitutional Affairs Legislation Committee

Possible hearing date(s):

Possible reporting date:

8 May 2012

(signed)

Senator McEwen

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: *Broadcasting Services Amendment (Anti-siphoning) Bill 2012*

Reasons for referral/principal issues for consideration:

Continuing levels of debate among stakeholders about the appropriate balance of events on the anti-siphoning list, possible impacts of the legislation and impacts associated with delayed implementation of the Government's proposed changes.

Possible submissions or evidence from:

Free-to-air and pay TV media organisations
Sporting code governing/administrative bodies
Consumer organisations

Committee to which bill is to be referred:

Environment and Communications Committee

Possible hearing date(s):

2012 Autumn recess

Possible reporting date:

Friday 4 May 2012

(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 bills: Shipping Reform Package, comprised of the following:

- Shipping Reform (Tax Incentives) Bill
- Shipping Registration Amendment (Australian International Shipping Register) Bill
- Coastal Trading (Revitalising Australian Shipping) Bill
- Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Bill
- Tax Laws Amendment (Shipping Reform) Bill

Reasons for referral/principal issues for consideration:

To consider the impact of the Bills on the Australian shipping industry to determine whether they will have their desired effect, that is, to revitalise the Australian shipping industry and increase the number of Australian flagged vessels.

Possible submissions or evidence from:

- Shipping Australia
- Australian Shipowners Association
- Shipping liners: Maersk, Toll, CSL etc
- Shipping users including members of the Dry Bulk Users Group

Committee to which bill is to be referred:

Senate Committee for Economics

Possible hearing date(s):

During the autumn recess.

Possible reporting date:

The package is to be implemented from 1 July 2012 so a reporting date in the Budget sitting week may be appropriate.

(signed)

Senator Fifield

~~Whip / Selection of Bills Committee member~~

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bills: Shipping Reform Package, comprised of the following:

- Shipping Reform (Tax Incentives) Bill
- Shipping Registration Amendment (Australian International Shipping Register) Bill
- Coastal Trading (Revitalising Australian Shipping) Bill
- Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Bill
- Tax Laws Amendment (Shipping Reform) Bill

Reasons for referral/principal issues for consideration:

To consider the impact of the Bills on the Australian shipping industry to determine whether they will have their desired effect, that is, to revitalise the Australian shipping industry and increase the number of Australian flagged vessels.

This committee should only inquire into the workplace relations and skills aspects of the package.

Possible submissions or evidence from:

- Shipping Australia
- Australian Shipowners Association
- Shipping liners: Maersk, Toll, CSL etc
- Shipping users including members of the Dry Bulk Users Group

Committee to which bill is to be referred:

Senate Education, Employment and Workplace Relations Committee

Possible hearing date(s):

During the autumn recess.

Possible reporting date:

The package is to be implemented from 1 July 2012 so a reporting date in the Budget sitting week may be appropriate.

(signed)

Senator Fifield

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Corporations Amendment (Phoenixing and Other Measures) Bill 2012

Reasons for referral/principal issues for consideration:
Complex and potentially problematic legislation.

Last Bill dealing with Phoenixing issues had to be withdrawn after a unanimous House Economics Committee inquiry identified a number of issues with the provisions of the Bill.

Whilst this Bill is not directly related, its provisions do bear scrutiny by the Senate

Possible submissions or evidence from:

Industry stakeholders
Treasury
ASIC

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

Possible hearing date(s):
April

Possible reporting date:
8 May 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: *Courts Legislation Amendment (Judicial Complaints) Bill 2012 and Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012*

Reasons for referral/principal issues for consideration:

- Consideration as to whether the bills compromise judicial independence;
- Consideration as to whether a model based on the NSW Judicial Commission has advantages or faces constitutional problems.

Possible submissions or evidence from:

Attorney-General's Department
Law Council of Australia
NSW Judicial Commission
National Judicial College of Australia

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s):

To be determined by the committee

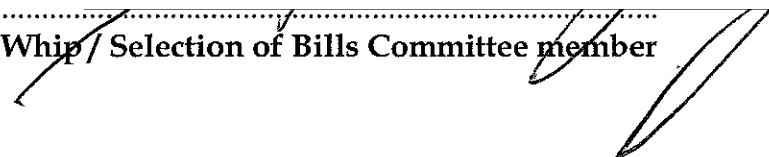
Possible reporting date:

To be determined by the committee

Senator Fifield

(signed)

.....
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 (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Amendment Bill 2012

Reasons for referral/principal issues for consideration:

To give careful examination to the detail of the legislation

Possible submissions or evidence from:

Committee to which bill is to be referred:

Environment and Communications

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

(signed)

Senator Fifield

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: *Health Insurance (Dental Services) Bill 2012*

Reasons for referral/principal issues for consideration:

To ensure the Bill addresses the wide concerns of the dental profession regarding the actions of Medicare

Possible submissions or evidence from:

Australian Dental Association; Australian Dental Association (NSW); Australian Dental Association (VIC); Australian Dental Association (TAS); Australian Dental Prosthetists Association; Australian Medical Association; Individual dental health practitioners; Medicare Australia; Department of Health and Ageing.

Committee to which bill is to be referred:

Community Affairs Legislative Committee

Possible hearing date(s):

Week of April 9 - 13

Or

Week of April 16 to 20

Possible reporting date:

May 4

Senator Fifield

(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: *Judges and Governors-General Amendment (Family Law) Bill 2012*

Reasons for referral/principal issues for consideration:

- Consideration as to whether the bills are consistent with sections 3 and 72 of the Constitution, relating to alteration of salaries and entitlements;
- Consideration of alternative means of compliance with family court orders

Possible submissions or evidence from:

Attorney-General's Department
Law Council of Australia

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

(signed)

Senator Fifield

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Migration Legislation Amendment (Student Visas) Bill 2012

Reasons for referral/principal issues for consideration:

To consider the impact of the proposed changes on students, higher education providers and the VET sector.

To scrutinise the legal ramifications of abolishing the automatic cancellation of student visas and ensure these changes have no unintended consequences for industry or visa compliance.

Possible submissions or evidence from:

- Over 200 submitters to the Strategic Review of the Student Visa Program including from a number of education providers such as universities, TAFE and colleges and the VET sector
- Department of Immigration and Citizenship
- Department of Education, Employment and Workplace Relations
- Australian National Audit Office

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Committee

Possible hearing date(s):

To be determined by committee

Possible reporting date:

To be determined by committee

Senator Fifield

Selection of Bills Committee Member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

National Health Reform Amendment (Administrator and National Health Funding Body) Bill 2012

Reasons for referral/principal issues for consideration:

- The role of the Funding Body and the Administrator
- Justification for the establishment of additional bureaucracy
- Administrative requirements for the Commonwealth, States and other parties
- Transparency and efficiency of processes in administering funding
- Fiscal implications for the Commonwealth

Possible submissions or evidence from:

Department of Health and Ageing
State and Territory Governments

Committee to which bill is to be referred:

Finance and Public Administration

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

May 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:

National Vocational Education and Training Regulator (Charges) Bill 2012

Reasons for referral/principal issues for consideration:

The audits for all registered training organisations will be undertaken on a cost recovery basis. A number of providers have expressed concern that this will unreasonably burden them.

Possible submissions or evidence from:

ACPET
Registered Training Organisations
ASQA
DEEWR

Committee to which bill is to be referred:

Economics Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

(signed)

Senator Fifield

Whip / Selection of Bills Committee member



SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: National Water Commission Amendment Bill 2012

Reasons for referral/principal issues for consideration:

An inquiry would provide the opportunity to ventilate views on the governance of the National Water Commission and budget implications.

Possible submissions or evidence from:

National Water Commission
Department of Sustainability, Environment, Water, Population and Communities
National Farmers Federation
Australian Conservation Foundation
Water Supply Association of Australia
Australian Water Association
State governments

Committee to which bill is to be referred:

Environment and Communications

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

(signed)

Senator Fifield

Whip / Selection of Bills Committee member



SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: National Water Commission Amendment Bill 2012

Reasons for referral/principal issues for consideration:

To assist with appropriate and timely consideration by the Senate of the Bill.

Possible submissions or evidence from:

Committee to which bill is to be referred:

Environment and Communications Legislation Committee

Possible hearing date(s):

Possible reporting date: 1 May 2012

(signed)

Senator McEwen

Whip / ~~Selection~~ of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Skills Australia Amendment (Australian Workforce and Productivity Agency) Bill

Reasons for referral/principal issues for consideration: This Bill seeks to expand the powers of Skills Australia, seeing it morph into the National Workforce and Productivity Agency. There are considerable costs associated with this and we seek further information as to the planned expansion of their mandate.

Possible submissions or evidence from:

Skills Australia

ACCI

Australian Industry Group

DEEWR

Industry Skills Councils

Committee to which bill is to be referred: Education, Employment and Workplace Relations

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

(signed)

Senator Fifield

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

**Name of bill: Wheat Export Marketing Amendment
Bill 2012**

Reasons for referral/principal issues for consideration:

To address concerns expressed by stakeholders

Possible submissions or evidence from:

- Graincorp
- NFF
- SAFF
- VFF
- NSW Farmers' Federation
- DAFF

Committee to which bill is to be referred:

Senate Rural, Regional Affairs and Transport Legislation Committee

Possible hearing date(s):

April & May 2012

Possible reporting date:

21 June 2012

(signed)

Senator Fifield

~~Whip / Selection of Bills Committee member~~