

SELECTION OF BILLS COMMITTEE

REPORT NO. 8 of 2012

28 June 2012

MEMBERS OF THE COMMITTEE

Senator Anne McEwen (Government Whip, Chair)

Senator Helen Kroger (Opposition Whip)

Senator John Williams (The Nationals Whip)

Senator Scott Ludlam (Acting Australian Greens Whip)

Senator the Hon Jacinta Collins

Senator Carol Brown

Senator David Bushby

Senator Mitch Fifield

Secretary: Maureen Weeks
 ☎ 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 8 OF 2012

1. The committee met in private session on Wednesday, 27 June 2012 at 7.39 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Customs Amendment (Smuggled Tobacco) Bill 2012 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2012 (see appendix 1 for a statement of reasons for referral); and
 - (b) the *provisions* of the Military Court of Australia Bill 2012 and the *provisions* of the Military Court of Australia (Transitional Provisions and Consequential Amendments) Bill 2012 be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee and the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2012 (see appendices 2 and 3 for statements of reasons for referral).
3. The committee considered a proposal to refer the Tax Laws Amendment (Managed Investment Trust Withholding Tax) Bill 2012 to the Economics Legislation Committee, but was unable to reach agreement on whether the bills should be referred (see appendix 4 for a statement of reasons for referral).
4. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Commonwealth Government Securities Legislation Amendment (Retail Trading) Bill 2012
 - Corporations Legislation Amendment (Financial Reporting Panel) Bill 2012
 - Customs Amendment (Anti-dumping Improvements) Bill (No. 3) 2012
 - Customs Tariff Amendment (2012 Measures No. 1) Bill 2012
 - Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012
 - Health Insurance Amendment (Extended Medicare Safety Net) Bill 2012
 - Maritime Legislation Amendment Bill 2012
 - Statute Stocktake (Appropriations) Bill (No. 1) 2012
 - Tax Laws Amendment (Investment Manager Regime) Bill 2012
 - Transport Safety Investigation Amendment Bill 2012
 - Veterans' Affairs Legislation Amendment Bill 2012.

The committee considered the Financial Framework Legislation Amendment Bill (No. 3) 2012 and, noting that the bill had passed the Senate on 27 June 2012, resolved to recommend that the bill *not* be referred to a committee.

The committee recommends accordingly.

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

- Fisheries Legislation Amendment Bill (No. 1) 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

28 June 2012

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Customs Amendment (Smuggled Tobacco) Bill 2012

Reasons for referral/principal issues for consideration:

To ensure the new proposed criminal offences are given proper examination

Possible submissions or evidence from:

Australian Customs and Border Protection Command

Attorney-General's Department

Australian Federal Police

Tobacco companies

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Committee

Possible hearing date(s):

July 2012

Possible reporting date:

14 August 2012

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:

Military Court of Australia Bill 2012

Military Court of Australia (Transitional Provisions and Consequential Amendments)
Bill 2012

Reasons for referral/principal issues for consideration:

The Senate Foreign Affairs, Defence and Trade Committee has extensive knowledge, background and history on the military justice debate; former Defence Minister Hill tasked the Committee with regular six-monthly reviews on the implementation of the Government's response to the Committee's 2005 review into the Military Justice system. Given that experience, and the fact that the new model is so different from that it replaces, it would be prudent to have the Bills considered by that Committee.

The Bills were introduced into the House by the Attorney General and legislate for the creation of a new court. In this respect they fall within the purview of the Senate Legal and Constitutional Affairs Committee, which may be able to consider those aspects of the Bill more thoroughly.

Possible submissions or evidence from:

Department of Defence

Committees to which bill is to be referred:

Senate Foreign Affairs, Defence and Trade Legislation Committee
Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

Possible reporting date:

14 AUGUST 2012

Senator McEwen

(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:

*Military Court of Australia Bill 2012; and
Military Court of Australia (Transitional Provisions and Consequential Amendments)
Bill 2012*

Reasons for referral/principal issues for consideration:

Compatibility with Chapter III of the Constitution;
Appropriate composition of courts;
Trial by jury provisions;
Eligibility of reserve force judges to sit as members of the Court.

Possible submissions or evidence from:

Representatives of the Australian Defence Forces
Returned and Services League of Australia
Department of Defence
Attorney-General's Department

Committee to which bill is to be referred:

Legal and Constitutional Affairs

Possible hearing date(s):

To be determined by committee

Possible reporting date:

To be determined by committee

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:

Tax Laws Amendment (Managed Investment Trust Withholding Tax) 2012

Reasons for referral/principal issues for consideration:

Doubling of Tax
Impact on investment in Australia
Sovereign risk issues
Impact on long-term infrastructure investment and other investment

Possible submissions or evidence from:

Treasury and ATO
Property Council of Australia
Financial Services Council
Private Fund Managers
Infrastructure Partnerships Australia
CFMEU and ETU
Tax Institute
Professional Accounting Bodies
National Tourism Alliance
Tourism Accommodation Association

Committee to which bill is to be referred:

Economics

Possible hearing date(s):

July 2012

Possible reporting date:

14 August 2012

Senator Fifield

(signed)

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Whip / Selection of Bills Committee member