

SELECTION OF BILLS COMMITTEE

REPORT NO. 13 of 2012

11 October 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 Carol Brown

Senator David Bushby

Senator the Hon Jacinta Collins

Senator Mitch Fifield

Secretary: Maureen Weeks
 ☎ 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 13 OF 2012

1. The committee met in private session on Wednesday, 10 October 2012 at 7.17 pm.
2. The committee resolved to recommend—That—
 - (a) the **provisions** of the Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012 be **referred immediately** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 November 2012 (see appendix 1 for a statement of reasons for referral);
 - (b) the **provisions** of the Freedom of Information Amendment (Parliamentary Budget Office) Bill 2012 be **referred immediately** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 November 2012 (see appendix 2 for a statement of reasons for referral);
 - (c) the order of the Senate of 20 September 2012 adopting the committee's 12th report of 2012 be varied to provide that the **provisions** of the Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012 be **referred immediately** to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 19 November 2012 (see appendix 3 for a statement of reasons for referral);
 - (d) the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012 be **referred immediately** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by the first sitting day in February 2013 (see appendix 4 for a statement of reasons for referral);
 - (e) the Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012 be **referred immediately** to the Economics Legislation Committee for inquiry and report by 29 November 2012 (see appendix 5 for a statement of reasons for referral);
 - (f) the **provisions** of the Regulatory Powers (Standard Provisions) Bill 2012 be **referred immediately** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 29 November 2012 (see appendix 6 for a statement of reasons for referral); and
 - (g) the **provisions** of the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012 be **referred immediately** to the Environment and Communications Legislation Committee for inquiry and report by 19 November 2012 (see appendix 7 and appendix 8 for statements of reasons for referral).

3. The committee resolved to recommend—That the following bills **not** be referred to committees:
- Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012
 - Federal Circuit Court of Australia Legislation Amendment Bill 2012
 - Health and Other Legislation Amendment Bill 2012
 - Migration Amendment (Reform of Employer Sanctions) Bill 2012
 - National Health Security Amendment Bill 2012
 - Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
 - Social and Community Services Pay Equity Special Account Bill 2012
Social and Community Services Pay Equity Special Account (Consequential Amendments) Bill 2012
 - Superannuation Laws Amendment (Capital Gains Tax Relief and Other Efficiency Measures) Bill 2012
Superannuation Auditor Registration Imposition Bill 2012.
4. The committee deferred consideration of the following bills to its next meeting:
- Broadcasting Services Amendment (Public Interest Test) Bill 2012
 - Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012
 - Tax Laws Amendment (Clean Building Managed Investment Trust) Bill 2012.

(Anne McEwen)

Chair

11 October 2012

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill

Reasons for referral/principal issues for consideration:

The bill introduces a range of new offences which need to be thoroughly examined.

Possible submissions or evidence from:

Law Council of Australia
Australian Commission for Law Enforcement Integrity
Australian Federal Police
Australian Crime Commission

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

(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: *Freedom of Information Amendment (Parliamentary Budget Office) Bill*

Reasons for referral/principal issues for consideration:

Consideration of justification of an FOI exemption of PBO material and the breadth of the exemption.

Possible submissions or evidence from:

Attorney-General's Department
Office of the Information Commissioner
Law Council of Australia
Australia's Right to Know

Committee to which bill is to be referred:

Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

To be determined by the committee

Possible reporting date:

To be determined by the committee

(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:

Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012

Reasons for referral/principal issues for consideration:

To ensure registered training providers have an opportunity to voice any concerns they may have regarding this Bill and any impact it may have on their business.

Possible submissions or evidence from:

ACPET, TAFE Directors Australia, private Registered Training Organisations.

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

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: *Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012*

Reasons for referral/principal issues for consideration:

The Bill addresses a problem in law and policy which is leading to refugees being detained indefinitely in immigration detention.

The Bill amends three Cth Acts with reforms that are interlinked across the Acts and quite complex. It would be instructive to hear the views of the legal community, refugee advocates and Commonwealth agencies regarding the form of the Bill and the reforms being proposed. It is also noted that this area of law uncertain due to the recent High Court decision - as such an inquiry would be of use in understanding the best course of action in this area.

Possible submissions or evidence from:

ASIO, AGs, Dept of Immigration
Professor Ben Saul
Carl O'Connor (legal practitioner in Darwin)
Law Council of Australia and other peak law bodies
AHRC
LRC
RILC, David Manne
Julian Burnside
Asylum Seeker Resource Centre

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

Possible hearing date(s): December 2012 (non-sitting weeks)

Possible reporting date: ~~Jan-Feb 2013~~ Jan-Feb 2013

(signed) _____
Senator Siewert
Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012

Reasons for referral/principal issues for consideration:

To examine opportunities provided in the bill to improve the Minerals Resource Rent Tax.

Possible submissions or evidence from:

The Australia Institute
Department of Treasury
Minerals Council

Committee to which bill is to be referred:

Economics Legislation Committee

Possible hearing date(s):

TBC

Possible reporting date:

29 November 2012

Senator Siewert

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(signed) |

Whip / Selection of Bills Committee member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: *Regulatory Powers (Standard Provisions) Bill*

Reasons for referral/principal issues for consideration:

The regulatory and coercive investigative powers of the Commonwealth should be subjected to very close scrutiny by the Parliament. In particular, the Committee should consider whether any increase in coercive powers is justified for the sake of consistency across diverse regulatory environments.

Possible submissions or evidence from:

Attorney-General's Department
Law Council of Australia
Rule of Law Institute of Australia
Business Council of Australia

Committee to which bill is to be referred:

Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

To be determined by the committee

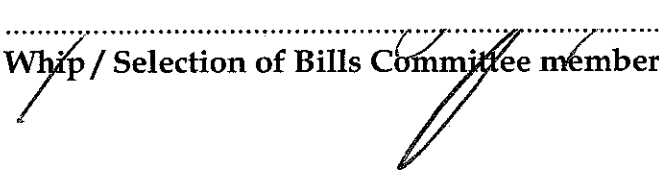
Possible reporting date:

To be determined by the 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:

Water Amendment (Long Term Average Sustainable Diversion Limit Adjustment)
Bill 2012

Reasons for referral/principal issues for consideration:

The Bill will remove the power of the Minister and Parliament to oversee potentially significant changes to the Murray Darling Basin Plan

The House Standing Committee on Regional Australia took no submissions and held no inquiry into this Bill.

Doubts have been expressed by various States, upstream and downstream, and stakeholder groups of all persuasions (irrigators and environmentalists) about the content of this Bill.

Possible submissions or evidence from:

Stakeholders – water, primary and horticultural industries, environmental groups
Businesses
Peak rural and environmental organisations
State Governments

Committee to which bill is to be referred:

Senate Environment and Communications Legislation Committee

Possible hearing date(s):

Mid - late October, 2012

Possible reporting date:

Early November

(signed)

Senator Fifield

Whip/Selection of Bills Committee Member

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

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Doubts have been expressed by various States, upstream and downstream, and stakeholder groups of all persuasions (scientists, irrigators and environmentalists) about the content of this Bill.

Possible submissions or evidence from:

Stakeholders – water, primary and horticultural industries, environmental groups, and scientists

Businesses

Peak rural and environmental organisations

State Governments

Committee to which bill is to be referred:

Senate Environment and Communications Legislation Committee

Possible hearing date(s):

Mid – late October, 21012

Possible reporting date:

Early November

(signed) _____
Senator Siewert
Whip / Selection of Bills Committee member