



THE SENATE  
CANBERRA ACT 2600

*SELECTION OF BILLS COMMITTEE*

*REPORT NO. 9 of 2004*

*23 June 2004*

## MEMBERS OF THE COMMITTEE

Senator Jeannie Ferris (Government Whip, Chair)

Senator Sue Mackay (Opposition Whip)

Senator Lyn Allison (Australian Democrats Whip)

Senator Julian McGauran (The Nationals Whip)

Senator Geoffrey Buckland

Senator the Hon. Ian Campbell

Senator Alan Eggleston

Senator Joseph Ludwig

Secretary: Richard Pye  
☎ 6277 3020

## SELECTION OF BILLS COMMITTEE

### REPORT NO. 9 OF 2004

1. The committee met on Tuesday, 22 June 2004.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Anti-terrorism Bill (No. 2) 2004 be *referred immediately* to the Legal and Constitutional Legislation Committee for inquiry and report by 5 August 2004 (see appendix 1 for statement of reasons for referral);
  - (b) the *provisions* of the Textile, Clothing and Footwear Strategic Investment Program Amendment (Post-2005 scheme) Bill 2004 and the Customs Tariff Amendment (Textile, Clothing and Footwear Post-2005 Arrangements) Bill 2004 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 12 August 2004 (see appendix 2 for statement of reasons for referral); and
  - (c) the following bills *not* be referred to committees:
    - Corporate Law Economic Reform Program (Audit Reform and Corporate Disclosure) Bill 2003  
Corporations (Fees) Amendment Bill (No. 2) 2003
    - Australian Energy Market Bill 2004  
Trade Practices Amendment (Australian Energy Market) Bill 2004.

#### *The committee recommends accordingly.*

3. The committee considered a proposal to refer the Marriage Legislation Amendment Bill 2004 to the Legal and Constitutional Legislation Committee, but was unable to reach agreement on whether the bill should be referred (see appendix 3 for statement of reasons for referral).
4. At the request of Senator Mackay, the committee considered a proposal to refer the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003 to the Employment, Workplace Relations and Education Legislation Committee for further consideration, but was unable to reach agreement on whether the bill should be referred (see appendix 5 for statement of reasons for referral).
5. The committee *deferred* consideration of the following bills to the next meeting:

#### *Bill deferred from meeting of 10 February 2004*

- Racial and Religious Hatred Bill 2003 [No. 2].

#### *Bill deferred from meeting of 23 March 2004*

- Resale Royalty Bill 2004.

#### *Bill deferred from meeting of 30 March 2004*

- Flags Amendment (Eureka Flag) Bill 2004.

*Bill deferred from meeting of 15 June 2004*

- Aboriginal and Torres Strait Islander Commission Amendment Bill 2004.

*Bill deferred from meeting of 22 June 2004*

- Renewable Energy Amendment (Increased MRET) Bill 2004.

(Jeannie Ferris)

**Chair**

23 June 2004



THE SENATE  
CANBERRA ACT 2600  
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill ANTI-TERRORISM BILL (NO. 2) 2004.

Reasons for referral/principal issues for consideration:

- The balance struck between security and rights in the legislation.

Possible submissions or evidence from: LEGAL PROFESSION, CIVIL LIBERTIES GROUPS, ACADEMICS, LAW ENFORCEMENT + INTELLIGENCE AGENCIES.

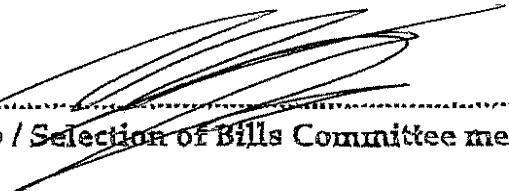
Committee to which bill is to be referred: SENATE LEGAL + CONSTITUTIONAL LEGISLATION COMMITTEE.

Possible hearing date(s):

5 AUGUST.

Possible reporting date:

(signed)

  
Whip / Selection of Bills Committee member

22.6.04



THE SENATE  
CANBERRA ACT 2600  
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bills... *Textile, Clothing & Footwear Strategic Investment Program Amendment (Post-2005 Scheme) Bill 2004 + Customs Tariff Amendment (Textile, Clothing & Footwear Post-2005 Arrangements) Bill 2004*  
Reasons for referral/principal issues for consideration: .....

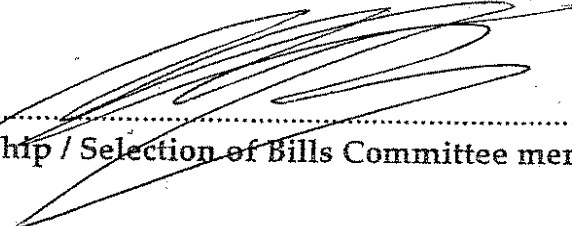
To inquire whether: a) the Strategic Investment Program (SIP) Bill assists small + medium sized enterprises (SMEs) to access government assistance b) it improve market access overseas c) the phase down of SIP funding from 2009 threatens the future of the industry and employment d) provides adequate support for high value exports e) provides adequate support for R&D activity f) provides adequate support for production value added activity g) ~~the~~ the reduction in grant types from 5 to 2 will decrease access for some TCF firms h) the ~~cut~~ cut in tariffs will have an adverse affect on the industry, economy generally, employment and sustainability of regional cities and towns i) our trading partners are reducing tariffs at the same rate as Australia and j) the combination of these two Bills and provisions in the United States Free Trade Agreement will adversely impact on the future of the industry and on employment.

Possible submissions or evidence from: *TCF Union of Australia* *Industry Associations* *United States Free Trade Agreement will adversely impact on the future of the industry and on employment.*

Committee to which bill is to be referred: *Economic S.*

Possible hearing date(s): .....

Possible reporting date: *12<sup>th</sup> August 2004*

(signed)   
Whip / Selection of Bills Committee member *22.6.04.*

*This is supported by Senator Ridgeway and Senator Nettle.*



AUSTRALIAN SENATE

## SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

*Legislation*

Name of bill: Marriage Act Amendment Bill 2004

### Reasons for referral/principal issues for consideration:

- To investigate: (1) the legal interpretation of the marriage power in the Constitution, and the extent of this power with regard to the creation of marriage law and the recognition of foreign marriages;
- (2) whether the Bill raises international comity issues, or inconsistency with laws, policies and standards of domestic and overseas jurisdictions;
- (3) whether the Bill breaches international instruments including the Hague Convention and human rights mechanisms prohibiting discrimination on the grounds of sexual orientation;
- (4) whether the Treaties relied upon in Schedule [2] of the Bill provide the Commonwealth with the necessary power to act, and how this action interferes with state and territory responsibilities to legislate for and to run adoption processes;
- (5) the consequences of the Bill becoming law, and those remaining avenues available to the Commonwealth for legally recognising inter-personal relationships including same-sex relationships;
- (6) the government's insistence that this Bill be introduced as a matter of urgency when there has been no demonstrated reason for its urgent introduction and no community consultation on the provisions of the Bill.

### Possible submissions or evidence from:

The Law Council of Australia  
 Constitutional academics  
 The Equal Rights Network  
 State and Territory gay and lesbian rights groups  
 Relationships' Australia  
 Amnesty International  
 Parenting organisations

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

Possible hearing date(s):

Possible reporting date: 7 October 2004

Senator Lyn Allison, Australian Democrats Whip



APPENDIX 4

**Sue Mackay**

**Labor Senator for Tasmania  
Opposition Senate Whip**

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22 June 2004

Senator Jeannie Ferris  
Government Whip

**SELECTION OF BILLS AGENDA**

I write to seek your cooperation to add the *Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003* to the agenda of the Selection of Bills Committee meeting on Tuesday 22 June 2004.

I am available to discuss this matter with you if required.

Yours sincerely

SUE MACKAY

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THE SENATE

CANBERRA ACT 2500  
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill WORKPLACE RELATIONS (CODIFYING CONTEMPT OFFENCES) BILL 2003

Reasons for referral/principal issues for consideration:

- Unintended consequences of the Bill
- Administrative complexity of requirements of the Bill
- Civil liberties concerns about provisions of the Bill

Particularly the recently tabled Democrat and Government amendments.

Possible submissions or evidence from:

Committee to which bill is to be referred: Workplace Relations Legislation

Possible hearing date(s):

Possible reporting date: September 2004

(signed)

  
Whip / Selection of Bills Committee member

**Amendment to the motion for the adoption of the  
Selection of Bills Committee report**

(add bill)

SENATOR GREIG

At the end of the motion, add:

“and, in respect of the Marriage Legislation Amendment Bill 2004, the bill,  
be referred to the Legal and Constitutional Legislation Committee, in  
accordance with the proposal to the Selection of Bills Committee, for  
inquiry and report by 7 October 2004.”

ON

A handwritten signature in black ink, appearing to be 'M. Greig', written in a cursive style. The signature is located in the lower right quadrant of the page.