

**Senate Standing Committee  
for the  
Scrutiny of Bills**



**Alert Digest**

**No. 5 of 2006**

**14 June 2006**



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# Senate Standing Committee for the Scrutiny of Bills

## Members of the Committee

Senator R Ray (Chair)  
Senator B Mason (Deputy Chair)  
Senator G Barnett  
Senator D Johnston  
Senator A McEwen  
Senator A Murray

## Terms of Reference

Extract from **Standing Order 24**

- (1) (a) At the commencement of each Parliament, a Standing Committee for the Scrutiny of Bills shall be appointed to report, in respect of the clauses of bills introduced into the Senate, and in respect of Acts of the Parliament, whether such bills or Acts, by express words or otherwise:
- (i) trespass unduly on personal rights and liberties;
  - (ii) make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers;
  - (iii) make rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - (iv) inappropriately delegate legislative powers; or
  - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
- (b) The committee, for the purpose of reporting upon the clauses of a bill when the bill has been introduced into the Senate, may consider any proposed law or other document or information available to it, notwithstanding that such proposed law, document or information has not been presented to the Senate.



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- **The Committee has commented on these bills**

This Digest is circulated to all Honourable Senators.  
Any Senator who wishes to draw matters to the attention of the  
Committee under its terms of reference is invited to do so.

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- **The Committee has commented on these bills**

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- **The Committee has commented on these bills**

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Any Senator who wishes to draw matters to the attention of the Committee under its terms of reference is invited to do so.



## **Aboriginal Land Rights (Northern Territory) Amendment Bill 2006**

Introduced into the House of Representatives on 31 May 2006  
Portfolio: Families, Community Services and Indigenous Affairs

### **Background**

This bill amends the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Aboriginal and Torres Strait Islander Act 2005* to:

- expedite and clarify certain processes related to exploration and mining on Aboriginal land;
- permit the leasing of Aboriginal land and the mortgaging of leases; provide for long term leases over townships on Aboriginal land and provide for low interest loans and other incentives and assistance to prospective home owners;
- foster the devolution of decision making to local Aboriginal communities, including delegation of Land Council powers to regional groups and clarify provisions for the establishment of new Land Councils;
- provide funding to Land Councils on the basis of workloads rather than a guaranteed funding formula and require bodies to specify the purpose of payments made to Aboriginal people;
- dispose of land claims which cannot be heard or finalised or which are clearly inappropriate to grant.

The bill also contains application and transitional provisions.

### **Commencement on Proclamation Schedule 1**

Items 3, 5, 7, 17, 21, 25, 29, 31 and 33 in the table to subclause 2(1) of this bill provide for some of the amendments proposed in Schedule 1 to commence

on Proclamation. The Committee notes that the bill makes no provision for the amendments either to commence in any event or not to commence at all at some specified time.

Parliamentary Counsel Drafting Direction No. 1.3 states that:

As a general rule, a restriction should be placed on the period within which an Act, or a provision of an Act, may be proclaimed. The commencement clause should specify either a period, or a date, after Royal Assent after which:

- the Act commences, if it has not already commenced by Proclamation; or
- the Act is taken to be repealed, if a Proclamation has not been made by that time.

If the specified period option is chosen, the period should generally not be longer than 6 months. A longer period should be explained in the Explanatory Memorandum.

The explanatory memorandum seeks to justify these commencement provisions, at paragraph 2, on the ground that the relevant amendments are intended to come into force at the same time as complementary Northern Territory legislation. However, as currently expressed, the Executive is given a completely unfettered discretion to decide if and when the various amendments will come into force. The Committee **seeks the Minister's advice** as to whether it would be possible to include a further provision in the various items in the table to subclause 2(1) providing a specified time at which the amendments will come into force in any event or be taken to be repealed.

*Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to delegate legislative powers inappropriately, in breach of principle 1(a)(iv) of the Committee's terms of reference.*

## **Commencement**

### **Schedule 1, item 100**

Item 15 in the table to subclause 2(1) of this bill provides for the amendment proposed in item 100 of Schedule 1 to commence 12 months after Assent. The Committee notes that the explanatory memorandum, at paragraph 102, justifies this departure from the usual provision for commencement no longer

than 6 months after Assent on the basis that the extra time is needed to allow various Aboriginal groups and communities to incorporate, in order to take advantage of other aspects of this legislation.

*In the circumstances, the Committee makes no further comment on this provision.*

### **Delegation of power to a person Schedule 1, item 202**

Proposed new subsection 76(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976*, to be inserted by item 202 of Schedule 1 to this bill, would allow the Minister to delegate ‘to a person any of the Minister’s functions or powers under Part II, III, V, VI or VII’ of that Act. This would therefore give the Minister an unfettered discretion to determine who a delegate might be, without reference to any relevant attributes or qualifications. The explanatory memorandum, at paragraph 190, merely notes this provision and makes no comment on the unfettered nature of the Minister’s discretion. The Committee notes that the new subsection 76(1) is in the same terms, in this respect, as the existing subsection 76(1), and that it may have been thought that the Ministerial discretion requires no justification. However, the existing provision was enacted when the Act was first passed, in 1976, before the Committee had been established. The Committee **seeks the Minister’s advice** as to whether the proposed new subsection 76(1) could include some specification of the attributes and qualities which a person must possess before being appointed a delegate.

*Pending the Minister’s advice, the Committee draws Senators’ attention to the provision, as it may be considered to delegate legislative powers inappropriately, in breach of principle 1(a)(iv) of the Committee’s terms of reference.*

## **Appropriation Bill (No. 5) 2005-2006**

Introduced into the House of Representatives on 9 May 2006  
Portfolio: Finance and Administration

### **Background**

This bill appropriates additional money (\$1.336 million) to meet payments for the ordinary annual services of the government for the year ending on 30 June 2006.

*The Committee has no comment on this bill.*

## **Appropriation Bill (No. 6) 2005-2006**

Introduced into the House of Representatives on 9 May 2006  
Portfolio: Finance and Administration

### **Background**

This bill appropriates additional money (\$2.289 billion) to enable agencies to meet payments to or for the states and territories, and payments for administered items, administered capital items and departmental capital items for the year ending on 30 June 2006.

*The Committee has no comment on this bill.*

## **Appropriation Bill (No. 1) 2006-2007**

Introduced into the House of Representatives on 9 May 2006  
Portfolio: Finance and Administration

### **Background**

This bill appropriates \$53,335 billion to meet payments for the ordinary annual services of the government for the year ending on 30 June 2007.

*The Committee has no comment on this bill.*

## **Appropriation Bill (No. 2) 2006-2007**

Introduced into the House of Representatives on 9 May 2006  
Portfolio: Finance and Administration

### **Background**

This bill appropriates \$9.215 billion to meet payments to or for the States and Territories, and payments for administered items, administered capital items and departmental capital items for the year ending on 30 June 2007.

*The Committee has no comment on this bill.*

## **Appropriation (Parliamentary Departments) Bill (No. 1) 2006-2007**

Introduced into the House of Representatives on 9 May 2006

Portfolio: Finance and Administration

### **Background**

This bill appropriates \$171.6 million to meet the expenses of the parliamentary departments for the year ending on 30 June 2007.

*The Committee has no comment on this bill.*

## **Australia-Japan Foundation (Repeal and Transitional Provisions) Bill 2006**

Introduced into the House of Representatives on 10 May 2006  
Portfolio: Foreign Affairs

### **Background**

This bill repeals the *Australia-Japan Foundation Act 1976* to enable the Australia-Japan Foundation to be abolished and re-formed as a non-statutory, unincorporated bilateral body within the Department of Foreign Affairs and Trade, on the same footing as other bilateral bodies established within the Department to undertake similar functions. These changes to the Foundation's governance structure are in response to the recommendations of the Review of the Corporate Governance of Statutory Authorities and Office Holders (the Uhrig Review). The role of the Foundation will remain unchanged.

The bill contains transitional provisions.

*The Committee has no comment on this bill.*

## **Avoiding Dangerous Climate Change (Kyoto Protocol Ratification) Bill 2006**

Introduced into the House of Representatives on 29 May 2006  
By Mr Albanese

### **Background**

This bill requires the Australian Government to take necessary steps to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

*The Committee has no comment on this bill.*

## **Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Bill 2006**

Introduced into the House of Representatives on 10 May 2006  
Portfolio: Families, Community Services and Indigenous Affairs

### **Background**

This bill amends the *Child Support (Assessment) Act 1989* and the *Child Support (Registration and Collection) Act 1988* to:

- increase and index the minimum annual child support payment;
- reduce the cap on adjusted income for child support assessment purposes;
- assess a parent's maximum capacity to earn on the basis of the level of normal full-time work for the occupation or industry in which he or she is involved;
- increase the limit on prescribed non-agency payments from 25 per cent to 30 per cent; and
- address the constitutional validity of the Child Support Scheme for ex-nuptial children in Western Australia, including the provision for payments and repayments of amounts under the *Child Support (Registration and Collection) Act 1988* made through the Child Support Account. The Child Support Account appropriates the Consolidated Revenue Fund by virtue of section 21 of the *Financial Management and Accountability Act 1997*.

The bill also makes a consequential amendment to the proposed *Child Support Legislation Amendment Act 2006* and contains application provisions.

*The Committee has no comment on this bill.*

## **Customs Amendment (Fuel Tax Reform and Other Measures) Bill 2006**

Introduced into the House of Representatives on 11 May 2006

Portfolio: Justice and Customs

### **Background**

This bill is introduced with the Customs Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006, the Excise Laws Amendment (Fuel Tax Reform and Other Measures) Bill 2006 and the Excise Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006 which seek to replace the current system of fuel tax concessions with a single fuel tax credit system from 1 July 2006. This bill amends the *Customs Act 1901* to:

- strengthen Customs control over certain imported goods that are used in the manufacture of excisable goods;
- repeal customs-related provisions of the fuel penalty surcharge legislation; and
- replicate certain provisions of the *Spirits Act 1906* and repeal that Act.

The bill also contains application and transitional provisions.

*The Committee has no comment on this bill.*

## **Customs Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006**

Introduced into the House of Representatives on 11 May 2006

Portfolio: Justice and Customs

### **Background**

This bill is introduced with the Customs Amendment (Fuel Tax Reform and Other Measures) Bill 2006, the Excise Laws Amendment (Fuel Tax Reform and Other Measures) Bill 2006 and the Excise Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006 which seek to replace the current system of fuel tax concessions with a single fuel tax credit system from 1 July 2006.

The bill amends the *Customs Tariff Act 1995* to ensure that imported excise equivalent goods (certain alcohol, tobacco and petroleum products) are subject to the same duty when imported as is applied under the *Excise Tariff Act 1921* for the same products when manufactured or produced in Australia. The bill also contains application, technical and consequential provisions.

### **Retrospective commencement**

#### **Schedule 1**

Item 2 in the table to subclause 2(1) of this bill provides for the amendments proposed in Schedule 1 to commence retrospectively on 1 November 2005. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, the explanatory memorandum makes it clear, on page 4, that the amendments relate to the reduction of customs duty on aviation fuels.

*In the circumstances, the Committee makes no further comment on this provision.*

## **Defence Force (Home Loans Assistance) Amendment Bill 2006**

Introduced into the House of Representatives on 31 May 2006

Portfolio: Defence

### **Background**

This bill amends the *Defence Force (Home Loans Assistance) Act 1990* to extend the operation of the Defence HomeOwner Scheme for a further 12 months to allow the Department of Defence to conduct a review of home ownership assistance. The bill also gives effect to an agreement between the Commonwealth and National Australia Bank to extend the current franchise date to 31 December 2007.

*The Committee has no comment on this bill.*

## **Do Not Call Register Bill 2006**

Introduced into the House of Representatives on 25 May 2006  
Portfolio: Communications, Information Technology and the Arts

### **Background**

Introduced with the Do Not Call Register (Consequential Amendments) Bill 2006, this bill establishes a Do Not Call Register to enable individuals to register their home and mobile telephone numbers if they do not wish to receive unsolicited telemarketing calls. The Register will be kept by the Australian Communications and Media Authority (ACMA) or outsourced to a third party who would operate the Register on behalf of ACMA.

The bill provides for a number of limited exemptions to this prohibition to enable certain public interest organisations to make telemarketing calls. The bill provides for a review of the scheme after three years of operation and provides for complaints to be made to ACMA.

### **Commencement on Proclamation Clauses 39, 40, 42 to 45, Parts 2, 4 and 5, and Schedules 1, 2 and 3**

Items 3, 5, 6, 8 and 10 in the table to subclause 2(1) of this bill provide for Parts 2, 4 and 5, clauses 39, 40, 42 to 45 and Schedules 1, 2 and 3 to commence on Proclamation and up to 12 months after Assent. However, the explanatory memorandum complies with paragraph 19 of Parliamentary Counsel Drafting Direction No. 1.3 by explaining the reason for commencement extending beyond the usual 6 months after Assent. The Committee notes, on page 33 of the explanatory memorandum, that this extended timeframe for the commencement of these provisions is necessary to allow the body which will operate the Do Not Call Register ‘sufficient time to establish the Register (which must be in electronic form) and to fully test the Register before individuals can begin registering their [telephone] numbers.’

*In the circumstances, the Committee makes no further comment on these provisions.*

## **Do Not Call Register (Consequential Amendments) Bill 2006**

Introduced into the House of Representatives on 25 May 2006  
Portfolio: Communications, Information Technology and the Arts

### **Background**

Introduced with the Do Not Call Register Bill 2006, this bill amends the *Telecommunications Act 1997*, the *Australian Communications and Media Authority Act 2005* and the *Telecommunications (Carrier Licence Charges) Act 1997* to:

- enable the Australian Communications and Media Authority (ACMA) to develop a mandatory national standard to regulate the operation of the telemarketing industry by imposing rules relating to the hours at which telemarketing calls may be made, the disclosure of information a telemarketer must make as part of a call, and the termination of calls;
- provide a framework to enable the telemarketing industry to develop codes in relation to telemarketing activities;
- allow ACMA to make industry standards where there is no relevant industry body or if an industry code has failed; and
- allow ACMA to gather information and investigate complaints.

*The Committee has no comment on this bill.*

## **Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Bill 2006**

Introduced into the House of Representatives on 31 May 2006  
Portfolio: Education, Science and Training

### **Background**

This bill amends the *Education Services for Overseas Students Act 2000* to implement recommendations of the review required by section 176A of that Act in relation to the:

- application of the ‘fit and proper’ test to registered providers;
- clarification of obligations in relation to the receipt of course money and the provision of refunds;
- automatic suspension of the registration of a provider for failure to pay the Annual Registration Charge and removal of a suspension upon payment of outstanding amounts; and
- extension of the Secretary’s authority to provide access to student information to include Tuition Assurance Schemes.

The bill also amends the *Education Services for Overseas Students (Registration Charges) Act 1977* to require a provider to pay an initial registration charge before registration. The bill contains application and saving provisions.

### **Retrospective application Schedule 1, items 9 to 12**

Subitem 37(2) of Schedule 1 would apply the amendments proposed by items 9 to 12 of Schedule 1 to events occurring before, as well as after, commencement, and therefore possibly retrospectively. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people.

Items 9 to 12 will amend subsection 17(1) of the principal Act to enlarge the obligations of a registered provider of educational services to overseas students. The existing subsection 17(1) obliges such a provider, as soon as practicable after the provider becomes aware of the facts, to inform the Secretary to the Department of certain types of conduct engaged in by an associate of the provider, under the sanction that a failure to so advise the Secretary may cause the Minister to take action against the provider. The proposed amendments to subsection 17(1) in this bill would oblige a registered provider to inform the Secretary of the commission of the same types of conduct by a ‘high managerial agent’ of the provider, as soon as practicable after becoming aware thereof. It appears that the effect of subitem 37(2) is that, if a provider of educational services had, prior to the commencement of subitem 37(2), become aware of relevant conduct committed by a high managerial agent, the provider will be obliged, as soon as practical after commencement, to inform the Secretary of that conduct, and failure to do so may result in the Minister taking action against the provider. The Committee notes that this application provision may trespass unduly on the personal rights of the providers of educational services and **seeks the Minister’s advice** whether it is necessary for subitem 37(2) to apply to knowledge gained by a provider before this measure commences.

*Pending the Minister’s advice, the Committee draws Senators’ attention to the provision, as it may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee’s terms of reference.*

## Energy Legislation Amendment Bill 2006

Introduced into the House of Representatives on 25 May 2006  
Portfolio: Industry, Tourism and Resources

### Background

This bill amends the *Gas Pipelines Access (Commonwealth) Act 1998* and the *Trade Practices Act 1974* in relation to the conferral of functions and powers on the National Competition Council and the Commonwealth Minister under the cooperative gas access regime. The bill also amends Part IIIA of the Trade Practices Act to accommodate incentives for new pipelines in the cooperative gas access regime which were introduced into the South Australian Parliament on 11 May 2006.

The bill also makes minor amendments to the *Australian Energy Market Act 2004*, the *Trade Practices Act 1974* and the *Administrative Decisions (Judicial Review) Act 1977* relating to the co-operative electricity regime, and repeals the *Pipeline Authority Act 1973*.

### Retrospective commencement Schedule 2, items 1 to 13, 15 and 16

Items 3, 4, 5 and 7 in the table to subclause 2(1) of this bill provide for the amendments proposed in items 1 to 13 and items 15 and 16 of Schedule 2 to commence retrospectively on either 23 May 2005 or 30 June 2005, immediately after legislation passed in 2004 and commencing on one or other of those dates. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. However, paragraph 37 of the explanatory memorandum states that each of the proposed amendments is technical, and will make ‘references in Commonwealth legislation formally correct from the date [that each reference was] originally made. Accordingly, the changes have no effect on the rights or liabilities of anyone.’

*In the circumstances, the Committee makes no further comment on these provisions.*

## **Excise Laws Amendment (Fuel Tax Reform and Other Measures) Bill 2006**

Introduced into the House of Representatives on 11 May 2006

Portfolio: Treasury

### **Background**

This bill is introduced with the Customs Amendment (Fuel Tax Reform and Other Measures) Bill 2006, the Customs Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006 and the Excise Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006 which seek to replace the current system of fuel tax concessions with a single fuel tax credit system from 1 July 2006.

This bill amends the *Excise Act 1901* to:

- clarify the arrangements for imported inputs to excise manufacture;
- introduce streamlined provisions to govern measurement of excisable goods and the operation of the concessional spirits scheme;
- establish common validity periods for all excise licences and include additional factors which may be taken into account when granting or suspending a licence;
- provide for rules to govern the measurement of excisable goods;
- remove redundant provisions; and
- include revenue protection measures in relation to tobacco leaf and repackaging of beer.

The bill amends the *Energy Grants (Cleaner Fuels) Scheme Act 2004* to provide for fuel manufactured through a process of hydrogenating vegetable oils or animal fats to receive the same tax treatment as biodiesel. The bill also makes consequential amendments to a number of other Acts and repeals a number of redundant Acts.

*The Committee has no comment on this bill.*

## **Excise Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006**

Introduced into the House of Representatives on 11 May 2006

Portfolio: Treasury

### **Background**

This bill is introduced with the Customs Amendment (Fuel Tax Reform and Other Measures) Bill 2006, the Customs Tariff Amendment (Fuel Tax Reform and Other Measures) Bill 2006 and the Excise Laws Amendment (Fuel Tax Reform and Other Measures) Bill 2006 which seek to replace the current system of fuel tax concessions with a single fuel tax credit system from 1 July 2006. This bill amends the *Excise Tariff Act 1921* to:

- clarify the existing excise tariff to ensure it relates to classification of goods and does not include concessional rates of duty (which will be provided for by the proposed *Fuel Tax Act 2006*);
- replace the current various rates of duty applying to fuel and replace them with two rates of duty, one for aviation and one for other fuels;
- include fuels manufactured from sources other than petroleum, oil shale or coal and exclude certain recycled products;
- remove redundant provisions; and
- apply the non-stick tobacco excise rate to snuff tobacco.

The bill also contains transitional provisions.

### **Retrospective commencement**

#### **Schedule 1, items 42 to 44**

Item 3 in the table to subclause 2(1) of this bill provides for the amendments proposed in items 42 to 44 of Schedule 1 to commence retrospectively on 1 November 2005. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, the

explanatory memorandum makes it clear, on page 34, that the amendments are beneficial to those paying excise duty on aviation fuels.

*In the circumstances, the Committee makes no further comment on this provision.*

## **Families, Community Services and Indigenous Affairs and Other Legislation (2006 Budget and Other Measures) Bill 2006**

Introduced into the House of Representatives on 25 May 2006

Portfolio: Families, Community Services and Indigenous Affairs

### **Background**

This bill amends the *A New Tax System (Family Assistance) Act 1999*, the *Family Assistance*, the *Social Security and Veterans' Affairs Legislation Amendment (2005 Budget and Other Measures) Act 2006*, the *Social Security Act 1991*, the *Social Security (Administration) Act 1999*, the *Veterans' Entitlements Act 1986*, the *Family Law Act 1975*, the *A New Tax System (Family Assistance) (Administration) Act 1999* and the *Child Support (Assessment) Act 1989* to:

- increase the lower income threshold for family tax benefit Part A;
- extend the family tax benefit Part A large family supplement to include families with three or more children;
- introduce a maintenance income credit to enable parents to access their unused maintenance income free area from previous years to offset late child support payments;
- amend income test rules for family tax benefit Part B where a secondary earner returns to work after the birth of a child;
- extend eligibility for utilities allowance to persons receiving mature age, widow or partner allowance;
- extend carer payments to carers of severely disabled children under 16 years of age;
- allow immediate family members to establish a special disability trust to provide for the current and future care of family members with severe disabilities;
- enable the establishment of a special disability trust for the care of a severely disabled person to not effect the social security or veteran's entitlements payments of the recipient or family member donors;

- provide for an immediate non-taxable payment (exempt from means testing) to Australians affected by a disaster;
- amend the definition of ‘income tax refund’ to include refundable tax offsets and make technical amendments in relation to income estimates; and
- make technical amendments consequential on family law changes relating to shared parental responsibility.

The bill also amends the *Family Law Act 1975* to implement changes to the governance arrangements of the Australian Institute of Family Studies in response to the recommendations of the Review of the Corporate Governance of Statutory Authorities and Office Holders (the Uhrig Review).

### **Retrospective commencement Schedule 9**

Item 9 in the table to subclause 2(1) of this bill provides for the amendments proposed in Schedule 9 to commence retrospectively on 1 July 2005. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case, the explanatory memorandum notes, on page 69, that ‘while these changes are technically retrospective, the practical benefit of [the amendments] first applies to families after July 2006 for the 2005-2006 year. This is because the measure is applied after the end of the relevant income year ... and not during the financial year. Therefore, the changes are not, in practice, retrospective.’

*In the circumstances, the Committee makes no further comment on this provision.*

### **Retrospective commencement Schedule 11**

Item 11 in the table to subclause 2(1) of this bill provides for the amendment proposed in Schedule 11 to commence retrospectively on 1 July 2002. The explanatory memorandum notes, on page 72, that the amendment is intended

to reflect ‘the intended policy and existing administration’, but does not indicate whether the retrospective commencement of this amendment will adversely affect any person. The Committee **seeks the Minister’s advice** regarding the effect of this retrospectivity.

*Pending the Minister’s advice, the Committee draws Senators’ attention to the provision, as it may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee’s terms of reference.*

## **Fisheries Legislation Amendment (Foreign Fishing Offences) Bill 2006**

Introduced into the House of Representatives on 25 May 2006  
Portfolio: Agriculture, Fisheries and Forestry

### **Background**

This bill amends the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984* to provide for custodial penalties, for fault based indictable offences, for foreign fishing offences in Australia's territorial sea that are within the Australian Fishing Zone or within any area of Australian jurisdiction. The bill also contains consequential and technical provisions.

*The Committee has no comment on this bill.*

## **Health Legislation Amendment (Private Health Insurance) Bill 2006**

Introduced into the House of Representatives on 31 May 2006  
Portfolio: Health and Ageing

### **Background**

This bill amends the *National Health Act 1953* to:

- clarify the role of the Health Insurance Ombudsman (HIO) in the protection of the interests of people who are covered by private health insurance; and
- expand the powers of the HIO in dealing with complaints and conducting investigations to include health care providers and brokers.

The bill also amends the *Private Health Insurance Incentives Act 1998* to allow additional time for Medicare Australia to provide the Australian Taxation Office with information regarding private health insurance rebates.

*The Committee has no comment on this bill.*

## **Migration Amendment (Designated Unauthorised Arrivals) Bill 2006**

Introduced into the House of Representatives on 11 May 2006

Portfolio: Immigration and Multicultural Affairs

### **Background**

This bill amends the *Migration Act 1958* to expand the group of people to whom offshore processing arrangements will apply. The bill provides for certain persons not intended to be caught by the regime to be exempt from the new concept of designated unauthorised arrivals. The bill provides for designated unauthorised arrivals to be removed to a declared country outside Australia for assessment of refugee claims under the Refugees Convention. The bill also amends the previous mandatory detention provisions to provide for discretionary detention where an officer reasonably suspects a non-citizen in Australia but outside the migration zone, is seeking to enter the migration zone and would on entry, be an unlawful non-citizen, consistent with the provision in relation to non-citizens seeking to enter Australia at an excised offshore place.

The bill provides for the Secretary to report annually to the Minister on offshore processing arrangements and refugee assessment outcomes, and for the reports to be tabled in both Houses of Parliament. The bill also provides for consequential and transitional matters arising as a result of these amendments to be dealt with by regulations.

### **Legislation by press release**

#### **Proposed new subparagraph 5F(1)(b)(ii)**

Although this bill would commence on the day after Assent, the effect of proposed new subparagraph 5F(1)(b)(ii) of the *Migration Act 1958* is that the bill will have effect retrospectively from 13 April 2006. The purpose of the bill, as given in the explanatory memorandum, is to expand the offshore processing regime so that, among other things, it applies to persons described as ‘designated unauthorised arrivals’. One part of the definition of such persons, contained in the above subparagraph, is those who ‘became an

unlawful non-citizen' by reason of having 'entered Australia by sea ... on or after 13 April 2006.' The explanatory memorandum states that this was the day on which the Minister 'announced that the Australian Government would introduce legislation as soon as possible to further strengthen border control measures in relation to unauthorised boat arrivals.' It is therefore clear that this bill is another example of 'legislation by Press Release', conduct which the Committee has regularly brought to the attention of Senators. While the Committee has, in the past, been prepared to accept the need for such legislation if it brings into effect provisions such as those raising new taxes, the Committee **seeks the Minister's advice** as to the need for this approach in this case. The Committee considers that this bill trespasses on the personal rights of those who will be affected by proposed new subparagraph 5F(1)(b)(ii), but **leaves for the Senate as a whole** the question of whether it does so *unduly*.

*Pending the Minister's advice, the Committee draws Senators' attention to the provision, as it may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.*

### **Abrogation of common law rights of action Schedule 1, items 28 to 40**

Item 40 of Schedule 1 to this bill provides for the proposed amendments to sections 494AA and 494AB of the *Migration Act 1958*, to be inserted by items 28 to 39 of the Schedule, to apply to 'the continuation, after the day on which this item commenced, of proceedings that were instituted [at any time] on or after 13 April 2006.' Sections 494AA and 494AB prohibit the institution or continuation of certain court proceedings relating to various unlawful non-citizens who seek to enter Australia.

The Committee first raised its concerns about this apparent abrogation of common law rights in its examination of the *Migration Legislation Amendment (Transitional Movement) Act 2002*, which inserted the current section 494AB in the Principal Act. In its *Fifth Report of 2002*, the Committee noted the then Minister's advice that common law rights of action had not been completely extinguished as there was still a right of appeal to the High Court in relation to certain matters and that the bar on rights of action was

expressly limited to specified matters, thus preserving the right to take legal action in respect of all other matters. The Minister also advised that the intention of the section was to frustrate abuse of proceedings and to deter unreasonable actions against Commonwealth officials.

The Committee notes that proposed new subsection 494AB(1)(c) appears to widen the range of court proceedings which may not be instituted or continued under the section to include those relating to the lawfulness of the detention of a person brought to Australia, as a transitory person, under section 198B. Unfortunately the explanatory memorandum provides no explanation for this change. The Committee therefore **seeks the Minister's advice** as to the reason for this apparent extension of the limitation on the institution or continuation of court proceedings and whether this amendment is in response to particular court proceedings.

The Committee also notes that Item 40 of the Schedule will apply the prohibition in proposed sections 494AA and 494AB retrospectively to proceedings instituted on or after 13 April 2006, the day on which the Minister announced the intention to introduce legislation along the lines of this bill. Again, the Committee notes that the explanatory memorandum does not clarify the reason for this retrospective application and **seeks the Minister's advice** as to the need for this approach in relation to these provisions.

The Committee considers that these proposed provisions trespass on the personal rights of those who will be affected by them, but **leaves for the Senate as a whole** the question of whether they do so *unduly*.

*Pending the Minister's advice, the Committee draws Senators' attention to the provision, as it may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.*

### **Standing appropriation Schedule 1, subitem 43(3)**

Subitem 43(3) of Schedule 1 would make a standing appropriation from the Consolidated Revenue Fund to provide for the payment of compensation in an

acquisition of property under proposed subsection 43(1). The explanatory memorandum states, on page 24, that an annual appropriation would be inappropriate in these circumstances as ‘it is not possible to accurately estimate the likely cost to the Commonwealth as this will depend on the number of unauthorised arrivals.’

*In the circumstances, the Committee makes no further comment on this standing appropriation.*

## **New Business Tax System (Untainting Tax) Bill 2006**

Introduced into the House of Representatives on 25 May 2006  
Portfolio: Treasury

### **Background**

Introduced with the Tax Laws Amendment (2006 Measures No. 3) Bill 2006, this bill imposes a tax in relation to untainting tainted share capital accounts.

*The Committee has no comment on this bill.*

## **Petroleum Resource Rent Tax Assessment Amendment Bill 2006**

Introduced into the House of Representatives on 25 May 2006

Portfolio: Treasury

### **Background**

Introduced with the Petroleum Resource Rent Tax (Instalment Transfer Interest Charge Imposition) Bill 2006, this bill amends the *Petroleum Resource Rent Tax Assessment Act 1987*, to implement a range of changes to Australia's offshore petroleum taxation system to:

- require Petroleum Resource Rent Tax (PRRT) taxpayers to transfer and deduct transferable exploration expenditure when calculating the PRRT quarterly tax instalment effective from 1 July 2006;
- allow internal corporate restructuring within company groups to occur without losing the ability to transfer exploration expenditure between the petroleum projects of group members;
- allow the present value of certain expected future expenditures to close down an infrastructure facility associated with a particular petroleum project to be deductible against the PRRT receipts of the project;
- allow the deductibility of fringe benefits tax for PRRT purposes;
- introduce a transfer notice requirement for vendors disposing of an interest in a petroleum project; and
- extend the lodgement period for PRRT annual returns from 42 days to 60 days.

The bill also makes a number of minor technical amendments, amends the *Petroleum Resource Rent Tax Assessment Act 1997* and the *Taxation Administration Act 1953* to apply the self assessment regime to PRRT and makes a consequential amendment to the *Taxation Administration Act 1953*.

*The Committee has no comment on this bill.*

## **Petroleum Resource Rent Tax (Instalment Transfer Interest Charge Imposition) Bill 2006**

Introduced into the House of Representatives on 25 May 2006

Portfolio: Treasury

### **Background**

Introduced with the Petroleum Resource Rent Tax Assessment Amendment Bill 2006, this bill ensures constitutional validity of the ‘instalment transfer interest charge’ which is designed to recoup the time value of money associated with transfer of exploration expenditure in working out a quarterly instalment of tax that is subsequently reversed.

*The Committee has no comment on this bill.*

## **Plant Health Australia (Plant Industries) Funding Amendment Bill 2006**

Introduced into the House of Representatives on 25 May 2006

Portfolio: Agriculture, Fisheries and Forestry

### **Background**

This bill amends the *Plant Health Australia (Plant Industries) Funding Act 2002* to provide a mechanism to enable plant industries to fund their liabilities under the Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Responses (the Deed). The bill enables amounts equal to emergency plant pest response levies and charges imposed on plant products to be appropriated to Plant Health Australia from the Consolidated Revenue Fund to allow repayment of liabilities that may arise in relation to the response to an outbreak of certain plant pests or diseases.

### **Standing appropriation**

#### **Schedule 1, item 17**

Proposed new section 10B of the *Plant Health Australia (Plant Industries) Funding Act 2002*, to be inserted by item 17 of Schedule 1, would make a standing appropriation from the Consolidated Revenue Fund to provide for payments to Plant Health Australia. However, the explanatory memorandum observes, on page 5, that the amounts so appropriated comprise no more than 'all levy and charge receipts (including penalties) received by the Commonwealth' under other provisions of the same Act.

*In the circumstances, the Committee makes no further comment on this standing appropriation.*

## **Protection of the Australian National Flag (Desecration of the Flag) Bill 2006**

Introduced into the House of Representatives on 27 March 2006  
By Mrs Bishop

The Committee considered this bill at its meeting on 10 May 2006 and noted in *Alert Digest No. 4 of 2006* that the bill was introduced without an explanatory memorandum. The Honourable Member has advised the Committee that an explanatory memorandum was prepared and tabled in the House of Representatives. The Committee thanks the Honourable Member for her advice and for providing a copy of the explanatory memorandum.

## **Royal Commissions Amendment Bill 2006**

Introduced into the House of Representatives on 25 May 2006  
Portfolio: Prime Minister

### **Background**

This bill amends the *Royal Commissions Act 1902* to clarify the operation of the Act in relation to legal professional privilege following the Federal Court decision in *AWB Limited v Honourable Terence Rhoderic Hudson Cole*.

*The Committee has no comment on this bill.*

## **Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Bill 2006**

Introduced into the House of Representatives on 10 May 2006  
Portfolio: Families, Community Services and Indigenous Affairs

### **Background**

This bill amends the *Social Security Act 1991*, the *Social Security (Administration) Act 1999*, the *Veterans' Entitlements Act 1986*, the *Income Tax Assessment Act 1936*, and the *Income Tax Assessment Act 1997* to provide for one-off payments to certain older Australians and certain carers. The bill also provides for administrative schemes to be established by legislative instrument to provide payments in circumstances where the statutory one-off payments regime does not produce an intended result.

### **Retrospective commencement**

#### **Schedule 1, items 1 and 7 and Schedule 3, item 1**

Although this bill would commence on Assent, various amendments proposed by it would apply from 9 May 2006. Those amendments are: proposed new section 93Y of the *Social Security Act 1991*, to be inserted by item 1 of Schedule 1; proposed new section 118ZZB of the *Veterans' Entitlement Act 1986*, to be inserted by item 7 of Schedule 1; and proposed new sections 253, 255, 257, 259 and 992T of the *Social Security Act 1991*, to be inserted by item 1 of Schedule 3. As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. In this case each amendment is clearly beneficial to the various recipients of pensions, concessions and other benefits.

*In the circumstances, the Committee makes no further comment on these provisions.*

## **Tax Laws Amendment (2006 Measures No. 3) Bill 2006**

Introduced into the House of Representatives on 25 May 2006

Portfolio: Treasury

### **Background**

This bill amends the *Income Tax Assessment Act 1936*; the *Income Tax Assessment Act 1997*; the *A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999*; the *Income Tax (Transitional Provisions) Act 1997*; the *Medicare Levy Act 1986*, the *Taxation Administration Act 1953*; the *Superannuation Guarantee (Administration) Act 1992*; the *Fringe Benefits Tax Assessment Act 1986*; the *A New Tax System (Australian Business Number) Act 1999*; the *A New Tax System (Goods and Services Tax) Act 1999*; and the *Tax Laws Amendment (Improvements to Self Assessment) Act (No. 2) 2005* .

Schedules 1 to 3:

- extend eligibility for the beneficiary tax offset to farmers and small business owners in receipt of Cyclone Larry income support payments and to drought affected taxpayers in receipt of interim income support payments; and
- provide tax-free status for Australian Government payments to businesses adversely affected by Cyclone Larry.

Schedule 4 introduces new share capital tainting rules.

Schedule 5 provides for an exemption from capital gains tax for recipients of certain expense-reimbursing government grants.

Schedule 6 provides an offset to certain taxpayers whose Medicare levy surcharge liability rose, or was significantly increased, as a result of an eligible lump sum payment in arrears.

Schedule 7 amends the *Superannuation Guarantee (Administration) Act 1992* to:

- require superannuation providers to report details of superannuation contributions to the Australian Tax Office; and
- allow the Commissioner of Taxation to impose administrative penalties in the event of a failure to report.

Schedule 8 excludes from reporting fringe benefits provided to address certain security concerns relating to the personal safety of an employee arising from their employment.

Schedules 9 to 12:

- make changes to the *Income Tax Assessment Act 1936* in relation to the application of pre-1 July 1988 funding credits;
- provide for certain funds that raise money for other deductible gift recipients to obtain an Australian Business Number;
- create five new general categories of gift recipients; and
- clarify the application of the goods and services tax charity concessions.

Schedule 13 clarifies the application of the six-year amendment period for general anti-avoidance amendments.

Schedule 14 provides for an increase to the maximum claimable amount of wine equalisation tax producer rebate.

Schedule 15 clarifies that supplies of certain types of real property are input taxed.

### **Retrospective commencement and application Schedules 4, 8, 9, 10, 13 and 15**

As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people.

Item 5 in the table to subclause 2(1) of this bill provides for the amendment proposed in Part 3 of Schedule 4 to commence retrospectively on 30 June 2002. Furthermore, item 19 of Schedule 4 provides that the amendments made

by Division 1 of Part 3 of Schedule 4 apply ‘in relation to transfers of amounts made during the period starting on 1 July 1998 and ending immediately before 1 July 2002.’ However, the explanatory memorandum notes, on page 44, that the amendments proposed in Schedule 4 are beneficial to taxpayers as they reduce the circumstances in which a company’s share capital account becomes tainted.

Item 8 in the table to subclause 2(1) of this bill provides for the amendments proposed in Schedule 10 to commence retrospectively on 1 July 2005. However, the explanatory memorandum states, on page 86, that this is to align the commencement of these provisions with the commencement of section 50-20 of the *Income Tax Assessment Act 1997* and goes on to state that ‘[t]axpayers and deductible gift recipients will not be worse-off as a result of these amendments and will benefit from being able to take advantage of the concessions in section 50-20 of the ITAA 1997’.

Item 13 in the table to subclause 2(1) of this bill provides for the amendments proposed in Schedule 13 to commence retrospectively on 19 December 2005, immediately after the commencement of earlier legislation. However, the explanatory memorandum notes, on page 9, that these amendments were announced in the 2006-07 Budget, and will have no financial impact.

Division 2 of Part 1 of Schedule 4 and of Division 2 of Part 2 of the same Schedule provides for the amendments proposed in Division 1 of Part 1 and Division 1 of Part 2 to apply from the day that this bill was introduced into the Parliament. Although those amendments will have some retrospective application, the explanatory memorandum notes, on page 4, that the amendments would have a negligible financial impact.

Item 3 of Schedule 8 provides for the amendments proposed in that Schedule to apply from 1 April 2004. However, the explanatory memorandum notes, on page 6, that the amendments would result in a cost to revenue of \$1 million for each of the next four financial years.

Item 5 of Schedule 9 provides for the amendments proposed in that Schedule to apply to the use of funding credits on or after 9 May 2006, the day of the presentation of the 2006-07 Budget. Although those amendments will therefore have some retrospective application, the Committee notes that the measures were announced in the Budget and the Treasurer’s Press Release No. 36 of 9 May 2006.

Item 10 of Schedule 15 provides for the amendments proposed in that Schedule to apply from 1 July 2000. However, the explanatory memorandum notes, on page 11, that the amendments will have no financial impact.

*In the circumstances, the Committee makes no further comment on these provisions.*

## **Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2006**

Introduced into the House of Representatives on 25 May 2006  
Portfolio: Treasury

### **Background**

This bill amends the *Medicare Levy Act 1986* and the *A New Tax System (Medicare Levy Surcharge-Fringe Benefits) Act 1999* to increase the Medicare levy low income thresholds and the Medicare levy surcharge low income thresholds for the 2005-06 financial year and later financial years.

*The Committee has no comment on this bill.*

## **Tax Laws Amendment (Personal Tax Reduction and Improved Depreciation Arrangements) Bill 2006**

Introduced into the House of Representatives on 11 May 2006

Portfolio: Treasury

### **Background**

This bill amends the following Acts:

- *Income Tax Rates Act 1986;*
- *A New Tax System (Ultimate Beneficiary Non-disclosure Tax) Act (No. 1) 1999;*
- *A New Tax System (Ultimate Beneficiary Non-disclosure Tax) Act (No. 2) 1999;*
- *Family Trust Distribution Tax (Primary Liability) Act 1998;*
- *Income Tax (Bearer Debentures) Act 1971;*
- *Trust Recoupment Tax Act 1985;*
- *Trust Recoupment Tax Assessment Act 1985;*
- *Fringe Benefits Act 1986;*
- *Medicare Levy Act 1986;*
- *Income Tax Assessment Act 1997;*
- *Income Tax (Transitional Provisions) Act 1997*

to reduce personal income tax for all Australian taxpayers from 1 July 2006 and ensure low income taxpayers pay a reduced rate of Medicare levy. The bill also reduces the rate of fringe benefits tax, increases the Low Income Tax Offset and the income threshold from which the tax offset begins to phase-out.

The bill also contains a range of consequential provisions resulting from the reduction in the top marginal tax rate and also contains application and transitional provisions.

*The Committee has no comment on this bill.*

## **Therapeutic Goods Amendment Bill (No. 3) 2006**

Introduced into the House of Representatives on 11 May 2006

Portfolio: Health and Ageing

### **Background**

This bill amends the *Therapeutic Goods Act 1989* to allow or require manufacturers of medicines, blood and tissues, to apply for manufacturing licences electronically, using the Therapeutic Goods Administration's e-business system. The system will facilitate the submission and efficient handling of applications and will allow manufacturers to monitor the progress of their applications or make changes to their licences.

*The Committee has no comment on this bill.*

## PROVISIONS OF BILLS WHICH IMPOSE CRIMINAL SANCTIONS FOR A FAILURE TO PROVIDE INFORMATION

The Committee's *Eighth Report of 1998* dealt with the appropriate basis for penalty provisions for offences involving the giving or withholding of information. In that Report, the Committee recommended that the Attorney-General develop more detailed criteria to ensure that the penalties imposed for such offences were 'more consistent, more appropriate, and make greater use of a wider range of non-custodial penalties'. The Committee also recommended that such criteria be made available to Ministers, drafters and to the Parliament.

The Government responded to that Report on 14 December 1998. In that response, the Minister for Justice referred to the ongoing development of the Commonwealth *Criminal Code*, which would include rationalising penalty provisions for 'administration of justice offences'. The Minister undertook to provide further information when the review of penalty levels and applicable principles had taken place.

For information, the following Table sets out penalties for 'information-related' offences in the legislation covered in this *Digest*. The Committee notes that imprisonment is still prescribed as a penalty for some such offences.

**TABLE**

<b>Bill/Act</b>	<b>Section/Subsection</b>	<b>Offence</b>	<b>Penalty</b>
Health Legislation Amendment (Private Health Insurance) Bill 2006	Proposed sections 82ZSD(4) and 82ZTC(4A)	Failure to provide information	10 penalty units

## SCRUTINY OF STANDING APPROPRIATIONS

The committee has determined that, as part of its standard procedures for reporting on bills, it should draw senators' attention to the presence in bills of standing appropriations. It will do so under provisions 1(a)(iv) and (v) of its terms of reference, which require the committee to report on whether bills:

- (iv) inappropriately delegate legislative powers; or
- (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.

Further details of the Committee's approach to scrutiny of standing appropriations are set out in the committee's *Fourteenth Report of 2005*. The following is a list of the bills containing standing appropriations that have been introduced since the beginning of the 41<sup>st</sup> Parliament.

### Bills introduced with standing appropriation clauses - 41<sup>st</sup> Parliament

*Indicates passed by Senate	Bills and Clauses
*	<b>Appropriation (Regional Telecommunications Services) Bill 2005-2006</b> – clause 13
*	<b>Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005</b> – subclause 8(2)
*	<b>Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005</b> – subclause 5(3)
*	<b>Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Bill 2005</b> – clause 23
	<b>Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Bill 2006</b> – Schedule 5, subitem 20(3) – CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> .
*	<b>Financial Framework Legislation Amendment Bill 2004</b> – Schedule 1, item 397, paragraphs 124(1)(b) and (c) and item 422, subsection 235(2)  [also Schedule 1, items 58, 63, 82, 86, 95, 99, 114, 135, 136, 145, 153, 164, 169, 182, 197, 205, 218, 261, 293, 317, 324, 370, 419, 437, 448, 484 and 493 – CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> ]
*	<b>Human Services Legislation Amendment Bill 2005</b> – Schedule 2, subitem 720(4)

*	<b>Indigenous Education (Targeted Assistance) Amendment Bill 2004</b> – Schedule 1, item 3, subsection 14A(1)
	<b>Migration Amendment (Designated Unauthorised Arrivals) Bill 2006</b> – Schedule 1, subitem 43(3)
*	<b>National Water Commission Bill 2004</b> – CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>
*	<b>Offshore Petroleum Bill 2005</b> – clause 56
	<b>Plant Health Australia (Plant Industries) Funding Amendment Bill 2006</b> – Schedule 1, item 17
*	<b>Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Bill 2004</b> – clause 133
*	<b>Skilling Australia’s Workforce Bill 2005</b> – clause 40
*	<b>Superannuation Bill 2005</b> – subclause 29(4)
*	<b>Superannuation (Consequential Amendments) Bill 2005</b> – Schedule 5, item 1, subsection 4AA(5) and Schedule 6, item 1, subsection 12A(5)
*	<b>Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005</b> – Schedule 1, item 1, subsections 158ZO(4), 158ZP(7) and 158ZQ(5) and Schedule 3, item 1, subsection 136C(4)
*	<b>Textile Clothing and Footwear Strategic Investment Program Amendment (Post-2005 Scheme) Bill 2004</b> – Schedule 1, item 12, section 37ZH and subsection 37ZJ(3)
*	<b>Water Efficiency Labelling and Standards Bill 2004</b> – CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>

### Other relevant appropriation clauses

*Indicates Passed by Senate	Bills and Clauses
*	<b>AusLink (National Land Transport—Consequential and Transitional Provisions) Bill 2004</b> – Schedule 2, item 3: special appropriation clause – for a finite amount and a finite period of time.
*	<b>Social Security Legislation Amendment (One-off Payments for Carers) Bill 2005</b> – Schedule 2, item 1: special appropriation clause – for a finite period of time (i.e. for circumstances arising in a particular financial year).

## STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

## INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2005/2006

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
<b>Bills dealt with in 2005</b>							
Australian Citizenship Bill 2005	14(30.11.05)	9.11.05		Citizenship and Multicultural Affairs	1.12.05	13.2.06	1(1.3.06)
Corporations (Aboriginal and Torres Strait Islander) Bill 2005	8(10.8.05) 9(17.8.05)	23.6.05		Immigration and Multicultural and Indigenous Affairs	11.8.05		
Fuel Quality Standards (Renewable Content of Motor Vehicle Fuel) Amendment Bill 2005	11(14.9.05)	5.9.05		Mr Katter	15.9.05		
Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2005	11(14.9.05)	5.9.05		Mr Kerr	15.9.05		
Workplace Relations Amendment (Work Choices) Bill 2005	13(9.11.05)	2.11.05	10.11.05	Employment and Workplace Relations	10.11.05	28.3.06	2(29.3.06)
<b>Bills dealt with in 2006</b>							
Aged Care (Bond Security) Bill 2005	1(8.2.06)	8.12.05	9.2.06	Ageing	9.2.06	23.3.06	2(29.3.06)
Airport Development and Aviation Noise Ombudsman Bill 2006	4(10.5.06)	27.3.06		Mr Georganus	11.5.06		
ASIO Legislation Amendment Bill 2006 Noise Ombudsman Bill 2006	4(10.5.06)	29.3.06		Attorney-General	11.5.06	8.6.06	5(14.6.06)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Australian Sports Anti-Doping Authority Bill 2005	1(8.2.06)	7.12.05	9.2.06	Arts and Sport	9.2.06	27.2.06	1(1.3.06)
Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005	1(8.2.06)	13.2.06	7.12.05	Defence	9.2.06	27.3.06	2(29.3.06)
Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006	4(10.5.06)	10.5.06		Attorney-General	11.5.06		
Law Enforcement Integrity Commissioner Bill 2006	4(10.5.06)	29.3.06		Attorney-General	11.5.06		
Renewable Energy (Electricity) Amendment Bill 2006	3(29.3.06)	2.3.06		Environment and Heritage	30.3.06	18.5.06	
Telecommunications (Interception) Amendment Bill 2006	2(1.3.06)	16.2.06	1.3.06	Attorney-General	2.3.06	17.3.06	2(29.3.06)