

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



**Alert Digest**

**No. 8 of 2007**

**8 August 2007**



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

## **Members of the Committee**

Senator R Ray (Chair)

Senator J Adams (Deputy Chair)

Senator G Barnett

Senator A McEwen

Senator A Murray

Senator S Parry

## **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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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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# **Australian Postal Corporation Amendment (Quarantine Inspection and Other Measures) Bill 2007**

Introduced into the Senate on 20 June 2007

Portfolio: Communications, Information Technology and the Arts

## **Background**

This bill amends the *Australian Postal Corporation Act 1989* to provide for the inspection and examination of certain postal articles carried by Australia Post for interstate quarantine purposes. The bill:

- allows prescribed State and Territory inspection agencies to identify and examine articles in the course of normal mail processing;
- provides that certain procedures must be followed by State or Territory quarantine inspection authorities and that specified records must be kept; and
- allows compliance agencies, such as the Australian Quarantine Inspection Service, to pass information to Australia Post regarding seized articles and allows Australia Post to pass this information to other postal administrations.

In addition, the bill:

- streamlines the disclosure of scam mail to consumer protection agencies, allowing Australia Post to hold suspected scam mail for inspection by a consumer protection agency; and
- ensures that the Australian Postal Corporation Act reflects the operation of the GST and wine tax.

The bill also contains application and consequential provisions.

*The Committee has no comment on this bill.*

# **Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2007**

Introduced into the Senate on 21 June 2007  
By Senator Fielding

## **Background**

This bill amends the *Australian Securities and Investments Commission Act 2001* to limit banking and credit card penalty fees charged by financial institutions in relation to failed transactions. The bill:

- ensures penalty fees charged are for cost recovery only;
- enables the Australian Securities and Investments Commission (ASIC) to monitor penalty fees and to investigate customer complaints and issues referred by the Treasurer; and
- allows customers to seek damages from financial institutions if they breach the ASIC Act.

The bill also contains saving provisions.

## **Explanatory memorandum**

The Committee notes that this bill, introduced as a private Senator's bill, was accompanied only by a second reading speech and was introduced without an explanatory memorandum. The consideration of bills by the Committee and by the Parliament is assisted if they are accompanied by an explanation of the intent and operation of the proposed amendments, preferably in the form of an explanatory memorandum. The Committee recognises, of course, that private Senators and Members do not generally have access to the resources of departments and agencies to assist in the development of such documents. In this case, the Committee notes that the second reading speech provides some explanation of the intent and operation of the proposed amendments.

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

## **Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Amendment Bill (No. 2) 2007**

Introduced into the House of Representatives on 20 June 2007  
Portfolio: Education, Science and Training

### **Background**

This bill amends the *Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Act 2005* to:

- increase the appropriation for the establishment and operation of Australian Technical Colleges for the years 2008 and 2009; and
- provide additional funding for the establishment and operation of Australian Technical Colleges in 2010 and 2011.

The increased funding will support the establishment of a further three Australian Technical Colleges.

*The Committee has no comment on this bill.*

## **Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007**

Introduced into the Senate on 21 June 2007

Portfolio: Transport and Regional Services

### **Background**

This bill amends the *Aviation Transport Security Act 2004* and the *Civil Aviation Act 1988* with the aim of strengthening aviation security and safety. The bill:

- provides for the making of regulations to prohibit activities or conduct performed outside a security controlled airport that disrupts or interferes with the operations of a security controlled airport or aircraft;
- provides additional powers to eligible Australian Customs Officers working in parts of the airport where uniformed police are unlikely to routinely visit but which are visited by customs officers. These powers include the ability to stop and search people and vehicles, request that a person leave an area or zone of a security controlled airport and to physically restrain certain persons;
- provides for the making of regulations that exempt certain senior dignitaries, their spouses and minors from aviation security screening;
- introduces a mandatory drug and alcohol regime, including testing, education and support, in the civil aviation industry; and
- provides for the making of regulations outlining the details of the drug and alcohol regime.

The bill also contains application provisions.

## Determination of important matters by regulation

### Schedule 1, item 14

Proposed new section 38B of the *Aviation Transport Security Act 2004*, to be inserted by item 14 of Schedule 1, provides for regulations to ‘prescribe offences in relation to the disruption or interference with the activities of an airport operator of a security controlled airport, or the activities of an aircraft operator at a security controlled airport’ in certain circumstances.

The explanatory memorandum to the bill indicates that ‘new section 38B is needed because the existing regulation making powers in the Act are not well adapted to creating offences that effectively deter disruptive activities [within airports]… Similarly, the existing regulation making powers do not permit the regulation of disruptive conduct outside the boundaries of an airport even if the conduct has the direct effect of severely disrupting the activities of the airport operator or of an aircraft operator. Examples of conduct outside an airport that might disrupt airport operations include directing light emitting devices (such as laser devices) into the airport through or over the top of the airport’s perimeter fence. Although some such incidents may not pose a direct threat to aviation, all incidents inevitably invite a serious security response because the activity has to be investigated quickly to determine whether there is a serious risk…the existence of a set of appropriately crafted offences in the Regulations is expected to provide a sensible deterrent for deliberate and repeat offenders.’

Sub-section 38B(2) provides that the offences prescribed by the regulations ‘may relate to conduct that occurs outside the boundaries of a security controlled airport’, which could effectively mean anywhere, including, presumably, conduct that occurs on residential properties abutting airports. Given the apparent wide scope of these provisions and the not insignificant financial penalty that may be imposed (up to 50 penalty units = \$5500), the Committee questions whether these offence making powers might be more appropriately exercised by the Parliament. Certainly the explanatory memorandum provides no explanation as to why these ‘appropriately crafted offences’ could not be included in primary legislation rather than in regulations. The Committee **seeks the Minister’s advice** as to why it was considered necessary for these offences to be able to be created by regulation rather than by primary legislation.

*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.*

## **Wide delegation of power**

### **Schedule 1, item 25**

Proposed new subsection 37(2) of the *Civil Aviation Act 1988* to be inserted by item 25 of Schedule 1, allows 'regulations that are made for the purposes of subsection 34(1) (which deals with drug and alcohol management plans) and subsection 34(2) (which deals with drug and alcohol testing) to confer the power to make an administrative decision on a person who is specified in the Regulations. Subsection 37(2) in turn allows the Regulations to permit such a person to delegate that power to another person' (explanatory memorandum page 30).

The Committee has consistently drawn attention to legislation that allows powers to be conferred on, or delegated to, a relatively large class of persons, with little or no specificity as to their qualifications or attributes. As outlined above, the explanatory memorandum to the bill paraphrases the provisions but does not provide an explanation of why no attempt has been made to limit the range of persons on whom the power to make an administrative decision may be conferred or delegated. (For example, by identifying the various classes of persons, ie. CEO, Senior Executive Service Officer etc, or the skills and experience of the persons to whom the powers are to be conferred or delegated). The Committee **seeks the Minister's advice** whether this wide power of delegation should be limited in some way.

*Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers, in breach of principle 1(a)(ii) of the Committee's terms of reference.*

## **Incorporation of extrinsic material**

### **Schedule 1, item 25**

Proposed new subsection 34(1) of the *Civil Aviation Act 1988*, to be inserted by item 25 of Schedule 1, would permit the making of regulations ‘for and in relation to the development, implementation and enforcement of drug and alcohol management plans covering persons who perform, or are available to perform, safety-sensitive aviation activities’. Subsection 34(2) would provide for the making of regulations covering drug and alcohol testing of such persons. While that regulation-making power might appear on its face not to be within the Committee’s terms of reference, subsection 98(3) of the same Act has provided for some time that any regulations made under the Act may apply, adopt or incorporate any matter contained in a written instrument or other document as in force at a particular time or from time to time.

This means that the regulations that this bill would allow for, in relation to drug or alcohol testing, could incorporate matter of which the Parliament might be completely unaware, because the regulations incorporate material from some outside source, as in force from time to time. The Committee **seeks the Minister’s advice** regarding why the ability to incorporate material ‘as in force from time to time’ into the regulations that might be made under proposed new subsections 34(1) and (2) is necessary.

*Pending the Minister’s advice, the Committee draws Senators’ attention to the provisions, as they may be considered to insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee’s terms of reference.*

## **Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007**

Introduced into the House of Representatives on 21 June 2007

Portfolio: Attorney-General

### **Background**

This bill amends the *Classification (Publications, Films and Computer Games) Act 1995* to require that publications, films or computer games that advocate the doing of a terrorist act be classified as ‘Refused Classification’, to prevent their circulation in Australia.

The bill adopts the meanings of ‘advocate’ and ‘terrorist act’ from the *Criminal Code Act 1995*, by adaptation of language or direct reference, to ensure consistency with their meaning in the Criminal Code.

The bill also contains application provisions.

*The Committee has no comment on this bill.*

## **Communications      Legislation      Amendment (Information Sharing and Datacasting) Bill 2007**

Introduced into the House of Representatives on 20 June 2007  
Portfolio: Communications, Information Technology and the Arts

### **Background**

This bill amends the *Australian Communications and Media Authority Act 2005*, to allow the disclosure of certain protected information, in limited circumstances, by the Australian Communications and Media Authority (ACMA) to the Minister for Communications, Information Technology and the Arts, Departments, government agencies and regulatory bodies.

The bill also makes minor amendments to:

- the *Radiocommunications Act 1992* to enable ACMA to vary the spectrum specified in a datacasting transmitter licence after such a licence has been issued; and
- the *Datacasting Charge (Imposition) Act 1998*, to exempt channel B datacasting licensees from being subject to the annual licence fee.

The bill also contains application provisions.

*The Committee has no comment on this bill.*

## **Corporations (National Guarantee Fund Levies) Amendment Bill 2007**

Introduced into the House of Representatives on 21 June 2007

Portfolio: Treasury

### **Background**

Introduced with the Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007, this bill amends the *Corporations (National Guarantee Fund Levies) Act 2001* to cap the amount of levies payable each year to the National Guarantee Fund, thereby removing the current uncapped exposure of participants.

*The Committee has no comment on this bill.*

## **Families, Community Services and Indigenous Affairs Legislation Amendment (Further 2007 Budget Measures) Bill 2007**

Introduced into the House of Representatives on 20 June 2007  
Portfolio: Families, Community Services and Indigenous Affairs

### **Background**

This bill amends the *A New Tax System (Family Assistance) Act 1999*, the *Income Tax Assessment Act 1997*, the *Social Security Act 1991*, the *Social Security (Administration) Act 1999*, and the *Veterans' Entitlements Act 1986* to implement measures (effective 1 January 2008) announced in the 9 May 2007 Budget. The bill:

- increases the flexibility of the Pension Bonus Scheme, making it easier for members to access their accrued pension bonus and to receive a top up of the bonus in certain circumstances;
- allows accrued unclaimed bonuses of a scheme member who dies to be paid to their surviving partner;
- increases the existing social security income and assets test exemption threshold for funeral bonds from \$5,000 to \$10,000;
- modifies the Assurance of Support Program, which allows people who are at higher risk of requiring income support to migrate to Australia;
- extends the eligibility criteria for a one-off crisis payment to include certain people on a qualifying humanitarian visa; and
- provides for the multiple birth family allowance to be paid until the children turn 16 years of age or, if they remain full time students, until the end of the calendar year in which they turn 18.

The bill also contains application provisions.

*The Committee has no comment on this bill.*

## **Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007**

Introduced into the House of Representatives on 21 June 2007  
Portfolio: Treasury

### **Background**

Introduced with the Corporations (National Guarantee Fund Levies) Amendment Bill 2007, this bill amends the *Financial Sector (Collection of Data) Act 2001*, the *Corporations Act 2001* and the *Insurance Act 1973* to amend the prudential regulation, consumer protection and data collection requirements for direct offshore foreign insurers carrying on an insurance business in Australia. The bill:

- clarifies the requirement that anyone carrying on general insurance business in Australia is required to become authorised and will be prudentially regulated by the Australian Prudential Regulation Authority (APRA);
- provides a framework that enables the government to develop regulations to make available limited exemptions from the new regime;
- expands APRA's powers to allow it to investigate entities that it reasonably believes are carrying on insurance business in Australia without being authorised;
- requires Australian financial service licence holders and authorised representatives to deal only in authorised general insurance products, with limited exceptions, and to supply data on any dealing in insurance covered by the exemptions;
- requires Discretionary Mutual Funds (DMFs) to disclose to all clients the key characteristics of their product, including that the DMF has a discretion whether or not to pay out on a claim; and

- subjects DMFs to a compulsory data collection regime so as to better understand the nature and scope of their operations.

The bill also contains application, consequential, technical and transitional provisions.

### **Strict liability**

#### **Schedule 2, item 1**

Proposed new subsection 985D(4) of the *Corporations Act 2001*, to be inserted by item 1 of Schedule 2, would impose strict liability for the offences created by subsection (1). The Committee will generally draw to Senators' attention provisions that create strict liability offences. Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum that accompanies the bill.

Unfortunately in this instance the explanatory memorandum does not refer to that fact that the offences created by new subsection 985D(1) are offences of strict liability and, as such, provides no explanation for why an offence of strict liability was considered necessary. The Committee **seeks the Treasurer's advice** whether consideration was given to the matters outlined in part 4.5 of the *Guide to the Framing of Commonwealth Offences, Civil Penalties and Enforcement Powers*, in framing these provisions.

*Pending the Treasurer'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.*

### **Legislative Instruments Act—declarations**

#### **Schedule 2, item 8**

Proposed paragraph 3A(3)(a) of the *Insurance Act 1973*, to be inserted by item 8 of Schedule 2, provides that a determination made under new paragraph 3A(1)(b) that specifies a particular contract of insurance, is not a legislative instrument. Where a provision specifies that an instrument is *not* a

legislative instrument, the Committee would expect the explanatory memorandum to explain whether the provision is merely declaratory (and included for the avoidance of doubt) or expresses a policy intention to exempt an instrument (which *is* legislative in character) from the usual tabling and disallowance regime set out in the *Legislative Instruments Act 2003*. Where the provision is a substantive exemption, the Committee would expect to see a full explanation justifying the need for the provision.

In this instance the explanatory memorandum remains silent on this proposed paragraph. The Committee **seeks the Treasurer's advice** whether this provision is declaratory in nature or provides for a substantive exemption and whether it would be possible to include this information, together with a rationale for any substantive exemption, in the explanatory memorandum.

*Pending the Treasurer's advice, the Committee draws Senators' attention to the provision, as it may be considered to insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee's terms of reference.*

## **Abrogation of the privilege against self-incrimination Schedule 2, items 12 and 36**

Proposed new subsection 62D(2) of the *Insurance Act 1973*, to be inserted by item 12 of Schedule 2, and proposed new subsection 115AB(2) of the same Act, to be inserted by item 36 of Schedule 2, would abrogate the privilege against self-incrimination for a person required to provide information or produce a document under new section 62C or new section 115AA respectively. At common law, people can decline to answer questions on the grounds that their replies might tend to incriminate them. Legislation which interferes with this common law privilege trespasses on personal rights and liberties. The Committee does not see this privilege as absolute, however, recognising that the public benefit in obtaining information may outweigh the harm to civil rights. One of the factors the Committee considers is the subsequent use that may be made of any incriminating disclosures.

In this instance, subsections 62D(3) and 115AB(3) respectively would limit the circumstances in which information so provided is admissible in evidence in proceedings against the affected person. However, that limitation applies only to information directly supplied by the person, not to information gained indirectly as a result of the statement or document provided by the person. The immunity is, in other words, only a ‘use immunity’ and not a ‘derivative use immunity’. The Committee notes that the explanatory memorandum, at paragraphs 2.64 and 2.79 respectively, does not remark on this fact and **seeks the Treasurer’s advice** as to the reasons why ‘use immunity’ rather than ‘derivative use immunity’ applies in these circumstances.

*Pending the Treasurer’s advice, the Committee draws Senators’ attention to the provisions, as they 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.*

## **Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007**

Introduced into the House of Representatives on 21 June 2007

Portfolio: Treasury

### **Background**

This bill introduces measures to simplify prudential regulation of the financial sector and to reduce compliance costs.

Schedule 1 amends the *Banking Act 1959*, the *Insurance Act 1973*, the *Life Insurance Act 1995*, the *Superannuation Industry (Supervision) Act 1993* and other related legislation, including the *Corporations Act 2001*, to implement commitments in response to *Rethinking Regulation: The Report of the Taskforce on Reducing Regulatory Burdens on Business*.

Schedule 2 amends the *Superannuation Industry (Supervision) Act 1993* and the *Financial Institutions Supervisory Levies Collection Act 1998* to make financial assistance available on a more equitable basis to the trustee of a superannuation fund where the fund has suffered a loss as a result of fraudulent conduct or theft. The bill also abolishes the Special Protection Account.

Schedule 3 amends the *Financial Institutions Supervisory Levies Collection Act 1998*, the *Financial Sector (Collection of Data—Consequential and Transitional Provisions) Act 2001*, the *Income Tax Assessment Act 1936*, the *Superannuation Industry (Supervision) Act 1993*, and the *Superannuation (Self Managed Superannuation Funds) Taxation Act 1987* to, among other things, consolidate and rationalise prudential reporting requirements and distinguish between reporting requirements relating to registrable superannuation entities and self-managed funds.

Schedule 4 contains a number of technical amendments to various Acts consequential to the *Legislative Instruments Act 2003*.

The bill also contains application and saving provisions.

## **Commencement**

### **Schedule 1, part 3**

Item 4 in the table to subclause 2(1) of this bill provides that the amendments proposed in Part 3 of Schedule 1 will commence 12 months after Assent. The Committee takes the view that Parliament is responsible for determining when laws are to come into force. The Committee will generally not comment where the period of delayed commencement is six months or less. Where the delay is longer the Committee expects that the explanatory memorandum to the bill will provide an explanation, in accordance with Paragraph 19 of Drafting Direction No. 1.3.

In this instance paragraph 1.376 of the explanatory memorandum notes that the 12 month transitional period from the date of Royal Assent is ‘to allow existing RSE licensees to obtain ABNs for themselves and their entities if they do not already have them...[and] also recognises the need to allow time for entities to put in place arrangements to ensure ABNs can be displayed on all the appropriate documents.’

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

## **Commencement**

### **Schedule 1, part 4**

Item 5 in the table to subclause 2(1) of this bill provides that the amendments proposed in Part 4 of Schedule 1 will commence on 1 July 2011. The Committee takes the view that Parliament is responsible for determining when laws are to come into force. The Committee will generally not comment where the period of delayed commencement is six months or less. Where the delay is longer the Committee expects that the explanatory memorandum to the bill will provide an explanation, in accordance with Paragraph 19 of Drafting Direction No. 1.3.

In this case, the Committee notes the explanatory memorandum (paragraphs 1.261 to 1.264) explains that the reason for this very delayed commencement

is to allow for the phasing out of prudential rules, which are to be replaced with prudential standards.

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

### **Abrogation of the privilege against self-incrimination Schedule 1, items 44, 62, 115 and 154**

Various provisions in this bill will abrogate the privilege against self-incrimination. They are:

- proposed new section 52F of the *Banking Act 1959*, to be inserted by item 44 of Schedule 1;
- proposed new section 38F of the *Insurance Act 1973*, to be inserted by item 62 of Schedule 1;
- proposed new section 156F of the *Life Insurance Act 1995*, to be inserted by item 115 of Schedule 1; and
- proposed new section 336F of the *Superannuation Industry (Supervision) Act 1993*, to be inserted by item 154 of Schedule 1.

At common law, people can decline to answer questions on the grounds that their replies might tend to incriminate them. Legislation which interferes with this common law privilege trespasses on personal rights and liberties. The Committee does not see this privilege as absolute, however, recognising that the public benefit in obtaining information may outweigh the harm to civil rights. One of the factors the Committee considers is the subsequent use that may be made of any incriminating disclosures.

In each of these cases the respective provisions go on to limit the circumstances in which information so provided is admissible in evidence in proceedings against the affected person. However, that limitation applies only to information directly supplied by the person, and not to information gained indirectly from the statement or document provided by the person. The immunity is, in other words, only a ‘use immunity’ and not a ‘derivative use immunity’.

The explanatory memorandum seeks to justify these provisions simply on the basis that the Australian Prudential Regulatory Authority's 'interest in receiving information that would assist to maintain the integrity of the prudential regulatory framework outweighs, in this context, the privilege against self-incrimination' (see paragraphs 1.75, 1.92, 1.107 and 1.124 respectively), but says nothing about the fact that these provisions do not provide a 'derivative-use' immunity. The Committee **seeks the Treasurer's advice** as to the reasons why 'use immunity' rather than 'derivative use immunity' applies in these circumstances.

*Pending the Treasurer's advice, the Committee draws Senators' attention to the provisions, as they 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.*

## **Strict liability**

### **Schedule 1, items 67 and 143**

Proposed new subsection 7B(2) of the *Life Insurance Act 1995*, to be inserted by item 67 of Schedule 1, applies strict liability to an element of the offence created by subsection 7B(1). Similarly, new subsection 29JCA(2) of the *Superannuation Industry (Supervision) Act 1993*, to be inserted by item 143 of Schedule 1, applies strict liability to an element of the offence created by subsection 29JCA(1). The Committee will generally draw to Senators' attention provisions that create strict liability offences. Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum that accompanies the bill.

In these instances, the explanatory memorandum (paragraphs 1.147 and 1.383 respectively) merely cites section 6.1 of the Criminal Code. The Committee **seeks the Treasurer's advice** whether consideration was given to the matters listed at Part 4.5 of the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers* in the framing of these offences.

*Pending the Treasurer's advice, the Committee draws Senators' attention to the provisions, as they 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.*

## **Strict liability**

### **Schedule 1, items 160 and 187**

Proposed new subsections 16BA(4) and (9) of the *Banking Act 1959*, to be inserted by item 160 of Schedule 1, and proposed new subsection 49A(9) of the *Insurance Act 1973*, to be inserted by item 187 of Schedule 1, impose strict criminal liability. The Committee will generally draw to Senators' attention provisions that create strict liability offences. Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum that accompanies the bill.

The explanatory memorandum (paragraphs 1.24 and 1.37 respectively) seeks to justify these provisions on the basis that the offences 'are basic, objective requirements of [the Australian Prudential Regulatory Authority's] prudential supervision functions, and should be complied with by all persons'. The Committee is of the view that it could be argued that all laws, by their very nature, 'should be complied with by all persons' and that this is not, therefore, justification for applying strict liability to this particular offence. The Committee **seeks the Treasurer's advice** whether consideration was given to the matters listed at Part 4.5 of the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers* in the framing of these offences.

*Pending the Treasurer's advice, the Committee draws Senators' attention to the provisions, as they 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.*

## **Strict liability**

### **Schedule 1, item 244**

Proposed new subsection 131AA(10) of the *Superannuation Industry (Supervision) Act 1993*, to be inserted by item 244 of Schedule 1, imposes strict liability for the offence created by new subsection 131AA(9). The Committee will generally draw to Senators' attention provisions that create strict liability offences. Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum that accompanies the bill.

The explanatory memorandum (paragraph 1.242) seeks to justify this provision on the basis that the offence is a 'basic, objective requirement of the prudential framework, and should be complied with by all entities'. The Committee is of the view that it could be argued that all laws, by their very nature, 'should be complied with by all entities' and that this is not, therefore, a justification for applying strict liability to this particular offence. The Committee **seeks the Treasurer's advice** whether consideration was given to the matters listed at Part 4.5 of the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers* in the framing of this offence.

*Pending the Treasurer'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.*

## **Strict liability**

### **Schedule 3, item 8**

Proposed new subsections 35A(4), 35B(6), 35C(4) and (8), 35D(5) and 36(3) of the *Superannuation Industry (Supervision) Act 1993*, to be inserted by item 8 of Schedule 3, impose strict liability for the offences created in those provisions. The Committee will generally draw to Senators' attention provisions that create strict liability offences. Where a bill creates such an offence, the Committee considers that the reasons for its imposition should be set out in the explanatory memorandum that accompanies the bill.

The explanatory memorandum (paragraphs 3.8 to 3.14) gives a brief explanation of the amendments proposed by item 8 of Schedule 3, but does not refer to the fact that the amendments create offences of strict liability. The Committee **seeks the Treasurer's advice** as to whether the imposition of strict liability is justified in these circumstances and whether consideration was given to the matters listed at Part 4.5 of the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers* in the framing of these offences.

*Pending the Treasurer's advice, the Committee draws Senators' attention to the provisions, as they 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.*

### **Apparent error**

#### **Explanatory memorandum**

The Committee notes that paragraphs 3.15 and 3.16 of the explanatory memorandum describe amendments purported to be made to paragraph 113(3)(b) of the *Superannuation Industry (Supervision) Act 1993* but those amendments do not appear in the version of the bill presented to the House of Representatives. The Committee **seeks the Treasurer's advice** whether this is an error in the explanatory memorandum and, if so, whether it could be removed so as not to cause confusion.

### **Retrospective effect**

#### **Schedule 4, items 25 and 28**

Proposed new subsections 1409(4) and 1444(6) of the *Corporations Act 2001*, to be inserted by items 25 and 28 of Schedule 4, would allow for the making of regulations having effect retrospectively from a date prior to the regulations being registered, in derogation of subsection 12(2) of the *Legislative Instruments Act 2003*.

As a matter of practice, the Committee draws attention to any bill that seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. The Committee notes that the explanatory memorandum, at paragraph 4.2, assures readers that all of the amendments contained in Schedule 4 are no more than consequential on the enactment of the *Legislative Instruments Act 2003*, and ‘do not in any way affect the operation of the various [legislative provisions].’

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

## **Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007**

Introduced into the House of Representatives on 21 June 2007  
Portfolio: Education, Science and Training

### **Background**

This bill amends the *Higher Education Support Act 2003* to extend FEE-HELP assistance to full-fee-paying students in Diploma and Advanced Diploma courses that are accredited as vocational education and training (VET) qualifications and where credit towards a higher education award is available.

The bill also contains consequential and technical provisions.

### **Legislative Instruments Act—determinations** **Schedule 1, item 17**

Proposed new clauses 12 and 38 of Schedule 1A to the *Higher Education Support Act 2003*, to be inserted by item 17 of Schedule 1 to this bill, provide that

- notice of the Minister's decision under clause 11 to approve an application from a body corporate as a VET provider, and
- notice of the Minister's decision under subclause 34(3) to revoke such an approval,

are legislative instruments. This means that such notices are subject to review by the Parliament and disallowance. However, it appears that such decisions are more akin to administrative decisions rather than determinations of a legislative character. Administrative decisions are normally subject to merits review under the *Administrative Appeals Tribunal Act 1975*.

The Committee notes that the explanatory memorandum to the bill does not contain any explanation for these provisions and **seeks the Minister's advice**

regarding why these determinations are declared to be legislative instruments and whether they should be subject to merits review under the *Administrative Appeals Tribunal Act 1975*.

*Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to make rights, liberties or obligations unduly dependent upon non-reviewable decisions, in breach of principle 1(a)(iii) of the Committee's terms of reference.*

## **Independent Contractors Amendment Bill 2007**

Introduced into the House of Representatives on 18 June 2007  
By Mr Wilkie

### **Background**

This bill seeks to amend the *Independent Contractors Act 2006* to exempt the Western Australian *Owner Drivers (Contracts and Disputes) Act 2007*.

### **Explanatory memorandum**

The Committee notes that this bill, introduced as a private Member's bill, was accompanied by a statement made on presentation of the bill and was introduced without an explanatory memorandum. The consideration of bills by the Committee and by the parliament is assisted if they are accompanied by explanatory memoranda. The Committee recognises, of course, that private Senators and Members do not generally have access to the resources of departments and agencies to assist in the development of such documents. In this context, the Committee notes that the Department of the Senate has developed a set of guidelines to assist Senators with the preparation of private bills and explanatory material, *Preparing Private Senator's Bills, Explanatory Memoranda and Second Reading Speeches: A Guide for Senators*. This guide, which is available from the Clerk Assistant (Procedure) and on the Senate's intranet site, may assist Senators and Members in preparing explanatory memoranda.

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

## **Independent Contractors Amendment Bill 2007 (No. 2)**

Introduced into the Senate on 20 June 2007  
By Senator Sterle

### **Background**

This bill is identical to the private Members bill introduced into the House of Representatives by Mr Wilkie and seeks to amend the *Independent Contractors Act 2006* to exempt the Western Australian *Owner Drivers (Contracts and Disputes) Act 2007*.

### **Explanatory memorandum**

The Committee notes that this bill, introduced as a private Senator's bill, was accompanied only by a second reading speech and was introduced without an explanatory memorandum. The consideration of bills by the Committee and by the Parliament is assisted if they are accompanied by an explanation of the intent and operation of the proposed amendments, preferably in the form of an explanatory memorandum. The Committee recognises, of course, that private Senators and Members do not generally have access to the resources of departments and agencies to assist in the development of such documents. In this case, the Committee notes that the second reading speech provides some explanation of the intent and operation of the proposed amendments.

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

## **International Tax Agreements Amendment Bill (No. 2) 2007**

Introduced into the House of Representatives on 21 June 2007

Portfolio: Treasury

### **Background**

This bill amends the *International Tax Agreements Act 1953* to give the force of law to a renegotiated tax treaty between Australia and Finland, which was signed on 20 November 2006. The agreement includes rules to prevent tax discrimination against nationals and Australian businesses operating in Finland and vice versa.

*The Committee has no comment on this bill.*

# **Late Payment of Government Debts (Interest) Bill 2007**

Introduced into the House of Representatives on 18 June 2007

By Mr Emerson

## **Background**

This bill provides for interest to be levied on the late payment, by Commonwealth authorities, of commercial debts in relation to contracts with small business for the supply of goods and services.

## **Explanatory memorandum**

The Committee notes that this bill, introduced as a private Member's bill, was accompanied by a statement made on presentation of the bill and was introduced without an explanatory memorandum. The consideration of bills by the Committee and by the parliament is assisted if they are accompanied by explanatory memoranda. The Committee recognises, of course, that private Senators and Members do not generally have access to the resources of departments and agencies to assist in the development of such documents. In this context, the Committee notes that the Department of the Senate has developed a set of guidelines to assist Senators with the preparation of private bills and explanatory material, *Preparing Private Senator's Bills, Explanatory Memoranda and Second Reading Speeches: A Guide for Senators*. This guide, which is available from the Clerk Assistant (Procedure) and on the Senate's intranet site, may assist Senators and Members in preparing explanatory memoranda.

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

## **Migration Amendment (Sponsorship Obligations) Bill 2007**

Introduced into the House of Representatives on 21 June 2007  
Portfolio: Immigration and Citizenship

### **Background**

This bill amends the *Migration Act 1958* to introduce a regime of obligations to be met by employers who are approved business sponsors of certain visa holders. Where the regime of obligations applies, it will replace the current undertakings arrangements in relation to those visa types. The bill:

- introduces civil penalties if an approved sponsor breaches an obligation;
- provides for inspectors to monitor an employer's compliance with their sponsorship obligations; and
- provides for information sharing between the Department of Immigration and Citizenship and other prescribed Commonwealth, State and Territory agencies.

The bill also amends the *Tax Administration Act 1953* to allow the Tax Office to disclose certain information to the Department of Immigration and Citizenship.

The bill also contains application and transitional provisions.

### **Abrogation of the privilege against self-incrimination Schedule 1, item 44**

Proposed new subsection 140ZJ(8) of the *Migration Act 1958*, to be inserted by item 44 of Schedule 1, would abrogate the privilege against self-incrimination for a person required to answer a question or produce a document under new subsections 140ZJ(2) and (4) of the Act. At common law, people can decline to answer questions on the grounds that their replies might tend to incriminate them. Legislation that interferes with this common

law privilege trespasses on personal rights and liberties. The Committee does not see this privilege as absolute, however, recognising that the public benefit in obtaining information may outweigh the harm to civil rights. One of the factors the Committee considers is the subsequent use that may be made of any incriminating disclosures.

The Committee notes that in this case, proposed new subsection 140ZJ(9) provides that ‘the giving of information or production of the document or any information, document or thing obtained as a direct or indirect consequence of the giving of the information or the production of the document, is not admissible in evidence in proceedings against the individual in any criminal proceedings other than proceedings for an offence against section 140ZK.’

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

## **Migration (Climate Refugees) Amendment Bill 2007**

Introduced into the Senate on 21 June 2007

By Senator Nettle

### **Background**

This bill amends the *Migration Act 1958* to create a new visa category for persons displaced by environmental disasters due to climate change. The bill provides the Minister with the power to designate what events qualify as an environmental disaster and how many refugees Australia will accept to help resettle people displaced by such a disaster.

*The Committee has no comment on this bill.*

## **National Health Amendment (National HPV Vaccination Program Register) Bill 2007**

Introduced into the House of Representatives on 20 June 2007  
Portfolio: Health and Ageing

### **Background**

This bill amends the *National Health Act 1953* to establish a National Human Papillomavirus (HPV) Vaccination Program Register to support the implementation of the National HPV Program. The bill:

- authorises the inclusion of personal information on the Register, including name, address, date of birth, Medicare number, Indigenous status, and when and where the vaccine was administered and by whom;
- allows people to opt out of the Register; and
- provides for the disclosure of personal information in certain circumstances.

*The Committee has no comment on this bill.*

## **Peace and Non-Violence Commission Bill 2007**

Introduced into the Senate on 18 June 2007

By Senator Allison

### **Background**

This bill establishes a Peace and Non-Violence Commission as an independent statutory body to promote the pursuit of peace and non-violence as an objective and a responsibility of national government. The Commission will also work to align Commonwealth government activity with United Nations policy in the promotion of peace and to advance Australia's obligations under international humanitarian law.

*The Committee has no comment on this bill.*

## **Privacy Protection for Off-shoring Bill 2007**

Introduced into the House of Representatives on 18 June 2007

By Ms Burke

### **Background**

This bill amends the *Financial Management and Accountability Act 1997* and the *Trade Practices Act 1974* to regulate the transmission of personally identifiable information for processing outside Australia. The bill:

- prohibits corporations from disclosing personally identifiable information relating to a consumer to any branch, affiliate, subcontractor or unaffiliated third party located in a country other than Australia, except in specific circumstances;
- creates a criminal offence for disclosing personally identifiable information outside of Australia except in circumstances prescribed by this bill; and
- requires corporations who transmit personally identifiable information to entities for processing outside of Australia to provide specified information to consumers at least annually.

### **Strict liability**

#### **Schedule 1, item 3**

Proposed new subsection 75AZRA(2) of the *Trade Practices Act 1974*, to be inserted by item 3 of Schedule 1, would impose strict liability for the offence created in subsection 75AZRA(1). The Committee will generally draw to Senators' attention provisions that create strict liability offences. Where a bill creates such an offence, the Committee considers that the reason for its imposition should be set out in the explanatory memorandum which accompanies the bill.

The Committee notes, however, that this bill is a private Member's bill that was introduced into the House of Representatives by Ms Burke and is

accompanied by a statement made on presentation of the bill, but no explanatory memorandum. There is, therefore, no explanation provided for the imposition of strict liability in these circumstances. The Committee **seeks the Member's advice** about the reasons why a strict liability offence was considered necessary and whether the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers* was considered in the framing of this offence.

*Pending the Member'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.*

### **Explanatory memorandum**

The Committee notes that this bill, introduced as a private Member's bill, was accompanied by a statement made on presentation of the bill and was introduced without an explanatory memorandum. The consideration of bills by the Committee and by the parliament is assisted if they are accompanied by explanatory memoranda. The Committee recognises, of course, that private Senators and Members do not generally have access to the resources of departments and agencies to assist in the development of such documents. In this context, the Committee notes that the Department of the Senate has developed a set of guidelines to assist Senators with the preparation of private bills and explanatory material, *Preparing Private Senator's Bills, Explanatory Memoranda and Second Reading Speeches: A Guide for Senators*. This guide, which is available from the Clerk Assistant (Procedure) and on the Senate's intranet site, may assist Senators and Members in preparing explanatory memoranda.

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

## **Social Security Amendment (2007 Measures No. 1) Bill 2007**

Introduced into the House of Representatives on 20 June 2007  
Portfolio: Workforce Participation

### **Background**

This bill amends the *Social Security Act 1991* to give effect to policy announcements made in the Budget. The bill:

- extends eligibility for standard rate Mobility Allowance to people participating in a Vocational Rehabilitation program;
- extends the higher rate of Mobility Allowance to Parenting Payment recipients and people who are working for at least 15 hours per week, in certain circumstances;
- requires youth allowance recipients who cease full-time study to notify Centrelink before they can qualify for youth allowance through looking for work;
- provides partnered parenting payment recipients, who have a partial capacity to work, access to certain benefits and concessions; and
- allows persons with at least 14 per cent care of a child to be eligible for payment at the dependent child maximum basic rate where they are claiming certain allowances.

The bill also contains application provisions and minor technical provisions in relation to the social security law.

**Retrospective commencement  
Schedule 6, items 1 and 2**

Items 5 and 6 in the table to subclause 2(1) of this bill provide that the amendments proposed in items 1 and 2 of Schedule 6 will commence retrospectively on 20 September 1997 and 17 June 1998 respectively, immediately after the commencement of earlier legislation.

As a matter of practice, the Committee draws attention to any bill that seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. The Committee notes, however, that the explanatory memorandum to the bill indicates that the purpose of the amendments is solely to correct drafting errors and that they will have no effect on the substance of the law.

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

## **Social Security Legislation Amendment (2007 Budget Measures for Students) Bill 2007**

Introduced into the House of Representatives on 21 June 2007  
Portfolio: Education, Science and Training

### **Background**

This bill amends the *Student Assistance Act 1973* and the *Social Security Act 1991* to give effect to measures announced in the 2007-08 Budget. The bill:

- simplifies the process for the recovery of payments made under the ABSTUDY and Assistance for Isolated Children (AIC) schemes that have been deposited into an incorrect financial institution account;
- allows notices issued under specified sections of the Act to be issued electronically;
- inserts a new category of 'Level of Course' to the levels of eligible study, allowing students enrolled in an approved Masters by course-work program to be eligible for Youth Allowance and Austudy payments;
- removes the current restriction on the provision of income support to students who have already attained a Masters degree;
- provides for Indigenous students in receipt of the ABSTUDY Living Allowance to access a Crisis payment under the ABSTUDY scheme; and
- allows eligible students aged 25 years and over who receive Austudy to also receive Rent Assistance payments.

The bill also contains application and transitional provisions.

*The Committee has no comment on this bill.*

## **Superannuation Legislation Amendment Bill 2007**

Introduced into the House of Representatives on 21 June 2007

Portfolio: Finance and Administration

### **Background**

This bill amends the *Superannuation Act 1976*, the *Superannuation Act 1990*, the *Superannuation Act 2005*, the *Superannuation Act 1922* and the *Defence Forces Retirement Benefits Act 1948* to make changes to the civilian and military superannuation schemes. The bill:

- removes, from 1 July 2008, the requirement for contributory members of the Commonwealth Superannuation Scheme (CSS) to make member contributions to the CSS, thereby making all contributions voluntary;
- allows eligible members of the Public Sector Superannuation Scheme (PSS), from 1 July 2008, to elect to leave the PSS and join another superannuation fund for the payment of future contributions;
- enables members of the CSS to obtain early release of their funded account balances on severe financial hardship and compassionate grounds from 1 January 2008;
- provides for the prospective restoration of previously cancelled spouse pensions; and
- ensures the continued payment of employer productivity contributions to the CSS where a member has not provided their tax file number.

The bill also amends the *Defence Force Retirement and Death Benefits Act 1973* to ensure that the entitlement to benefits relating to post retirement marriages is consistent with their treatment in the civilian schemes and addresses an anomaly in the treatment of benefits upon marriage breakdown.

The bill also contains application and technical provisions.

## **‘Henry VIII’ Clause**

### **Schedule 1, item 7**

New subsection 51AA(4) of the *Superannuation Act 1976* to be inserted by item 7 of Schedule 1, provides for the regulations to ‘modify the operation of this section in relation to: (a) a person to whom this section applies; or (b) a prescribed class of such persons.’ It is, therefore, a ‘Henry VIII’ clause.

A ‘Henry VIII’ clause is an express provision that authorises the amendment of either the empowering legislation, or any other primary legislation, by means of delegated legislation. Since its establishment, the Committee has consistently drawn attention to ‘Henry VIII’ clauses and other provisions that (expressly or otherwise) permit subordinate legislation to amend or take precedence over primary legislation. Such provisions clearly involve a delegation of legislative power and are usually a matter of concern to the Committee.

The explanatory memorandum (paragraph 21) indicates that a ‘Henry VIII’ clause is necessary as ‘circumstances may arise whereby it would be necessary to effect a change in a timely manner to avoid a potentially harsh outcome for certain people.’ The Committee also notes that the scope of the modifications to the Act that can be made by regulation is limited by the subsection itself.

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

## **Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 1) 2007**

Introduced into the House of Representatives on 21 June 2007  
Portfolio: Treasury

### **Background**

Introduced with the Tax Laws Amendment (2007 Measures No. 4) Bill 2007 and the Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 2) 2007, this bill imposes trustee beneficiary non-disclosure tax, at the rate of 46.5 per cent, where the trustee of a closely held trust does not make a correct trustee beneficiary statement within the specified period.

*The Committee has no comment on this bill.*

## **Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 2) 2007**

Introduced into the House of Representatives on 21 June 2007  
Portfolio: Treasury

### **Background**

Introduced with the Tax Laws Amendment (2007 Measures No. 4) Bill 2007 and the Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 1) 2007, this bill imposes trustee beneficiary non-disclosure tax, at the rate of 46.5 per cent, on the untaxed part of a share of net income where a liability to tax arises.

*The Committee has no comment on this bill.*

## **Tax Laws Amendment (2007 Measures No. 4) Bill 2007**

Introduced into the House of Representatives on 21 June 2007

Portfolio: Treasury

### **Background**

Introduced with the Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 1) 2007 and the Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 2) 2007, this bill amends the *Income Tax Assessment Act 1997*, the *Income Tax Assessment Act 1936*, the *Income Tax (Transitional Provisions) Act 1997*, the *A New Tax System (Goods and Services Tax) Act 1999*, the *Bank Integration Act 1991*, the *Fringe Benefits Tax Assessment Act 1986*, the *International Tax Agreements Act 1953*, the *Taxation Administration Act 1953*, the *Taxation (Interest on Overpayments and Early Payments) Act 1983*, the *Superannuation Industry (Supervision) Act 1993*, the *A New Tax System (Ultimate Beneficiary Non-disclosure Tax) Act (No. 1) 1999*, the *A New Tax System (Ultimate Beneficiary Non-disclosure Tax) Act (No. 2) 1999*, the *Income Tax (Former Non-resident Superannuation Funds) Act 1994*, the *Retirement Savings Accounts Act 1997*, the *Superannuation Industry (Supervision) Act 1993*, the *Superannuation Legislation Amendment (Simplification) Act 2007*, the *A New Tax System (Australian Business Number) Act 1999*, the *Crimes (Taxation Offences) Act 1980*, the *Income Tax (Dividends, Interest and Royalties Withholding Tax) Act 1974* and the *Income Tax Rates Act 1986*.

Schedule 1 introduces new foreign income tax offset rules that will allow taxpayers to claim relief for foreign income taxes paid on an amount included in their assessable income. It also includes transitional rules for the treatment of existing foreign losses and credits and gives effect to Australia's tax treaty obligations to provide relief from economic double taxation arising from transfer pricing adjustments.

Schedule 2 provides a capital gains tax (CGT) roll-over for membership interests in companies limited by guarantee that are also medical defence organisations.

Schedule 3 allows superannuation funds to continue investing in instalment warrants that are of a limited recourse nature.

Schedule 4 requires trustees of closely held trusts (excluding family trusts) to report only the details of trustee beneficiaries that are presently entitled to income of the trust and tax-preferred amounts and allows the Commissioner of Taxation to exempt certain trusts from annual reporting where s/he considers it unnecessary.

Schedule 5 assists in the transition to the new *Simplified Superannuation* regime by ensuring that where a tax file number is provided by the Commissioner, the tax file number is taken to have been quoted by the member, and the provider can use the tax file number.

Schedule 6 updates the list of deductible gift recipients.

Schedule 7 makes technical corrections and other minor amendments to the taxation law.

Schedule 8 allows family trust elections and interposed entity elections to be revoked or varied in certain limited circumstances and broadens the definition of ‘family’ and ‘family group’.

The bill also contains application, saving and transitional provisions.

### **Retrospective application and commencement**

### **Schedule 5, part 2 and part 3; Schedule 7, items 2 to 6; Schedule 2, part 2; Schedule 7, item 21 and item 37.**

As a matter of practice, the Committee draws attention to any bill that seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. The bill contains a number of relevant provisions:

- item 6 in the table to subclause 2(1) of this bill provides that the amendments proposed in Part 2 of Schedule 5 will commence retrospectively on 15 March 2007, immediately after the commencement of Schedule 1 to the *Superannuation Legislation Amendment (Simplification) Act 2007*. The explanatory memorandum notes that the

purpose of the amendments is solely to correct drafting errors, and they will have no effect on the substance of the law;

- item 10 in the table to subclause 2(1) of this bill provides that the amendments proposed in items 2 to 6 of Schedule 7 will commence retrospectively on 1 July 2006, immediately after the commencement of earlier legislation. The explanatory memorandum (page 9) notes that the amendments will result in a small reduction in income tax collections;
- part 2 of Schedule 2 provides that the amendments made by that Schedule generally apply ‘to [Capital Gains Tax] events happening on or after 14 February 2007.’ The explanatory memorandum (page 4) notes that the financial impact of these amendments is nil;
- part 3 of Schedule 5 provides that some of the amendments made by that Schedule apply from 1 July 2007, therefore to some extent retrospectively prior to the date of Assent. The explanatory memorandum (page 7) notes that the purpose of those amendments is to ‘limit strategies which could circumvent the minimum draw-down requirements’ enacted in the *Tax Laws Amendment (Simplified Superannuation) Act 2007*, which commences on 1 July 2007.
- item 22 of Schedule 7 provides that the amendment proposed in item 21 will ‘apply to assessments for the income year including 1 January 2005 and later income years.’ The purpose of the amendment is solely to correct a drafting error, and it will have no effect on the substance of the law; and
- item 38 of Schedule 7 provides that the amendment proposed in item 37 will apply ‘to assessments for income years commencing on or after 1 July 2000.’ The explanatory memorandum (page 182) notes that the purpose of this amendment is to correct the unintended consequence that flowed from an earlier amendment of the legislation, and that it will ‘restore the intention of the original amendment’ and that the unintended consequence ‘would apply only in rare cases.’

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

## **Telecommunications Legislation Amendment (Protecting Services for Rural and Regional Australia into the Future) Bill 2007**

Introduced into the House of Representatives on 21 June 2007  
Portfolio: Communications, Information Technology and the Arts

### **Background**

This bill amends the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to protect the \$2 billion principal of the Communications Fund set up in 2005.

The bill provides that only funds in excess of \$2 billion (ie. earnings on investments) are available for implementing the Government's response to recommendations of the Regional Telecommunications Independent Review Committee and for related purposes.

*The Committee has no comment on this bill.*

## **Therapeutic Goods Amendment Bill 2007**

Introduced into the Senate on 20 June 2007

Portfolio: Health and Ageing

### **Background**

This bill amends the *Therapeutic Goods Act 1989*, the *Therapeutic Goods Amendment Act (No. 1) 2006* and the *Therapeutic Goods Amendment (Medical Devices) Act 2002* to extend the date for registration of certain therapeutic devices on the Australian Register of Therapeutic Goods. The bill will allow many devices currently marketed in Australia, which are essential for patient treatment and for the ongoing provision of health services, to be supplied beyond 4 October 2007 whilst under reassessment by the Therapeutic Goods Administration.

*The Committee has no comment on this bill.*

# **Trade Practices Amendment (Predatory Pricing) Bill 2007**

Introduced into the Senate on 18 June 2007  
By Senator Fielding

## **Background**

This bill amends the *Trade Practices Act 1974* to prohibit a corporation from engaging in ‘predatory pricing’ (which is defined in the bill) in a market for groceries, the sale of fuel or for pharmaceutical products, proprietary medicines and toiletries.

## **Explanatory memorandum**

The Committee notes that this bill, introduced as a private Senator’s bill, was accompanied only by a second reading speech and was introduced without an explanatory memorandum. The consideration of bills by the Committee and by the Parliament is assisted if they are accompanied by an explanation of the intent and operation of the proposed amendments, preferably in the form of an explanatory memorandum. The Committee recognises, of course, that private Senators and Members do not generally have access to the resources of departments and agencies to assist in the development of such documents. In this case, the Committee notes that the second reading speech provides some explanation of the intent and operation of the proposed amendments.

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

## **Trade Practices Legislation Amendment Bill (No. 1) 2007**

Introduced into the House of Representatives on 20 June 2007

Portfolio: Treasury

### **Background**

This bill amends the *Trade Practices Act 1974* and the *Australian Securities and Investments Commission Act 2001* to implement the Government's response to a 2004 inquiry report by the Senate Economics References Committee *The effectiveness of the Trade Practices Act 1974 in protecting small business*. The bill:

- makes a number of amendments to clarify the operation of the provisions of the Trade Practices Act relating to the misuse of market power; and
- clarifies the operation of the unconscionable conduct provisions of the Trade Practices Act and amends the *Australian Securities and Investments Commission Act 2001* to duplicate these changes in relation to financial products and services.

The bill also implements the Prime Minister's announcement of 6 July 2004 that the Government would establish an additional Deputy Chairperson position at the Australian Competition and Consumer Commission.

The bill also contains application and consequential provisions.

*The Committee has no comment on this bill.*

## **COMMENTARY ON AMENDMENTS TO BILLS**

### **Aged Care Amendment (Residential Care) Bill 2007**

On 21 June 2007 the House of Representatives agreed to two amendments to the bill, neither of which raise issues within the Committee's terms of reference.

### **Communications Legislation Amendment (Content Services) Bill 2007**

On 20 June 2007 the Senate agreed to 17 amendments to the bill, none of which raise issues within the Committee's terms of reference.

### **National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007**

On 20 June 2007 the Senate agreed to ten amendments to the bill, none of which raise issues within the Committee's terms of reference.

On 20 June 2007 the House of Representatives agreed to one amendment to the bill. This amendment does not raise issues within the Committee's terms of reference.

### **Wheat Marketing Amendment Bill 2007**

On 20 June 2007 the House of Representatives agreed to six amendments to the bill, none of which raise issues within the Committee's terms of reference.

### **Workplace Relations Amendment (A Stronger Safety Net) Bill 2007**

On 20 June 2007 the Senate agreed to 46 amendments to the bill, one of which falls within the Committee's terms of reference.

## **Retrospective application**

### **Amendment 46, item 11**

Item 11 of part 1 of Schedule 7, to be inserted by Senate Amendment No. 46, provides for the ‘amendments made [to the *Workplace Relations Act 1996*] by this Part [to] apply to agreements terminated after the commencement of item 31 of Schedule 3 to the *Workplace Relations Legislation Amendment (Independent Contractors) Act 2006*’. That item commenced on 12 December 2006 and therefore these provisions have a retrospective application.

As a matter of practice the Committee draws attention to any bill that seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. The Committee has long taken the view that the explanatory memorandum to a bill should set out in detail the reasons that retrospectivity is sought and whether it adversely affects any person other than the Commonwealth. As there is no explanatory memorandum in respect of these amendments, the Committee **seeks the Minister’s advice** whether the retrospective application of these amendments will operate to the detriment of any person.

*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.*

## 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>
Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007	Proposed new subsection 62D(1)	Failure to provide information to a public authority	50 penalty units or imprisonment for 3 months or both
	Proposed new subsection 115AB(1)		50 penalty units
Migration Amendment (Sponsorship Obligations) Bill 2007	Proposed new subsection 140ZJ(2) and (4)	Failure to provide a document to a public authority	Imprisonment for 6 months

## **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**

<b>*Indicates passed by Senate</b>	<b>Bills and Clauses</b>
*	<b>Aged Care (Bond Security) Bill 2005</b> – clause 17
*	<b>Agricultural and Veterinary Chemicals (Administration) amendment Bill 2007</b> – Schedule 1, item 52, section 58 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> )
*	<b>Agriculture, Fisheries and Forestry Legislation amendment (2007 Measures No. 1) Bill 2007</b> – Schedule 1, item 18, subsection 64C(2) and 64D(2)
*	<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 Participants in British Nuclear Tests (Treatment) Bill 2006</b> – clause 49
*	<b>Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Bill 2005</b> – clause 23
*	<b>Australian Trade Commission Legislation Amendment Bill 2006</b> – Schedule 4, item 16

*	<b>Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Bill 2006</b> – Schedule 5, subitem 20(3)
	<b>Federal Magistrates Amendment (Disability and Death Benefits) Bill 2006</b> – Schedule 1, item 13, section 9G
*	<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>Forestry Marketing and Research and Development Services Bill 2007</b> – clause 9
*	<b>Forestry Marketing and Research and Development Services (Transitional and consequential Provisions) Bill 2007</b> – Schedule 1, subitem 16(4)
*	<b>Future Fund Bill 2006</b> – CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>
*	<b>Governance Review Implementation (Treasury Portfolio Agencies) Bill 2007</b> – Schedule 1, items 12 and 63 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> ) and Schedule 2, subitems 2(3) and (4)
*	<b>Great Barrier Reef Marine Park Amendment Bill 2007</b> – Schedule 1, item 29 (CRF appropriated by virtue of section 28 of the <i>Financial Management and Accountability Act 1997</i> ), Schedule 1, item 32 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> ) and Schedule 2, subitem 2(4)
	<b>Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007</b> – Schedule 1, item 16 [NB bill repeals existing standing appropriation in section 164-25 (item 15 of Schedule 1) and inserts a new standing appropriation in item 16]
*	<b>Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006</b> – Schedule 2, subitem 1(3)
*	<b>Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006</b> – clause 9
*	<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>Medibank Private Sale Bill 2006</b> – Schedule 2, subitem 8(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, section 10B
*	<b>Private Health Insurance Bill 2006</b> – clause 282-40 and subclause 318-5
*	<b>Private Health Insurance (Transitional Provisions and Consequential Amendments) Bill 2006</b> – subclause 39(2)
*	<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>Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Bill 2006</b> – Schedule 4, subitem 1(4)
*	<b>Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Bill 2007</b> – Schedule 2, subitems 1(4) and 2(4) and Schedule 4, subitem 1(4)
*	<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

<b>*Indicates Passed by Senate</b>	<b>Bills and Clauses</b>
*	<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 - 2006/2007

NAME OF BILL	ALERT DIGEST	INTRODUCED HOUSE	INTRODUCED SENATE	MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
<b>Bills dealt with in 2006</b>							
Airspace Bill 2006	15(6.12.06) 1(7.2.07)	29.11.06	6.2.06	Transport and Regional Services	7.12.06 8.2.07	26.2.07 26.2.07	2(28.2.07) 2(28.2.07)
Australian Energy Market Amendment (Gas Legislation) Bill 2006	15(6.12.06)	29.11.06	22.3.07	Industry, Tourism and Resources	7.12.06	6.2.07	1(7.2.07)
Australian Participants in British Nuclear Tests (Treatment) Bill 2006	11(11.10.06)	14.9.06	12.10.06	Veterans' Affairs	12.10.06	7.2.07	2(28.2.07)
<i>Copyright Amendment Act 2006</i>	13(8.11.06)	19.10.06	1.12.06	Attorney-General	--	29.1.07	1(7.2.07)
Fuel Quality Standards (Renewable Content of Motor Vehicle Fuel) Amendment Bill 2006	10(13.9.06)	4.9.06	--	Mr Katter	14.9.06	--	RNP
Trade Practices Legislation Amendment Bill 2006	7(9.8.06)	19.6.06	--	Mr Katter	10.8.06	--	RNP
<b>Bills dealt with in 2007</b>							
<i>Aboriginal Land Rights (Northern Territory Amendment (Township Leasing) Act 2007</i>	6(13.6.07)	24.5.07	14.6.07	Families, Community Services and Indigenous Affairs	14.6.07	5.7.07	8(8.8.07)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
ACIS Administration Amendment (Unearned Credit Liability) Bill 2007	2(28.2.07)	7.2.07	26.2.07	Industry, Tourism and Resources	1.3.07	20.3.07	3(21.3.07)
Aged Care Amendment (Residential Care) Bill 2007	4(28.3.07)	21.3.07	21.6.07	Ageing	29.3.07	8.5.07	5(9.5.07)
Airport Development and Aviation Noise Ombudsman Bill 2007	2(28.2.07)	12.2.07		Mr Georganas	1.3.07	21.3.07	4(28.3.07)
Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2007	2(28.2.07)	15.2.07	1.3.07	Justice and Customs	1.3.07	16.3.07	3(21.3.07)
<i>Australian Centre for International Agricultural Research Amendment Act 2007</i>	6(13.6.07)	10.5.07	12.6.07	Foreign Affairs	14.6.07 21.6.07	19.3.07 21.6.07	7(20.6.07) 8(8.8.07)
Australian Citizenship Amendment (Citizenship Testing) Bill 2007	6(13.6.07)	30.5.07		Immigration and Citizenship	14.6.07	12.7.07	8(8.8.07)
Aviation Transport Security Amendment (Additional Screening Measures) Bill 2007	2(28.2.07)	14.2.07	1.3.07	Transport and Regional Services	1.3.07	16.3.07	3(21.3.07)
Bankruptcy Legislation Amendment (Debt Agreements) Bill 2007	2(28.2.07)	15.2.07	20.3.07	Attorney-General	1.3.07	15.3.07	3(21.3.07)
Bankruptcy Legislation Amendment (Superannuation Contributions) Bill 2006	1(7.2.07)	1.3.07	6.12.06	Attorney-General	8.2.07	26.2.07	2(28.2.07)
Broadcasting Legislation Amendment (Digital Radio) Bill 2007	5(9.5.07)	28.3.07	9.5.07	Communications, Information Technology and the Arts	10.5.07		

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Classification (Publications, Films and Computer Games) Amendment Bill 2006	1(7.2.07)	7.12.06	8.2.07	Attorney-General	8.2.07	26.2.07	2(28.2.07)
<i>Communications Legislation Amendment (Content Services) Act 2007</i>	6(13.6.07)	10.5.07	12.6.07	Communications, Information Technology and the Arts	14.6.07 21.6.07	19.6.07 7.8.07	7(20.6.07) 8(8.8.07)
Corporations Amendment (Insolvency) Bill 2007	6(13.6.07)	31.5.07		Treasurer	14.6.07	7.8.07	8(8.8.07)
<i>Corporations Legislation Amendment (Simpler Regulatory System) Act 2007</i>	6(13.6.07)	31.5.07	14.6.07	Treasurer	14.6.07	21.6.07	8(8.8.07)
Education Services for Overseas Students Legislation Amendment Bill 2007	4(28.3.07)	22.3.07	9.5.07	Education, Science and Training	29.3.07	26.4.07	5(9.5.07)
Employment and Workplace Relations Legislation (Welfare to Work and Vocational Rehabilitation Services) Bill 2006	1(7.2.07)	7.12.06	27.2.07	Employment and Workplace Relations	8.2.07 1.3.07	22.2.07 15.3.07	2(28.2.07) 3(21.3.07)
Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Bill 2007	5(9.5.07)	29.3.07	9.5.07	Families, Community Services and Indigenous Affairs	10.5.07	28.5.07	6(13.6.07)
Financial Framework Legislation Amendment Bill (No. 1) 2007	6(13.6.07)	10.5.07	21.6.07	Finance and Administration	14.6.07		
<i>Financial Sector Legislation Amendment (Restructures) Act 2007</i>	6(13.6.07)	24.5.07	14.6.07	Treasurer	14.6.07	3.8.07	8(8.8.07)
Fisheries Legislation Amendment Bill 2007	6(13.6.07)	23.5.07	13.6.07	Agriculture, Fisheries and Forestry	14.6.07	19.6.07	7(20.6.07)

NAME OF BILL	ALERT DIGEST	INTRODUCED HOUSE	INTRODUCED SENATE	MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
Food Standards Australia New Zealand Amendment Bill 2007	5(9.5.07)	18.6.07	28.3.07	Health and Ageing	10.5.07	31.5.07	6(13.6.07)
<i>Forestry Marketing and Research and Development Services Act 2007</i>	5(9.5.07)	29.3.07	12.6.07	Fisheries, Forestry and Conservation	10.5.07 14.6.07 21.6.07	8.6.07 19.6.07 20.7.07	6(13.6.07) 7(20.6.07) 8(8.8.07)
Gene Technology Amendment Bill 2007	5(9.5.07)	10.5.07	28.3.07	Health and Ageing	10.5.07	29.5.07	6(13.6.07)
Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2007	5(9.5.07)	29.3.07	12.6.07	Health and Ageing	10.5.07	12.6.07	6(13.6.07)
Health Insurance Amendment (Inappropriate and Prohibited Practices and Other Measures) Bill 2007	5(9.5.07)	29.3.07	10.5.07	Health and Ageing	10.5.07	12.6.07	6(13.6.07)
Higher Education Legislation Amendment (2007 Budget Measures) Bill 2007	6(13.6.07)	24.5.07	14.6.07	Education, Science and Training	14.6.07	19.6.07	7(20.6.07)
Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007	3(21.3.07)	28.2.07	9.5.07	Education, Science and Training	22.3.07	27.3.07	4(28.3.07)
Human Services (Enhanced Service Delivery) Bill 2007	2(28.2.07)	7.2.07	28.2.07	Human Services	1.3.07	27.3.07	4(28.3.07)
International Trade Integrity Bill 2007	7(20.6.07)	14.6.07		Attorney-General	21.6.07	16.7.07	8(8.8.07)
Judges' Pensions Amendment Bill 2007	7(20.6.07)	14.6.07		Attorney-General	21.6.07	5.7.07	8(8.8.07)
Liquid Fuel Emergency Amendment Bill 2007	5(9.5.07)	28.3.07	12.6.07	Industry, Tourism and Resources	10.5.07	1.6.07	6(13.6.07)

NAME OF BILL	ALERT DIGEST	INTRODUCED HOUSE	INTRODUCED SENATE	MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
Maritime Legislation Amendment (Prevention of Air Pollution from Ships) Bill 2006	1(7.2.07)	6.12.06	26.2.07	Transport and Regional Services	8.2.07	26.2.07	2(28.2.07)
Murray-Darling Basin Amendment Bill 2006	1(7.2.07)	7.12.06		Agriculture, Fisheries and Forestry	8.2.07	8.5.07	5(9.5.07)
<i>Native Title Amendment (Technical Amendments) Act 2007</i>	5(9.5.07)	29.3.07	12.6.07	Attorney-General	10.5.07	4.6.07 28.6.07	6(13.6.07) 8(8.8.07)
Non-Proliferation Legislation Amendment Bill 2006	1(7.2.07)	1.3.07	6.12.06	Foreign Affairs	8.2.07	27.2.07	2(28.2.07)
<i>Private Health Insurance Act 2007 Amendments</i>	1(7.2.07) 4(28.3.07)	7.12.06	26.2.07	Health and Ageing	8.2.07 29.3.07	26.2.07 8.5.07	2(28.2.07) 5(9.5.07)
<i>Social Security and Veterans' Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Act 2007</i>	6(13.6.07)	9.5.07	10.5.07	Families, Community Services and Indigenous Affairs	14.6.07	5.7.07	8(8.8.07)
Tax Laws Amendment (2006 Measures No. 7) 2006	1(7.2.07)	7.12.06	7.2.07	Treasurer	8.2.07 1.3.07	27.2.07 15.3.07	2(28.2.07) 3(21.3.07)
Telecommunications (Interception and Access) Amendment Bill 2007	7(20.6.07)	14.6.07		Attorney-General	21.6.07	19.7.07	8(8.8.07)
Veterans' Affairs Legislation Amendment (2007 Measures No. 1) Bill 2007	5(9.5.07)	28.3.07	12.6.07	Veterans' Affairs	10.5.07	1.6.07	6(13.6.07)
Workplace Relations Amendment (A Stronger Safety Net) Bill 2007	6(13.6.07)	28.5.07	13.6.07	Employment and Workplace Relations	14.6.07	19.6.07	7(20.6.07)

