

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



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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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- **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.

Communications Legislation Amendment (Miscellaneous Measures) Bill 2007

Introduced into the Senate on 13 September 2007

Portfolio: Communications, Information Technology and the Arts

Background

This bill amends the *Broadcasting Services Act 1992* to give the Australian Communications and Media Authority (ACMA) the discretion to consider late applications for renewals of community broadcasting licences in certain circumstances, up to the expiry date of the licence.

The bill also makes a minor technical correction to the *Broadcasting Legislation Amendment (Digital Radio) Act 2007* and the *Broadcasting Legislation Amendment (Digital Television) Act 2006*.

Retrospective commencement

Schedule 1, items 6 and 7

Items 3 and 4 in the table to subclause 2(1) of this bill provide that the amendments proposed in items 6 and 7 of Schedule 1 will commence retrospectively on 29 May 2007 and 4 May 2007 respectively. 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. In this instance, the Committee notes that the explanatory memorandum indicates that the amendments are technical only, and do not affect the substance of the law.

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

Merits review

Schedule 1, item 3

Proposed new subsection 90(1C) of the *Broadcasting Services Act 1992*, to be inserted by item 3 of Schedule 1, would give the ACMA the discretion to consider a late application for the renewal of a community broadcasting licence. Although section 204 of the same Act subjects some of the decisions made by the Authority to merits review under the *Administrative Appeals Tribunal Act 1975*, this bill does not amend that section in order to include any decisions of the Authority under proposed new subsection 90(1C) within the list of reviewable decisions.

The Committee consistently draws attention to provisions that explicitly exclude review by relevant appeal bodies or otherwise fail to provide for administrative review. The Committee notes that the explanatory memorandum makes no reference to merits review in respect of decisions made under proposed new subsection 90(1C). The Committee **seeks the Minister's advice** regarding the reason for this lack of merits review and whether this explanation could be included in the explanatory memorandum to the bill.

Pending the Minister's advice, the Committee draws Senators' attention to the provision, as it 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.

Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007

Introduced into the House of Representatives on 13 September 2007

Portfolio: Justice and Customs

Background

This bill amends the *Australian Crime Commission Act 2002*, the *Crimes Act 1914*, the *Criminal Code Act 1995*, the *Surveillance Devices Act 2004* and the *Telecommunications (Interception and Access) Act 1979*. The bill:

- amends the definition of ‘serious and organised crime’ in the *Australian Crime Commission Act 2002*, to expressly include child sex carriage service offences;
- repeals Part IIIA of the *Crimes Act 1914* dealing with child sex tourism and inserts these provisions into the *Criminal Code Act 1995*, with some updating;
- creates new preparatory, procuring and grooming offences, to allow law enforcement agencies and prosecutors to take action before an offence is committed against a child;
- creates new offences making it illegal for Australian citizens and residents to possess, control, produce, distribute or obtain child pornography and/or child abuse material while overseas; and
- provides for the forfeiture of child pornography and child abuse material, and equipment containing such material, that is used in the commission of specified sexual offences against children.

Absolute liability

Schedule 1, item 9, subsections 272.7(2), 272.8(2), 272.9(6), 272.10(3), 273.11(3) and 272.12(3)

Various provisions of this bill create offences of absolute criminal liability. They are proposed new subsections 272.7(2), 272.8(2), 272.9(6), 272.10(3), 272.11(3) and 272.12(3) of the *Criminal Code Act 1995*, all of which are to be inserted by item 9 of Schedule 1. In each case the absolute criminal liability applies to the elements of the respective offences that are the location of the accused person's conduct (ie, that it was outside Australia) and to the fact that another person involved in the offence is under 16.

The Committee will generally draw to Senators' attention provisions that create absolute 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 that, in these instances, the explanatory memorandum seeks to justify these provisions on the ground that 'whether the [accused] person intended to engage in the conduct in Australia or overseas is not central to their culpability' and similarly that the crimes concerned, which involve child sex tourism, are so serious that the accused person should properly bear the onus of being confident, before committing the acts with which he or she is charged, that the other person is over 16 years of age.

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

Absolute liability

Schedule 1, item 9, subsections 272.15(3) and 272.16(3)

Proposed new subsections 272.15(3) and 272.16(3) of the *Criminal Code Act 1995*, to be inserted by item 9 of Schedule 1, impose absolute criminal liability for one of the elements of the offences created by those sections, namely that the conduct of the accused is reasonably capable of either benefiting the accused or of encouraging conduct which is an offence against Division 272 of the *Criminal Code Act 1995*.

The Committee will generally draw to Senators' attention provisions that create absolute 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 that the explanatory memorandum indicates that, in these instances, the application of absolute liability is used only in a technical sense, in that the element to which such liability applies is an objective fact, and does not relate to the culpability or otherwise of the accused person.

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

Absolute liability

Schedule 1, item 9, subsections 273.5(2) and 273.6(2)

Proposed new subsections 273.5(2) and 273.6(2) of the *Criminal Code Act 1995*, to be inserted by item 9 of Schedule 1, impose absolute criminal liability for one of the elements of the offences created by those sections, namely that the conduct of the accused occurred outside Australia. The Committee will generally draw to Senators' attention provisions that create absolute 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 that, in these instances, the explanatory memorandum indicates that absolute liability is appropriate because 'whether the [accused] person intended to engage in the conduct in Australia or overseas is not central to their culpability'.

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

Financial Sector Legislation Amendment (Review of Prudential Decisions) Bill 2007

Introduced into the House of Representatives on 13 September 2007

Portfolio: Treasury

Background

This bill amends a range of Acts, including the *Banking Act 1959*, the *Insurance Act 1973*, the *Life Insurance Act 1995*, the *Retirement Savings Accounts Act 1997*, the *Superannuation Industry (Supervision) Act 1993* and the *Financial Sector (Collection of Data) Act 2001* with a view to improving the efficiency, transparency and consistency of the process for disqualifying individuals from operating financial sector entities and to enhancing the accountability of the regulator for administrative decision-making.

Schedule 1 introduces a court-based process for disqualifying an individual from operating an Australian Prudential Regulation Authority (APRA) regulated entity. This approach is broadly consistent with the Court disqualification regime under the *Corporations Act 2001*.

Schedule 2 clarifies APRA's powers to issue directions to regulated entities to address prudential issues and streamlines these powers, currently scattered throughout several Acts, into a general directions provision under each of the Acts. It also clarifies the reviewability of APRA directions.

Schedule 3 removes the requirement for ministerial consent from certain administrative decisions made by APRA or the Australian Taxation Office (ATO) where wider policy interests are not involved.

Schedule 4 expands the availability of merits review for appropriate administrative decisions made by APRA or the ATO consistent with the guidelines developed by the Administrative Review Council.

The bill also contains application and transitional provisions.

Retrospective application**Schedule 1, item 21 and subitems 9(3), 27(3) and 55(5)**

Subitem 9(3), item 21, and subitems 27(3) and 55(5) of Schedule 1 provide that various provisions of the *Banking Act 1959*, the *Life Insurance Act 1995*, the *Retirement Savings Accounts Act 1997* and the *Superannuation Industry (Supervision) Act 1993*, as proposed to be amended by provisions in this bill, ‘apply in relation to any conduct engaged in by a person whether before or after [the item in question] commences.’ The relevant provisions will therefore have a measure of 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 notes, however, that the explanatory memorandum (paragraph 1.1) indicates that the proposed amendments replace a system of disqualification by the APRA of bodies regulated by that Authority with a system of disqualification by the Federal Court. The explanatory memorandum further notes (paragraphs 1.23 and 1.24) that these application provisions ‘ensure [that] all conduct that may warrant a disqualification is captured under the new law.’

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

Strict liability**Schedule 1, items 10, 15, 19, 25, 43 and 52**

The bill includes a number of provisions that create offences of strict liability. The relevant provisions, which impose strict criminal liability for offences created by that section, are:

- proposed new subsections 24(3) and (6) of the *Insurance Act 1973*, to be inserted by item 10 of Schedule 1;
- proposed new subsections 43A(3) and (6) of the *Insurance Act 1973*, to be inserted by item 15 of Schedule 1;

- proposed new subsections 245A(4) and (5A) of the *Life Insurance Act 1995*, to be inserted by item 19 of Schedule 1;
- proposed new subsection 67B(3) of the *Retirement Savings Accounts Act 1997*, to be inserted by item 25 of Schedule 1;
- proposed new subsections 126K(3) and (6) of the *Superannuation Industry (Supervision) Act 1993*, to be inserted by item 43 of Schedule 1; and
- proposed new subsection 131C (3) of the *Superannuation Industry (Supervision) Act 1993*, to be inserted by item 52 of Schedule 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 that paragraphs 1.16 to 1.19 of the explanatory memorandum refer to strict liability offences. Paragraph 1.19 states that offences of strict liability are 'offences for non-compliance with basic regulatory requirements that should be complied with by all persons' and that the use of offences of strict liability 'is designed to enhance the effectiveness of the enforcement regime in deterring contravention of key prudential requirements.' 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 these particular offences. 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 and whether the offences in these provisions come within the terms of that *Guide*.

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 56, subsection 131AA(10)**

Item 56 of Schedule 1 would insert into the Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007 a new section 131AA of the *Superannuation Industry (Supervision) Act 1993*. Proposed new subsection 131AA(10) imposes strict liability for the offence created by proposed new subsection 131AA(9). The Committee commented, in its *Alert Digest No. 8 of 2007* (page 25), on the original proposed subsection 131AA(10) when it was considering the Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007, but it has not yet received a response to its inquiry of the Treasurer.

The Committee will generally draw to Senators' attention provisions which 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 that, in this instance, the explanatory memorandum to the current bill does not provide any explanation for the imposition of strict criminal liability for the offence created by proposed new subsection 131AA(9) of the *Superannuation Industry (Supervision) Act 1993*. The Committee **seeks the Treasurer's advice** whether the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers* was consulted in the framing of this replacement version of proposed subsection 131AA(10) and whether the imposition of strict liability in these circumstances is consistent with that *Guide*.

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 1, item 56**

Proposed subsection 131AA(8) of the *Superannuation Industry (Supervision) Act 1993*, to be inserted by item 56 of Schedule 1, states that a direction given

by the APRA to a trustee or trustees, to end the appointment of a person as the auditor or actuary of a superannuation entity, 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.

The Committee notes that, in this instance, the explanatory memorandum makes no reference to the reason for declaring that the instrument is ‘not a legislative instrument’. 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.

Merits review Schedule 2, item 12

Proposed new subsection 104(10) of the *Insurance Act 1973*, to be inserted by item 12 of Schedule 2, provides that reconsideration of a decision by the Treasurer or the APRA, and a further review thereof under the *Administrative Appeals Tribunal Act 1975*, is available for directions given by that Authority to a general insurer, or a non-operating holding company of a general insurer, on the basis of the grounds specified in new paragraphs 104(1)(a) to (d). This means that if such a direction is given on the basis of a ground specified in paragraphs 104(1)(e) to (j), no such reconsideration or review is available.

The Committee consistently draws attention to provisions that explicitly exclude review by relevant appeal bodies or otherwise fail to provide for administrative review. In this instance, the Committee notes that the explanatory memorandum (paragraph 2.15) indicates that this differentiation has been made on the ground that the matters specified in the latter paragraphs 'are serious situations where failure by [the Authority] to act immediately would materially prejudice the interests of depositors, policyholders or beneficiaries, or the stability of the Australian financial system.'

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

Merits review

Schedule 4, items 7 and 34

Item 7 of Schedule 4, which inserts a new subsection 11CA(5A) into the *Banking Act 1959* and item 34 of Schedule 4, which inserts a new paragraph 236(1)(zq) into the *Life Insurance Act 1995*, also provide for merits review of a direction given by APRA on the basis of certain grounds, while excluding others. The Committee notes that the explanatory memorandum (paragraph 2.15) indicates that an 'APRA direction is not subject to merits review if it is issued because of...serious situations where failure by APRA to act immediately would materially prejudice the interests of depositors, policyholders or beneficiaries, or the stability of the Australian financial system.

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

Strict liability

Schedule 2, item 12

Proposed new subsections 108(2) and (5) of the *Insurance Act 1973*, to be inserted by item 12 of Schedule 2, create offences of strict 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 reason for its imposition should be set out in the explanatory memorandum which accompanies the bill.

The Committee notes that, in this instance, the explanatory memorandum (paragraph 2.20) seeks to justify the imposition of strict liability on the basis that the offences 'are basic, objective requirements of APRA'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 these particular offences. The Committee **seeks the Treasurer's advice** whether the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers* was consulted in the framing of these provisions and whether the imposition of strict liability in these circumstances is consistent with that *Guide*.

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.

Health Legislation Amendment Bill 2007

Introduced into the House of Representatives on 13 September 2007

Portfolio: Health and Ageing

Background

This bill amends the *Private Health Insurance Act 2007* to correct an inappropriately broad offence provision that may have the unintended effect of penalising insurers who are offering some types of insurance products. The bill also makes a number of amendments to that Act of a technical or transitional nature, such as providing private health insurers with a transitional period (until 1 July 2008), in relation to overseas student health cover, to adjust to new regulations.

Schedule 2 of the bill amends the *National Health Act 1953* to rectify an unintended narrowing of the meaning of subsection 103(2A), in relation to the substitution of pharmaceutical benefits, and makes consequential clarifications to other provisions of the Act.

Retrospective commencement

Schedule 1, items 1 to 3 and 5 and Schedule 2, items 1 to 6 and items 8 to 11

Items 2, 4, 6 and 8 in the table to subclause 2(1) of this bill provide that the amendments proposed in items 1 to 3 and 5 of Schedule 1 will commence retrospectively on 1 April 2007, and that the amendments proposed in items 1 to 6 and 8 to 11 of Schedule 2 will commence retrospectively on 1 August 2007. As a matter of practice, the Committee draws attention to any bill that seeks to have a retrospective impact and will comment adversely where such a bill has a detrimental effect on people.

In this instance, the Committee notes that the explanatory memorandum (page 2) indicates that both instances of retrospectivity are to correct drafting errors in earlier legislation and are to the advantage of individuals. As outlined in the explanatory memorandum, the retrospective commencement to

1 April 2007 will protect the interests of individuals, general insurers and private health insurers and the retrospective commencement to 1 August 2007 will protect the interests of pharmacists, all of whom might otherwise have been exposed to criminal liability.

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

Lands Acquisition Legislation Amendment Bill 2007

Introduced into the Senate on 13 September 2007

Portfolio: Finance and Administration

Background

This bill amends the *Lands Acquisition Act 1989* to:

- enable the promulgation of Commonwealth Mining Regulations that will enable states and territories to administer exploration and/or mining on Commonwealth land through regulations that incorporate or adopt appropriate state/territory mining legislation;
- empower the Federal Court with jurisdiction in matters arising under the Commonwealth Mining Regulations;
- provide for the regulations to prescribe a penalty regime for breaching the regulations, with a maximum penalty of 50 penalty units for individuals and 250 penalty units for a body corporate;
- enable the Minister to initiate an offer of compensation to an interest holder, where a person's interest has been acquired and no claim has been made within 12 months, and to provide access to reasonable compensation for legal and professional costs incurred in relation to an acquisition;
- remove the requirement to table in Parliament reports in relation to Australian Government procurements and contracts awarded; and
- allow the *Cocos (Keeling) Islands Act 1955* to administer land on Cocos Islands.

Schedule 4 of the bill repeals the *Lands Acquisition (Defence) Act 1968* to eliminate redundant legislation.

The bill also contains application and consequential provisions.

Incorporation of extrinsic material
Schedule 1, item 2

Proposed new subsection 124(3A) of the *Lands Acquisition Act 1989*, to be inserted by item 2 of Schedule 1, would permit regulations to be made which might incorporate extrinsic material, as in force from time to time, and therefore material over which the Parliament would have no oversight. The Committee notes, however, that in this case the only source for such extrinsic material is legislation (whether primary or delegated) of the states and territories. The content of the material will therefore have been subject to scrutiny by another legislative assembly and will be publicly available.

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

National Health Security Bill 2007

Introduced into the House of Representatives on 13 September 2007

Portfolio: Health and Ageing

Background

This bill:

- provides for the exchange of public health surveillance information with responsible Commonwealth, state or territory bodies with a view to enhancing the identification of, and quick response to, public health events of national significance;
- provides for the sharing of information, in certain circumstances, with the World Health Organisation and countries affected by an event relating to public health or an overseas mass casualty;
- gives effect to the International Health Regulations 2005 which came into force on 15 June 2007; and
- establishes a national regulatory scheme aimed at minimising the security risks posed by security sensitive biological agents.

The bill also contains application provisions.

Commencement on Proclamation

Part 3

Item 3 in the table to subclause 2(1) of this bill provides that the amendments proposed in Part 3 will commence on Proclamation, but may not commence until up to 18 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, the Committee notes that the explanatory memorandum indicates that this delayed commencement is ‘to enable consultation with stakeholders in the development of standards, procedures and administrative arrangements’ and that it is envisaged that ‘an advisory group supported by working groups will be established to facilitate consultation before Part 3 of the Bill commences’.

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

Entry and search without warrant

Clause 73

Clause 73 would empower an inspector to enter premises without a warrant, and without the consent of the occupier. The Committee notes, however, that the explanatory memorandum advises that subclause 73(3) ensures that an inspector must only exercise this power ‘to the extent necessary for the purposes of avoiding an imminent risk of death, serious illness, serious injury or serious damage to the environment.’

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

Northern Territory National Emergency Response Amendment (Alcohol) Act 2007

Introduced into the Senate on 11 September 2007

Portfolio: Families, Community Services and Indigenous Affairs

Background

This bill amends the *Northern Territory National Emergency Response Act 2007* to:

- introduce a simpler method of calculating the threshold amount required to trigger the recording of takeaway alcohol sales. The current trigger is liquor containing more than 1,350 millilitres of alcohol. The new trigger is a quantity of liquor with the purchase price of \$100 or more or a quantity of cask or flagon wine exceeding five litres;
- clarify the storage of records of takeaway liquor purchases;
- allow visitors who are part of a legitimate tour group to take alcohol into prescribed areas of parks in certain circumstances;
- allow the alcohol measures contained in the Act to be ‘turned off’ in communities who have implemented comprehensive and effective local alcohol management measures, subject to approval by the Minister after consultation with the Northern Territory Emergency Response Taskforce; and
- clarify that no past or future Northern Territory legislation undermines the emergency response alcohol measures.

The bill also contains a consequential provision.

While this bill has already been passed by both Houses, the following comments are provided by the Committee for the information of Senators.

Delegation of legislative power Schedule 1, item 9

Proposed new subsection 25B(1), to be inserted by item 9 of Schedule 1, permits the Minister to make a declaration that Division 6 of the *Northern Territory National Emergency Response Act 2007* ceases to have effect and subclause 25B(2), also to be inserted by item 9 of Schedule 1, provides that this declaration is a legislative instrument but is exempt from the disallowance and sunset provisions of the *Legislative Instruments Act 2003*.

The Committee notes that the explanatory memorandum seeks to justify this denial of the opportunity of Parliamentary scrutiny of the Minister's declaration on the ground that to permit the possibility of its disallowance 'would lead to uncertainty as to the operation of the law'. The explanatory memorandum goes on to assert that such uncertainty 'would be highly undesirable, given the short-term and emergency nature of the intervention.' Nevertheless, the Committee takes the view that the Parliament is the appropriate body to determine when laws are to come into force and when they are to cease to have effect. As such, the Committee considers that these provisions may inappropriately delegate legislative power and insufficiently subject the exercise of legislative power to parliamentary scrutiny, but, as is its practice, **leaves for the Senate as a whole** the question of whether they do so *unduly*.

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, and 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.

Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007

Introduced into the Senate on 11 September 2007

By Senator Kirk

Background

This bill establishes the Parliamentary (Judicial Misbehaviour or Incapacity) Commission to hear and determine matters of alleged judicial misbehaviour or incapacity and report its findings and make recommendations to Parliament as to whether, in its opinion, facts amounting to proved misbehaviour or incapacity exist as would warrant the removal of the judicial officer from office under section 72 of the Constitution.

The bill details the powers and functions of the Commission and provides for the appointment and remuneration of Commissioners. The bill also creates a number of offences, including offences for failing to comply with the work of the Commission or interfering with the work of the Commission.

Uncertain commencement

Subclause 2(2)

Subclause 2(2) provides that clauses 5 to 46 are to commence ‘on the day on which an Act which appropriates money for the remuneration and allowances of members and any other expenses occasioned by the operation of this Act receives the Royal Assent.’ The Committee takes the view that Parliament is responsible for determining when laws are to come into force and that commencement provisions should contain appropriate restrictions on the period during which legislation might commence. This view is reflected in Drafting Direction No. 1.3, issued by the Office of Parliamentary Counsel, which indicates that a clause which provides for commencement by proclamation should also specify a period or date after which the Act either commences or is taken to be repealed. It also provides that any proposal to defer commencement for more than six months after assent should be explained in the explanatory memorandum.

In this instance, the Committee notes that the explanatory memorandum merely re-states the words from the bill, but provides no justification for the uncertain commencement. Since subclause 2(2) provides no limit on the time at which this bill may commence, the Committee **seeks the advice of the proposer of the bill** whether there could be a further provision in the bill declaring that the bill will not commence at all if the requisite appropriation has not been made within a fixed time of this bill receiving Royal Assent.

Pending the advice of the proposer of the bill, 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.

Search warrants – judicial oversight

Subclause 21(1)

Subclause 21(1) provides that the Commission to be created by this legislation, or a member of that Commission, is empowered to issue a search warrant. It is a long-standing principle of the Committee that 'the power to issue warrants to enter and search premises should only be conferred on judicial officers' (*Fourth Report of 2000 – Entry and Search Provisions in Commonwealth Legislation*, page 51). Although, by virtue of subclause 9(2) of this bill, one member of the Commission is required to be a judge or retired judge, the other two members need not have held judicial office. The bill makes no distinction as to which members of the Commission may issue a search warrant.

The Committee notes that the explanatory memorandum does not provide a reason for the lack of judicial oversight of the issuing of a search warrant. The Committee **seeks from the proposer of the bill** an explanation of the reasons for providing that search warrants may be issued by persons who may not be judicial officers.

Pending the advice of the proposer of the bill, 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.

Apprehension warrant – judicial oversight

Subclause 24(1)

Subclause 24(1) provides that the Presiding Member of the Commission is empowered to issue a warrant for the apprehension of any person who fails to attend the Commission in answer to a summons. The Committee is of the view that the power to issue a warrant for the apprehension of a person should only be conferred on judicial officers. Although, by virtue of subclause 9(2), one member of the Commission is required to be a judge or retired judge, the bill does not require the Presiding Member to have held judicial office.

The Committee notes that the explanatory memorandum does not provide a reason for the lack of judicial oversight of the issuing of an apprehension warrant. The Committee **seeks from the proposer of the bill** an explanation of the reasons for providing that an apprehension warrant may be issued by a person who may not be a judicial officer.

Pending the advice of the proposer of the bill, 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

Subclauses 31(2) and (5) and 32(3)

Subclauses 31(2) and (5) and 32(3) create offences of strict liability. In February 2004, the Minister for Justice and Customs published a *Guide to the Framing of Commonwealth Offences, Civil Penalties and Enforcement Powers*, which draws together the principles of the criminal law policy of the Commonwealth. Part 4.5 of the *Guide* contains a statement of the matters which should be considered in framing strict and absolute liability offences.

The Committee will generally draw to Senators' attention provisions which create strict liability offences. Where a bill creates such an offence, the Committee considers that the reason for its imposition, drawing on the *Guide*, should be set out in the explanatory memorandum that accompanies the bill.

In this instance, the Committee notes that the explanatory memorandum does not provide a reason for this imposition of strict criminal liability and, as such, the Committee has no means of knowing whether the proposer of the bill had regard to the relevant principles. The Committee **seeks the advice of the proposer of the bill** whether the *Guide to the Framing of Commonwealth Offences, Civil Penalties and Enforcement Powers* was consulted in the framing of these provisions and whether the imposition of strict liability in these circumstances is consistent with the *Guide*.

Pending the advice of the proposer of the bill, 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.

Abrogation of the privilege against self-incrimination

Clause 34

Clause 34 would abrogate the privilege against self-incrimination for a person required to produce a document under clause 32 and for a person obliged to answer a question put to him or her by the Presiding Member of the Commission. 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. The Committee notes that subclause 27(1) limits 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 Committee notes that the explanatory memorandum does not provide any information on why the bill provides only a ‘use immunity’ and not a ‘derivative use immunity’ for incriminating documents or information provided to the Commission. The Committee **seeks the advice of the proposer of the bill** as to the reasons why ‘use immunity’, rather than ‘derivative use immunity’, applies in these circumstances.

Pending the advice of the proposer of the bill, 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.

Quarantine Amendment (Commission of Inquiry) Bill 2007

Introduced into the House of Representatives on 12 September 2007

Portfolio: Agriculture, Fisheries and Forestry

Background

This bill amends the *Quarantine Act 1908* to empower the Minister to appoint a person (the Commissioner) to conduct a Commission of inquiry into the outbreak of equine influenza in Australia in 2007. The bill also:

- specifies the powers of the Commissioner, including that relevant powers and protections contained in the *Royal Commission Act 1902* will also apply to the Commission of inquiry to be undertaken under this bill;
- provides the Commission of inquiry with access to relevant powers of quarantine officers;
- allows the Commissioner to hold public hearings and to receive certain types of evidence in private; and
- requires the Commissioner to report to the Minister, including any recommendations, on or before a day to be specified in the Commissioner's instrument of appointment.

The bill also contains consequential amendments to the *Archives Act 1983*, the *Freedom of Information Act 1982* and the *Privacy Act 1988* to ensure that the records of the Commission of inquiry are managed in accordance with existing procedures for Royal Commissions.

The Committee has no comment on this bill.

Stolen Generation Compensation Bill 2007

Introduced into the Senate on 13 September 2007

By Senator Bartlett

Background

This bill provides for ex gratia payments (a common experience payment of \$20,000 to individual Aboriginal and Torres Strait Islander persons and an additional \$3,000 payment for each year of institutionalisation) to be made to eligible Aboriginal and Torres Strait Islander people who were forcibly removed from their family prior to 31 December 1975, or to their descendents.

The bill:

- provides for the establishment of a Stolen Generations Tribunal that will be responsible, amongst other things, for deciding whether an applicant is eligible for an ex gratia payment;
- specifies the powers of the Tribunal and the process for appointing members of the Tribunal; and
- establishes the Stolen Generations Fund as a special account, to disburse funds to claimants eligible under this bill.

The Committee has no comment on this bill.

Tax Laws Amendment (2007 Measures No. 6) Bill 2007

Introduced into the House of Representatives on 13 September 2007

Portfolio: Treasury

Background

This bill amends the *Income Tax Assessment Act 1997*, the *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006* and the *Income Tax Assessment Act 1936*.

Schedule 1 provides a deduction for capital expenditure for the establishment of trees in carbon sink forests.

Schedule 2 provides tax-free grants under the Tobacco Growers Adjustment Assistance Programme 2006, to tobacco growers who undertake to exit all agricultural enterprises for at least five years.

Schedule 3 updates the list of deductible gift recipients.

Schedule 4 amends the farm management deposit scheme in the *Income Tax Assessment Act 1936* to align the tax law with the guidelines for declaring either *all primary producers* in a geographical area, or *specified classes of primary producers* within a geographical area, to be in exceptional circumstances.

The bill also contains applications provisions.

Commencement

Schedule 1, part 2

Item 3 in the table to subclause 2(1) of this bill provides that the amendments proposed in Part 2 of Schedule 1 will not commence until 1 July 2012. 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, the Committee notes that the explanatory memorandum indicates that the amendments proposed in Schedule 1 as a whole cover two discrete periods, the first of which commences in the current income year and the second of which commences in the 2012-13 income year.

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

Uncertain commencement Schedule 3, item 5

Item 6 in the table to subclause 2(1) of this bill provides that the amendment proposed in item 5 of Schedule 3 will commence immediately before the commencement of item 13 of Schedule 3 to the *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006*. The Committee notes that the explanatory memorandum does not appear to make any reference to this item. However, reference to the *Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006* indicates that item 13 of Schedule 3 of that Act will commence on 1 January 2008. The Committee notes that it would have been useful if this information had been included in the explanatory memorandum.

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

Retrospective application Schedule 2

Item 5 of Schedule 2 provides that the amendments made by that Schedule apply to grants received ‘in the 2006-07 income year and later income years.’

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 in this instance the explanatory memorandum indicates that the amendments are beneficial to recipients of exit grants to tobacco growers.

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

Retrospective application Schedule 4

Item 2 of Schedule 4 provides that the amendments made by that Schedule apply to assessments of income tax for the 2002-03 income year and later income years.

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, in this instance, the explanatory memorandum indicates that the 'revenue cost of this measure is expected to be nil' or that there may be a small cost to revenue.

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

Workplace Relations (Guaranteeing Paid Maternity Leave) Amendment Bill 2007

Introduced into the Senate on 13 September 2007

Senator Stott Despoja

Background

This bill amends the *Workplace Relations Act 1996* to provide for 14 weeks Government-funded paid maternity leave, at or around the birth or adoption of a child, for all eligible Australian working women. The payment is set at the level of the minimum wage or, if the person earns less than this (eg. part-time or casual workers), at the person's average wage.

The bill also provides for an inquiry into the possibility of extending paid maternity leave to self-employed and farming women and for a review of the operation of paid maternity leave three years after its commencement.

The Committee has no comment on this bill.

COMMENTARY ON AMENDMENTS TO BILLS

Corporations (National Guarantee Fund Levies) Amendment Bill 2007

On 12 September 2007 the House of Representatives agreed to one amendment to the bill, which does not fall within the Committee's terms of reference.

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

On 12 September 2007 the House of Representatives agreed to 12 amendments to the bill, none of which fall within the Committee's terms of reference.

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

On 12 September 2007 the House of Representatives agreed to 14 amendments to the bill, none of which fall within the Committee's terms of reference.

National Greenhouse and Energy Reporting Bill 2007

On 17 September 2007 the House of Representatives agreed to 11 amendments to the bill, none of which fall within the Committee's terms of reference. The Committee notes, however, that amendment item 1 addresses a concern raised in the Committee's *Alert Digest No. 11 of 2007*, relating to regulations being able to determine the extent to which the bill is to apply to the exclusion of certain laws of a state or territory.

Tax Laws Amendment (2007 Measures No. 5) Bill 2007

On 12 September 2007 the House of Representatives agreed to one amendment to the bill, which does not fall within 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

Bill/Act	Section/Subsection	Offence	Penalty
National Health Security Bill 2007	Subclause 43(1)	Fail to provide information to a public authority	500 penalty units
	Subclause 54(1)	Fail to provide a report to a public authority	500 penalty units
	Subclause 66(2)	Fail to provide information or produce a document	30 penalty units

Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007	Subclause 31(4)	Fail to produce a document required by a summons or by presiding member.	\$100,000 or imprisonment for 6 months.
	Subclause 31(8)	Fail to produce a document required by a notice.	\$100,000 or imprisonment for 6 months.
	Subclause 32(1)	Fail to provide information to the Commission.	\$100,000 or imprisonment for a period not exceeding 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 41st Parliament.

Bills introduced with standing appropriation clauses - 41st Parliament

*Indicates passed by Senate	Bills and Clauses
*	Aged Care (Bond Security) Bill 2005 – clause 17
*	Agricultural and Veterinary Chemicals (Administration) amendment Bill 2007 – Schedule 1, item 52, section 58 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
*	Agriculture, Fisheries and Forestry Legislation Amendment (2007 Measures No. 1) Bill 2007 – Schedule 1, item 18, subsection 64C(2) and 64D(2)
*	Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 – subclause 8(2)
*	Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005 – subclause 5(3)
*	Australian Participants in British Nuclear Tests (Treatment) Bill 2006 – clause 49
*	Australian Technical Colleges (Flexibility in Achieving Australia's Skills Needs) Bill 2005 – clause 23
*	Australian Trade Commission Legislation Amendment Bill 2006 – Schedule 4, item 16

*	Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Bill 2006 – Schedule 5, subitem 20(3)
	Federal Magistrates Amendment (Disability and Death Benefits) Bill 2006 – Schedule 1, item 13, section 9G
*	Financial Framework Legislation Amendment Bill 2004 – 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>]
*	Forestry Marketing and Research and Development Services Bill 2007 – clause 9
*	Forestry Marketing and Research and Development Services (Transitional and consequential Provisions) Bill 2007 – Schedule 1, subitem 16(4)
*	Future Fund Bill 2006 – CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>
*	Governance Review Implementation (Treasury Portfolio Agencies) Bill 2007 – 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)
*	Great Barrier Reef Marine Park Amendment Bill 2007 – 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)
	Higher Education Endowment Fund Bill 2007 – clause 12 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
	Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007 – 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]
*	Housing Loans Insurance Corporation (Transfer of Assets and Abolition) Repeal Bill 2006 – Schedule 2, subitem 1(3)
*	Housing Loans Insurance Corporation (Transfer of Pre-transfer Contracts) Bill 2006 – clause 9
*	Human Services Legislation Amendment Bill 2005 – Schedule 2, subitem 720(4)
*	Indigenous Education (Targeted Assistance) Amendment Bill 2004 – Schedule 1, item 3, subsection 14A(1)

*	Medibank Private Sale Bill 2006 – Schedule 2, subitem 8(1)
	Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 – Schedule 1, subitem 43(3)
*	National Water Commission Bill 2004 – CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>
*	Northern Territory National Emergency Response Bill 2007 – section 63
*	Offshore Petroleum Bill 2005 – clause 56
*	Plant Health Australia (Plant Industries) Funding Amendment Bill 2006 – Schedule 1, item 17, section 10B
*	Private Health Insurance Bill 2006 – clause 282-40 and subclause 318-5
*	Private Health Insurance (Transitional Provisions and Consequential Amendments) Bill 2006 – subclause 39(2)
*	Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Bill 2004 – clause 133
*	Skilling Australia’s Workforce Bill 2005 – clause 40
*	Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 - Schedule 1, section 123ZN
*	Social Security and Veterans’ Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Bill 2006 – Schedule 4, subitem 1(4)
*	Social Security and Veterans’ Affairs Legislation Amendment (One-off Payments and Other 2007 Budget Measures) Bill 2007 – Schedule 2, subitems 1(4) and 2(4) and Schedule 4, subitem 1(4)
*	Superannuation Bill 2005 – subclause 29(4)
*	Superannuation (Consequential Amendments) Bill 2005 – Schedule 5, item 1, subsection 4AA(5) and Schedule 6, item 1, subsection 12A(5)
*	Telecommunications Legislation Amendment (Future Proofing and Other Measures) Bill 2005 – Schedule 1, item 1, subsections 158ZO(4), 158ZP(7) and 158ZQ(5) and Schedule 3, item 1, subsection 136C(4)
*	Textile Clothing and Footwear Strategic Investment Program Amendment (Post-2005 Scheme) Bill 2004 – Schedule 1, item 12, section 37ZH and subsection 37ZJ(3)
*	Water Efficiency Labelling and Standards Bill 2004 – 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
*	AusLink (National Land Transport—Consequential and Transitional Provisions) Bill 2004 – Schedule 2, item 3: special appropriation clause – for a finite amount and a finite period of time.
*	Social Security Legislation Amendment (One-off Payments for Carers) Bill 2005 – 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		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Bills dealt with in 2006							
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
Bills dealt with in 2007							
<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)
Appropriation (Northern Territory National Emergency Response) Bill (No. 1) 2007-2008	9(13.8.07)	7.8.07	8.8.07	Finance and Administration	13.8.07	15.8.07	9(12.9.07)
Appropriation (Northern Territory National Emergency Response) Bill (No. 2) 2007-2008	9(13.8.07)	7.8.07	8.8.07	Finance and Administration	13.8.07	15.8.07	9(12.9.07)
<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	8.8.07	Immigration and Citizenship	14.6.07	12.7.07	8(8.8.07)
Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007	8(8.8.07)	13.8.07	21.6.07	Transport and Regional Services	9.8.07	29.8.07	9(12.9.07)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
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		Now an Act
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	9.8.07	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)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures Bill 2007	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 13.9.07 FRR	16.8.07	9(12.9.07)
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	12.9.07	10(19.9.07)
Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007	8(8.8.07)	21.6.07	13.9.07	Treasurer	9.8.07		
<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)
Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007	8(8.8.07)	21.6.07	13.9.07	Treasurer	9.8.07		
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)
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)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
<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 1.6.07	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 Endowment Fund Bill 2007	11(12.9.07)	16.8.07	12.9.07	Education, Science and Training	13.9.07	18.9.07	10(19.9.07)
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)
Higher Education Support Amendment (Extending FEE-HELP for VET Diploma and VET Advanced Diploma Courses) Bill 2007	8(8.8.07)	21.6.07		Education, Science and Training	9.8.07	7.9.07	9(12.9.07)
Human Services (Enhanced Service 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	17.8.07	Attorney-General	21.6.07	16.7.07	8(8.8.07)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Judges' Pensions Amendment Bill 2007	7(20.6.07)	14.6.07	14.8.07	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)
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)
National Greenhouse and Energy Reporting Bill 2007	11(12.9.07)	15.8.07		Environment and Water Resources	13.9.07		
National Market Driven Energy Efficiency Target Bill 2007	11(12.9.07)		14.8.07	Senator Allison	13.9.07	18.9.07	10(19.9.07)
<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)
Northern Territory National Emergency Response Bill 2007	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 15.9.07 FRR	16.8.07	9(12.9.07)
Offshore Petroleum Amendment (Miscellaneous Measures) Bill 2007	11(12.9.07)	13.9.07	15.8.07	Industry, Tourism and Resources	13.9.07	18.9.07	10(19.9.07)
Privacy Protection for Off-shoring Bill 2007	8(8.8.07)	18.6.07		Ms Burke	9.8.07		

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
<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)
Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 13.9.07 FRR	16.8.07	9(12.9.07)
<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	16.8.07	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)
Water Bill 2007	10(15.8.07)	8.8.07	15.8.07	Environment and Water Resources	16.8.07		
Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 Amendment	6(13.6.07) 8(8.8.07)	28.5.07	13.6.07	Employment and Workplace Relations	14.6.07 20.8.07	19.6.07 17.8.07	7(20.6.07) 9(12.9.07)

