

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



Alert Digest

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Senate Standing Committee for the Scrutiny of Bills

Members of the Committee

Senator the Hon H Coonan (Chair)

Senator M Bishop (Deputy Chair)

Senator D Cameron

Senator J Collins

Senator R Siewert

Senator the Hon J Troeth

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.

Fair Work Bill 2008

Introduced into the House of Representatives on 25 November 2008
Portfolio: Education, Employment and Workplace Relations

Background

This bill establishes a national workplace relations system which seeks to provide a balanced framework for cooperative and productive workplace relations and flexibility for business, and seeks to promote productivity and economic growth.

Amongst other things, the bill:

- establishes a ‘safety net’ comprising the National Employment Standards (NES) to guarantee minimum employment conditions for all employees in relation to wages, weekly hours of work, leave, public holidays, notice of termination and redundancy pay, and the right to request flexible working arrangements;
- establishes modern awards to provide flexibility and stability for employers and their employees;
- establishes national minimum wage orders that apply to award/agreement-free employees;
- allows employees earning an indexed high-earnings figure to voluntarily enter into a written guarantee with an employer;
- establishes Fair Work Australia, an independent, statutory body with a range of functions and powers;
- establishes the Office of Fair Work Ombudsman to promote harmonious and cooperative workplace relations and compliance with the bill;
- provides protection from unfair dismissal for all employees;
- allows employees to be represented at work by a union;

- allows employees and employers to bargain on a multi-employer basis;
- provides a new scheme of bargaining for low-paid employees;
- provides for a publication, *Small Business Fair Dismissal Code*, to guide small businesses to ensure dismissals are not unfair;
- provides clear rules to govern industrial action; and
- provides the Federal Court and the Federal Magistrate's Court with powers to deal with breaches and entitlements.

Standing appropriation

Subclause 559(4)

Subclause 559(4) makes a standing appropriation out of the Consolidated Revenue Fund for the purposes of making payments under subclause 559(3) in relation to unclaimed money. The explanatory memorandum explains that section 726 of the *Workplace Relations Act 1996* permits employers to pay amounts to the Commonwealth where those amounts were owed to former employees whom the employer can no longer contact. The Commonwealth then holds these amounts in trust for the former employee.

The explanatory memorandum explains further that '(i)n practice, the unclaimed amounts are held as special public monies, and the corresponding amounts are credited to a Special Account for 'other trust moneys' established under section 20 of the *Financial Management and Accountability Act 1997*. Under these arrangements, the Commonwealth is required to perpetually hold these unclaimed wages in trust and to perform all reporting obligations on these amounts as trust monies indefinitely'.

Clause 559 provides that unclaimed monies paid to the Commonwealth under subclause 559(1) would not be trust monies but instead will become the property of the Commonwealth. Subclause 559(3) requires the Fair Work Ombudsman, on behalf of the Commonwealth, to pay monies to a person where they claim the monies under this clause.

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.

In scrutinising standing appropriations, the Committee looks to the explanatory memorandum for an explanation of the reason for the standing appropriation. In addition, the Committee likes to see:

- some limitation placed on the amount of funds that may be so appropriated; and
- a sunset clause that ensures the appropriation cannot continue indefinitely without any further reference to the Parliament.

In this instance, the Committee notes that the amounts involved are necessarily likely to be small and, in any case, there is an automatic limit on the amount of each appropriation (each appropriation will equate to a specific amount claimed under subclause 559(3)). Therefore, the Committee considers that this standing appropriation does not raise the same concerns as other standing appropriations to which the Committee has previously drawn the attention of Senators.

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

Strict liability

Subclause 702(6)

Subclause 702(6) creates an offence of strict liability where a person ceases to be a Fair Work Inspector and the person does not, within 14 days, return his or her identity card to the Fair Work Ombudsman or the Minister (as the case may be).

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 reasons for its imposition should be set out in the explanatory memorandum which accompanies the bill.

In this case, the explanatory memorandum notes that '(i)t is appropriate that this offence is one of strict liability because of the consequences of a person who is not an inspector misusing an identity card'. However, the explanatory memorandum does not indicate whether the *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers*, issued by the Minister for Justice and Customs in February 2004, was considered in the course of framing this strict liability offence.

The Committee **seeks the Minister's advice** whether the recommendations in the *Guide* were considered in the drafting of this provision.

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

Abrogation of the privilege against self-incrimination

Subclause 713(1)

Subclause 713(1) would abrogate the privilege against self-incrimination for a person required to produce a record or document to a Fair Work Inspector under paragraph 709(d) or subclause 712(1). 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.

However, the Committee does not see this privilege as absolute, 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, the Committee notes that subclause 713(2) limits the circumstances in which information so provided is admissible in evidence in

proceedings against the affected person – such information is not admissible in evidence against the individual in criminal proceedings. The Committee accepts that this provision strikes a reasonable balance between the competing interests of obtaining information and protecting individuals' rights.

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

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2008

Introduced into the House of Representatives on 25 November 2008

Portfolio: Families, Housing, Community Services and Indigenous Affairs

Background

This bill amends the *A New Tax System (Family Assistance) (Administration) Act 1999*, the *Social Security (Administration) Act 1999*, the *Income Tax Assessment Act 1936*, the *Safety, Rehabilitation and Compensation Act 1988*, the *Social Security Act 1991*, the *Veterans' Entitlements Act 1976*, the *Aboriginal and Torres Strait Islander Act 2005*, the *Native Title Amendment (Technical Amendments) Act 2007*, the *Social Security Act 1991* and the *Social Security (Administration) Act 1999* to improve the operation and effectiveness of the Social Security Appeals Tribunal (SSAT).

In particular, the bill:

- allows SSAT members to be appointed for a term of up to five years;
- allows the SSAT to make oral decisions on ‘affirmed’ social security and family assistance cases; and
- allows Centrelink to make oral submissions to SSAT hearings.

The bill also contains technical amendments (primarily to the social security law) to repeal references to redundant payments or repealed provisions, correct cross-references and misdescribed amendments, and to address similar matters.

Retrospective application Subclause 2(1)

Item 5 in the table to subclause 2(1) provides that items 4 and 5 of Schedule 3 are to commence immediately after the commencement of item 9 of

Schedule 2 to the *Native Title Amendment (Technical Amendments) Act 2007*, which occurred on 21 July 2007.

As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. However, the Committee notes that, in this instance, the explanatory memorandum makes it clear that these retrospective amendments are technical only, in that they correct amendments which were intended to be made by the *Native Title Amendment (Technical Amendments) Act 2007*. The explanatory memorandum also states that there are no adverse consequences for any person from the retrospectivity.

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

Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008

Introduced into the Senate on 26 November 2008

Portfolio: Cabinet Secretary

Background

This bill amends the *Freedom of Information Act 1982*, the *Archives Act 1983*, the *Administrative Appeals Tribunal Act 1975* and the *Inspector-General of Intelligence and Security Act 1986* to repeal the power to issue conclusive certificates for all exemption provisions where certificates may be issued, but provides for access to be refused to documents affecting personal privacy or documents, release of which could damage national security, defence or international relations.

In particular, the bill:

- allows the Administrative Appeals Tribunal (AAT) to undertake full merits review of all exemption claims;
- allows the AAT to exercise its discretion to make confidentiality orders in certain circumstances;
- requires the AAT to request the Inspector-General of Intelligence and Security to give evidence in certain proceedings in relation to any damage that could result from disclosure of documents or records claimed to fall within a national security, defence, or international relations exemption, or a confidential foreign government communication exemption, before determining that such a document is not exempt;
- requires Presidential members of the AAT to hear applications for review of a decision to refuse access to a document or record under certain exemptions;

- allows an agency or Minister to apply to the AAT for an order that it be excused from informing certain third parties of an application by an FOI applicant for AAT review;
- allows for an AAT decision to be stayed should an appeal be instituted in the Federal Court to have access to a document or record;
- requires staff of the National Archives to have appropriate security clearance to be able to access a record;
- allows particulars of records to which a conclusive certificate is in force to be published in the Australian National Guide to Archival Material; and
- exempts from the operation of the *Freedom of Information Act 1982* a document in the possession of a Minister that has originated with, or has been received from, an intelligence agency.

The bill also contains application and consequential provisions.

The Committee has no comment on this bill.

Guarantee Scheme for Large Deposits and Wholesale Funding Appropriation Act 2008

Introduced into the House of Representatives and passed 25 November 2008
Portfolio: Treasury

Introduced into the Senate and passed on 26 November 2008
Assented to on 27 November 2008

Background

The bill provides for a standing appropriation to enable any possible claims under the Australian Government Guarantee Scheme for Large Deposits and Wholesale Funding to be paid in a timely way. The bill also provides a borrowing power, enabling money to be borrowed to pay those claims, should there be insufficient funds in the Consolidated Revenue Fund at the time such claims are to be paid.

Standing appropriation

Clause 5

Clause 5 makes a standing appropriation out of the Consolidated Revenue Fund for two purposes:

- paying claims under the Deed of Guarantee in accordance with the Scheme Rules; and
- repaying a borrowing, and to pay interest on a borrowing, made on behalf of the Commonwealth for the purpose of paying claims under the Deed of Guarantee in accordance with the Scheme Rules.

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:

- (vi) inappropriately delegate legislative powers; or

- (vii) insufficiently subject the exercise of legislative power to parliamentary scrutiny.

In scrutinising standing appropriations, the Committee looks to the explanatory memorandum for an explanation of the reason for the standing appropriation. In addition, the Committee likes to see:

- some limitation placed on the amount of funds that may be so appropriated; and
- a sunset clause that ensures the appropriation cannot continue indefinitely without any further reference to the Parliament.

In this case, clause 5 limits the purpose for which the appropriated funds can be used and the Treasurer, in his second reading speech, noted that the appropriation is necessary ‘to cover the very unlikely event of a claim on Government under the guarantee’. Further, the bill ‘will ensure that, from 28 November 2008, any claim under the Guarantee Scheme, however unlikely, will be able to be paid in a timely way’.

In addition, and in line with its comments in relation to the *Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Act 2008* in *Alert Digest No. 12 of 2008*, the Committee is mindful of the backdrop of economic uncertainty against which this standing appropriation is considered necessary. The Committee also notes that the standing appropriation has already been agreed to by both Houses of Parliament and is, in any case, designed to counteract exceptional circumstances (should they arise).

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

Renewable Energy Amendment (Increased Mandatory Renewable Energy Target) Bill 2008

Introduced into the Senate on 27 November 2008

By Senator Milne

Background

This bill amends the *Renewable Energy (Electricity) Act 2000* to increase the mandatory renewable energy target from 9,500GWh to 45,000GWh.

The bill also requires that targets be reviewed each year, and revised by legislative instrument if necessary, to ensure that by 2020 at least 20% of electricity in Australia each year is derived from renewable sources.

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.

In this instance, the operative parts of the bill merely propose the replacement of section 40 of the *Renewable Energy (Electricity) Act 2000*. Further, the Committee notes that the second reading speech provides a very full explanation of the intent and effect of the bill.

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

Resale Royalty Right for Visual Artists Bill 2008

Introduced into the House of Representatives on 27 November 2008
Portfolio: Environment, Heritage and the Arts

Background

This bill establishes a resale royalty scheme to create a right for visual artists to receive a royalty payment (flat 5% rate) on the sale price of any commercial resale of their original works of art over \$1,000. Royalties will be collected by a single collecting organisation appointed by the Federal Government through a competitive and tender process.

The resale right will be inalienable and endure for the life of the artist, plus 70 years (in line with the current period of copyright). The scheme will apply to Australian citizens or permanent residents, with foreign nationals covered on a reciprocal basis.

The Committee has no comment on this bill.

Tax Laws Amendment (Luxury Car Tax—Minor Amendments) Bill 2008

Introduced into the House of Representatives on 25 November 2008

Portfolio: Treasury

Background

This bill makes minor and technical amendments to the *A New Tax System (Luxury Car Tax) Act 1999*, the *Taxation Administration Act 1953* and the *Tax Laws Amendment (Luxury Car Tax) Act 2008* to ensure that amendments contained in the *Tax Laws Amendment (Luxury Car Tax) Act 2008* operate as intended.

The bill will ensure that:

- luxury car tax refunds are payable to eligible businesses where they actually bear the cost of the luxury car tax, regardless of the arrangement used to finance the vehicle;
- contracts entered into before 7.30pm on 13 May 2008 are the relevant contracts for determining the luxury car tax rate of 25 per cent, when subsequent financing arrangements are made; and
- luxury car tax refunds are paid directly to the claimant.

The bill also contains application and transitional provisions.

Retrospective application Subclause 2(1)

Item 3 in the table to subclause 2(1) provides that item 8 of Schedule 1 is to commence immediately after the commencement of the *Tax Laws Amendment (Luxury Car Tax) Act 2008*, which occurred on 3 October 2008.

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

a detrimental effect on people. However, the Committee notes that, in this instance, the explanatory memorandum states that the whole of the bill makes no more than minor and technical amendments to the *Tax Laws Amendment (Luxury Car Tax) Act 2008*, and other related Acts, to correct perceived deficiencies in the original drafting. Further, the explanatory memorandum states that the financial impact of the bill is nil.

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

Retrospective application

Schedule 1, items 5 and 7

Items 5 and 7 of Schedule 1 provide that the amendments proposed in items 1 to 4 and 6 apply to taxable supplies of luxury cars and taxable importations of luxury cars, occurring on or after 1 July 2008.

As a matter of practice, the Committee draws attention to any bill which seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. However, the Committee notes that, in this instance, the explanatory memorandum states that the whole of the bill makes no more than minor and technical amendments to legislation relating to the luxury car tax, to correct perceived deficiencies in the original drafting. Further, the explanatory memorandum states that the financial impact of the bill is nil.

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

COMMENTARY ON AMENDMENTS TO BILLS

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008

On 27 November 2008, the Senate agreed to 11 amendments to the bill, two of which fall within the Committee's terms of reference.

Legislative Instruments Act – not subject to disallowance

Amendment No. 5 – new subsection 12(3)

New subsection 12(3) of the *Broadcasting Services Act 1992* (Amendment No. 5) provides that a written instrument made by the Minister in relation to when new subsection 12(1) may cease to have effect ‘is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the instrument’. New subsection 12(1) relates to provision by a person of a subscription television narrowcasting service under a class licence being subject to the condition that the licensee will not broadcast an R18+ program in a way that will enable a subscriber in a prescribed area to view that program.

The Committee notes that this amendment (moved by the Opposition) replaces the previous proposed new subsection 12(3) which provided that the Minister’s instrument to repeal the licence condition is a legislative instrument and is subject to disallowance. The Committee would ordinarily expect an explanation as to the reason why a legislative instrument is exempt from the usual disallowance regime set out in the *Legislative Instruments Act 2003*. Where a relevant provision is a substantive exemption, the Committee would expect to see a full explanation justifying the need for the provision. (See the Committee’s *Second Report of 2005* under the heading ‘Legislative Instruments Act – Declarations’.)

While the Committee recognises that this amendment has already been agreed to by the Senate, it nevertheless **draws to the attention of Senators** the fact that a rationale for exempting the provision from the operation of the *Legislative Instruments Act 2003* has not been provided.

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.

Personal rights and liberties

Amendment No. 6 – new section 12A

New section 12A of the *Broadcasting Services Act 1992* (Amendment No. 6) provides that new section 12 (and related sections) are ‘special measures’ for the purposes of the *Racial Discrimination Act 1975* and are excluded from the operation of Part II of the *Racial Discrimination Act 1975*.

As the Committee noted in its commentary on this bill in *Alert Digest No. 1 of 2008*, Article 1.4 of the Convention on the Elimination of All Forms of Racial Discrimination defines a ‘special measure’ as follows:

Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

The Committee also noted in *Alert Digest No. 1 of 2008* that the explanatory memorandum justified the implementation of such ‘special measures’ in the original bill on the basis that they are ‘intended to advance Indigenous Australia, and especially Indigenous children’ and ‘the prohibition is for a limited period of time, and is not intended to result in the maintenance of separate rights for different racial groups for any longer than is necessary’.

The Committee suggests that a similar rationale could be applied to new sections 12 and 12A but, while noting that the Senate has already agreed to these amendments, nevertheless points out that they might be considered to trespass on personal rights and liberties. However, the Committee **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 trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the Committee's terms of reference.

National Rental Affordability Scheme (Consequential Amendments) Bill 2008

On 24 November 2008, the Senate agreed to two amendments to the bill, none of which fall within the Committee's terms of reference. On 24 November 2008, the House of Representatives agreed to the amendments made by the Senate.

Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Bill 2008

On 24 November 2008, the Senate agreed to a number of amendments to the bill, none of which fall within the Committee's terms of reference. On 24 November 2008, the Senate also agreed to two Government requests for amendments in the House of Representatives. On 25 November 2008, the House of Representatives agreed to the Senate's requests for amendments; and on 27 November 2008, the House of Representatives agreed to the amendments made by the Senate.

Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008

On 24 November 2008, the House of Representatives agreed to the Senate's requests for amendments (agreed to by the Senate on 12 November 2008). On 25 November 2008, the House of Representatives agreed to three amendments made by the Senate on 12 November 2008; and disagreed to one Senate amendment made on the same day, making its own amendments in place of that amendment. On 26 November 2008, the Senate agreed not to insist on its previous amendment, and agreed to the amendments made by the House of Representatives in place of that amendment. None of these amendments fall within the Committee's terms of reference.

Water Amendment Bill 2008

On 25, 26 and 27 November 2008, the Senate agreed to a number of amendments to the bill, none of which fall within the Committee's terms of reference. On 1 December 2008, the House of Representatives agreed to some of these amendments, but disagreed to the majority of them.

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:

- (viii) inappropriately delegate legislative powers; or
- (ix) 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 42nd Parliament.

Bills introduced with standing appropriation clauses – 42nd Parliament

*Indicates passed by Senate	Bills and Clauses
	COAG Reform Fund Bill 2008 — clause 5 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
*	Commonwealth Securities and Investment Legislation Amendment Bill 2008 — Schedule 1, item 10, subsection 5BA(7)
*	Defence Home Ownership Assistance Scheme Bill 2008 — Clause 84
*	Dental Benefits Bill 2008 — Clause 65
	Education Legislation Amendment Bill 2008 — Schedule 1, item 6, section 14B
	Fair Work Bill 2008 — Subclause 559(4)
*	Farm Household Support Amendment (Additional Drought Assistance Measures) Bill 2008 — Schedule 1, item 29
*	Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Bill 2008 — Schedule 1, item 49, section 54A, and Schedule 2, item 23, section 70E (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
*	Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Bill 2008 — Schedule 1, item 79, section 94B (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)

*	Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 — Schedule 5, item 141, section 65A
*	Guarantee Scheme for Large Deposits and Wholesale Funding Appropriation Bill 2008 — clause 5
	Nation-building Funds Bill 2008 — clauses 13, 61, 68, 75, 82, 132, 181, 188, 215 and 255 — (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
*	Protection of the Sea Legislation Amendment Bill 2008 — Schedule 1, item 20, section 46N
*	Safe Work Australia Bill 2008 — clause 64 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i>)
	Schools Assistance Bill 2008 — clause 167
*	Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008 — Schedule 1, item 1
*	Wheat Export Marketing Bill 2008 — clause 58 (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
*	Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Bill 2008 — Schedule 2, items 1 and 2, and Schedule 4, item 1: special appropriation clauses – for a finite period of time (ie. for circumstances arising in a particular financial year).
*	Social Security and Other Legislation Amendment (Economic Security Strategy) Bill 2008 — Schedule 4, item 4: special appropriation clause – for a finite period of time (ie 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 - 2007/2008**

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
		HOUSE	SENATE				
Bills dealt with in 2007							
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	16.8.07 17.10.07	9(12.9.07) 1(12.3.08)
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	20.9.07	1(12.3.08)
Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007	8(8.8.07)	21.6.07	13.9.07	Treasurer	9.8.07	19.9.07	1(12.3.08)
National Greenhouse and Energy Reporting Bill 2007	11(12.9.07)	15.8.07	18.9.07	Environment and Water Resources	13.9.07	2.10.07	1(12.3.08)
<i>Northern Territory National Emergency Response Act 2007</i>	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 13.9.07	16.8.07 17.10.07	9(12.9.07) 1(12.3.08)
<i>Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007</i>	9(13.8.07)	7.8.07	8.8.07	Families, Community Services and Indigenous Affairs	13.8.07 13.9.07	16.8.07 17.10.07	9(12.9.07) 1(12.3.08)
Water Act 2007	10(15.8.07)	8.8.07	15.8.07	Environment and Water Resources	16.8.07	23.11.07	1(12.3.08)

NAME OF BILL	ALERT DIGEST	INTRODUCED HOUSE	INTRODUCED SENATE	MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
Bills introduced 2008							
<i>Aged Care Amendment (2008 Measures No. 1) Act 2008</i>	1(12.3.08)	13.2.08	14.2.08	Health and Ageing	13.3.08	4.8.08	7(27.8.08)
<i>Australian Crime Commission Amendment Act 2007</i>	3(14.5.08)	19.9.07	18.9.07	Home Affairs	15.5.08	20.6.08	6(25.6.08)
<i>Australian Energy Market Amendment (Minor Amendments) Bill 2008</i>	3(14.5.08)	20.3.08	23.6.08	Resources, Energy and Tourism	15.5.08	28.5.08	4(4.6.08)
<i>Australian Organ and Tissue Donation and Transplantation Authority Bill 2008</i>	10(24.9.08)	18.9.08	13.11.08	Health and Ageing	25.9.08	14.10.08	11(15.10.08)
<i>Civil Aviation Legislation Amendment (1999 Montreal Convention and Other Measures) Bill 2008</i>	3(14.5.08)	20.3.08	16.6.08	Infrastructure, Transport, Regional Development and Local Government	15.5.08	19.6.08	6(25.6.08)
<i>Communications Legislation Amendment (Miscellaneous Measures) Bill 2008</i>	2(19.3.08)	17.3.08	12.3.08	Broadband, Communications and the Digital Economy	20.3.08	13.5.08	3(14.5.08)
<i>Corporations Amendment (Short Selling) Bill 2008</i>	13(26.11.08)	13.11.08	27.11.08	Treasury	26.11.08		
<i>Customs Amendment (Strengthening Border Controls) Bill 2008</i>	3(14.5.08)	20.3.08	16.6.08	Home Affairs	15.5.08	13.6.08	5(18.6.08)
<i>Customs Legislation Amendment (Modernising) Bill 2008</i>	3(14.5.08)	20.3.08	16.6.08	Home Affairs	15.5.08	13.6.08	5(18.6.08)
<i>Dairy Adjustment Levy Termination Bill 2008</i>	11(15.10.08)	24.9.08	16.10.08	Agriculture, Fisheries and Forestry	16.10.08	7.11.08	12(12.11.08)

NAME OF BILL	ALERT DIGEST	INTRODUCED			MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE			SOUGHT	RECEIVED	
Dental Benefits Bill 2008	4(4.6.08)	29.5.08	18.6.08	Health and Ageing		5.6.08	23.6.08	6(25.6.08)
Drink Container Recycling Bill 2008	2(19.3.08)		13.3.08	Senator Fielding		20.3.08		
Environment Protection and Biodiversity Conservation Amendment (Control of Power Station Emissions) Bill 2008	6(25.6.08)		19.6.08	Senator Allison		26.6.08		
Excise Legislation Amendment (Condensate) Bill 2008	4(4.6.08)	15.5.08	16.6.08	Treasury		5.6.08	17.6.08	5(18.6.08)
Excise Tariff Amendment (Condensate) Bill 2008 Amendment	5(18.6.08)	15.5.08	16.6.08	Treasury		19.6.08	28.8.08	8(3.9.08)
Family Assistance Legislation Amendment (Child Care Budget and Other Measures) Bill 2008	4(4.6.08)	29.5.08	16.6.08	Education, Employment and Workplace Relations		5.6.08	18.6.08	6(25.6.08)
Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008	7(27.8.08)	25.6.08	1.9.08	Attorney-General		28.8.08	5.9.08	9(17.9.08)
Farm Household Support Amendment (Additional Drought Assistance Measures) Bill 2008	4(4.6.08)	29.5.08	16.6.08	Agriculture, Fisheries and Forestry		5.6.08	17.6.08	5(18.6.08)
Financial Sector Legislation Amendment (Review of Prudential Decisions) Bill 2008	1(12.3.08)	11.3.08	13.2.08	Treasury		13.3.08	18.3.08	2(19.3.08)
<i>Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Act 2008</i>	12(12.11.08)	15.10.08	16.10.08	Treasury		13.11.08		

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
First Home Saver Accounts Bill 2008	4(4.6.08)	28.5.08	16.6.08	Treasury	5.6.08	16.6.08	5(18.6.08)
Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority And Other Matters) Bill 2008	3(14.5.08)	20.3.08	16.6.08	Agriculture, Fisheries and Forestry	15.5.08	28.5.08	4(4.6.08)
Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008	6(25.6.08)	18.6.08	27.8.08	Environment, Heritage and the Arts	26.6.08	22.7.08	7(27.8.08)
Horse Disease Response Levy Bill 2008	1(12.3.08)	21.2.08	3.9.08	Agriculture, Fisheries and Forestry	13.3.08	9.7.08	7(27.8.08)
Horse Disease Response Levy Collection Bill 2008	1(12.3.08)	21.2.08	3.9.08	Agriculture, Fisheries and Forestry	13.3.08	9.7.08	7(27.8.08)
Independent Reviewer of Terrorism Laws Bill 2008	3(14.5.08)	17.3.08	3.9.08	Mr Georgiou MP	15.5.08	26.5.08	4(4.6.08)
Infrastructure Australia Bill 2008	1(12.3.08)	21.2.08	18.3.08	Infrastructure, Transport, Regional Development and Local Government	13.3.08	18.3.08	2(19.3.08)
National Commissioner for Children Bill 2008	3(14.5.08)		18.3.08	Senator Bartlett	15.5.08		
National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008	4(4.6.08)	29.4.08	16.6.08	Treasury	5.6.08	24.6.08	6(25.6.08)
National Measurement Amendment Bill 2008	11(15.10.08)	24.9.08	24.11.08	Innovation, Industry, Science and Research	16.10.08	3.11.08	12(12.11.08)

NAME OF BILL	ALERT DIGEST	INTRODUCED HOUSE	INTRODUCED SENATE	MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
National Rental Affordability Scheme Bill 2008	11(15.10.08)	24.9.08	10.11.08	Housing	16.10.08	11.11.08	12(12.11.08)
Nation-building Funds (Consequential Amendments) Bill 2008	13(26.11.08)	13.11.08		Finance and Deregulation	27.11.08		
Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill 2008 Amendment	6(25.6.08) 10(24.9.08)	18.6.08	24.9.08	Resources, Energy and Tourism	25.6.08 25.9.08	1.8.08 23.10.08	7(27.8.08) 12(12.11.08)
Offshore Petroleum (Annual Fees) Amendment (Greenhouse Gas Storage) Bill 2008	6(25.6.08)	18.6.08	22.9.08	Resources, Energy and Tourism	25.6.08	1.8.08	7(27.8.08)
Offshore Petroleum (Registration Fees) Amendment (Greenhouse Gas Storage) Bill 2008	6(25.6.08)	18.6.08	22.9.08	Resources, Energy and Tourism	25.6.08	1.8.08	7(27.8.08)
Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Bill 2008	6(25.6.08)	18.6.08	22.9.08	Resources, Energy and Tourism	25.6.08	1.8.08	7(27.8.08)
Protection of the Sea (Civil Liability For Bunker Oil Pollution Damage) Bill 2008	3(14.5.08)	20.3.08	16.6.08	Infrastructure, Transport, Regional Development and Local Government	15.5.08	2.6.08	4(4.6.08)
Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008	4(4.6.08)		15.5.08	Senator Milne	5.6.08	12.6.08	5(18.6.08)
Safe Work Australia Bill 2008	9(17.9.08)	4.9.08	23.9.08	Employment and Workplace Relations	18.9.08	23.09.08	10(24.9.08)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Tax Agent Services Bill 2008	13(26.11.08)	13.11.08		Treasury		27.11.08	
Unit Pricing (Easy comparison of Grocery prices) Bill 2008	4(4.6.08)		15.5.08	Senator Fielding		5.6.08	5(18.6.08)
Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008	3(14.5.08)	19.3.08	16.6.08	Veterans' Affairs		15.5.08	24.6.08
<i>Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008</i>	1(12.3.08)	13.2.08	17.3.08	Employment and Workplace Relations	13.3.08 20.3.08	18.3.08 22.4.08	2(19.3.08) 3(14.5.08)

