

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



**Alert Digest**

**No. 11 of 2009**

**9 September 2009**



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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.



## **Crimes Amendment (Working With Children— Criminal History) Bill 2009**

Introduced into the House of Representatives on 20 August 2009

Portfolio: Home Affairs

### **Background**

This bill amends the *Crimes Act 1914* (Crimes Act) to implement the Council of Australian Governments' (COAG) agreement of 29 November 2008 to facilitate the inter-jurisdictional exchange of criminal history information for people working with children, including information about spent, pardoned and quashed convictions. The bill removes legislative barriers at the Commonwealth level to ensure that the Commonwealth can provide information in accordance with the COAG agreement.

In particular, the bill:

- replaces the existing exclusions in Division 6 of the Crimes Act relating to the disclosure of spent convictions information with new exclusions allowing for the disclosure of information about a person's spent, quashed and pardoned convictions in specified circumstances;
- defines 'child' and 'work' for the purposes of the new exclusions;
- specifies criteria that screening units must meet before they can be prescribed to enable them to obtain and deal with Commonwealth criminal history information (these criteria reflect the requirements of the COAG agreement and include compliance with applicable privacy, human rights and records management legislation, natural justice principles and implementation of risk assessment frameworks);
- requires the Minister to cause a review of the operation of the new provisions, to start no later than 30 June 2011 and be completed within 3 months; and

- requires the Minister to cause a written report about the review to be prepared and tabled in each House of the Parliament within 15 sitting days after receipt of the report.

### **Trespass unduly on rights and liberties**

#### **Schedule 1, item 6**

As a general rule, a person does not have to disclose information about his or her criminal history where a conviction is ‘spent’, pardoned or quashed; nor can others disclose the conviction without the person’s consent, or take it into account (Part VIIC of the Crimes Act). Division 6 of the Crimes Act currently contains limited exclusions to this rule.

Schedule 1 of the bill contains provisions amending the Crimes Act (including Division 6) so that criminal history information relating to ‘spent’, pardoned or quashed convictions can be exchanged with prescribed bodies for the purpose of child-related employment screening. Proposed new Subdivision A of Division 6, to be inserted by item 6 of Schedule 1, contains a number of provisions allowing for exclusions for the purpose of assessing the suitability of persons for working with children.

Under principle (1)(a)(i) of its terms of reference, the Committee has regard to whether provisions in bills trespass *unduly* on personal rights and liberties. The Committee notes that, despite its divergence from the general rule, the bill provides for mandatory review of the operation of new Subdivision A (see proposed new section 85ZZGG). Further, disclosure can only be made to prescribed bodies for a prescribed purpose (proposed new section 85ZZGB) by a prescribed body (proposed new section 85ZZGD); and the person or body receiving the information must comply with principles relating to privacy, human rights, records management, natural justice, and risk assessment frameworks (proposed new section 85ZZGE).

While mindful of the stated aim and purpose of the amendments to protect children from sexual, physical and emotional harm, along with the fact that extensive safeguards have been provided, the Committee considers that there may still be significant possible adverse effects on a person’s rights and liberties through disclosure of criminal history information. Therefore, the Committee **seeks the Minister’s advice and clarification** in relation to the breadth of the bill’s application.

In particular, the Committee wishes to ascertain whether the bill covers *all* of a person's criminal history information or is more limited to criminal history pertaining to offences involving, for example, sexual assault or violence. If a person's entire criminal history is intended to be covered, the Committee **seeks the Minister's advice** in relation to why this is considered necessary and appropriate in the context of the stated purpose of the bill. The Committee also **seeks the Minister's advice** on the reasons for the application of the amendments to offences that have been 'quashed'. Further, it is not clear to the Committee from the language used in the bill that exchange of information under the proposed scheme is mandatory or would simply *allow* relevant information to be exchanged in particular circumstances.

*Pending the Minister'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.*

## **Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009**

Introduced into the House of Representatives on 19 August 2009

Portfolio: Education, Employment and Workplace Relations

### **Background**

This bill amends the *Education Services for Overseas Students Act 2000* (Education Services for Overseas Students Act) and the *Education Services for Overseas Students (Registration Charges) Act 1997* to clarify the application of various provisions; and to introduce processes that will increase the accountability of international education and training services providers under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

In particular, the bill:

- requires the re-registration by 31 December 2010 of all institutions that are currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students (registration of providers not re-registered by that date will be cancelled);
- introduces two new registration criteria which aim to raise quality by ensuring only those institutions that have both genuine purpose and demonstrated capacity to provide quality education are able to be registered;
- requires the publication by providers of the names of education agents who represent them and promote their education services;
- enhances provisions relating to the management of a provider's registration, ability to provide educational services and determination of default situations;
- provides the Commonwealth with more clarity in relation to what constitutes a 'suitable alternative course'; and

- lessens the financial and regulatory burdens on providers that may wish to change their legal entity for the purpose of improving business operations (in circumstances where the delivery of courses and outcomes for international students will not be affected).

### **‘Henry VIII’ clause**

#### **Schedule 1, item 11, new paragraph 9B(1)(b)**

Proposed new section 9B of the Education Services for Overseas Students Act, to be inserted by item 11 of Schedule 1, makes provision for deciding whether a higher education provider is ‘a fit and proper person’. Proposed new paragraph 9B(1)(b) specifies that paragraphs 9(2)(ca) and 9A(2)(e) (which contain certain criteria) do not apply to providers ‘entitled to receive funds under a law of the Commonwealth for recurrent expenditure for the provision of education or training, other than one excluded by the regulations from the scope of this paragraph’. This is a ‘Henry VIII’ clause.

Since its establishment, the Committee has consistently drawn attention to ‘Henry VIII’ clauses and other provisions which (expressly or otherwise) permit subordinate legislation to amend or take precedence over primary legislation. Such provisions clearly involve a delegation of legislative power and are usually a matter of concern to the Committee. The explanatory memorandum does not explain why regulations will be needed to exclude certain providers from the scope of paragraph 9B(1)(b). Therefore, the Committee **seeks the Minister’s advice** on the reasons for the use of the regulation-making power to alter the scope of the principal legislation in these circumstances.

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

## **Retrospective application Schedule 1, item 31**

Item 31 of Schedule 1 applies section 9 of the Education Services for Overseas Students Act, as amended by the bill, to ‘pending matters’. Specifically, item 31 provides that if a designated authority for a state made a recommendation in relation to an approved provider under subsection 9(1) before the commencement of the item, and the Secretary did not make a decision on whether the provider should be registered before that commencement, then the section as amended (containing new registration criteria) applies to the making of the decision about whether to register the provider.

As a matter of practice, the Committee draws attention to any bill that seeks to have retrospective impact and will comment adversely where such a bill has a detrimental effect on people. The Committee has long taken the view that the explanatory memorandum to a bill should set out in detail the reasons that retrospectivity is sought and whether it adversely affects any person other than the Commonwealth. Since there is no explanation in the explanatory memorandum for the retrospective operation of amended section 9 to applications made prior to the commencement of item 31, the Committee **seeks the Minister’s advice** on whether the retrospectivity will have an adverse impact on any affected provider.

*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.*

## **Food Standards Amendment (Truth in Labelling Laws) Bill 2009**

Introduced into the Senate on 20 August 2009  
By Senators Xenophon, Bob Brown and Joyce

### **Background**

This bill amends the *Food Standards Australia New Zealand Act 1991* to require Food Standards Australia New Zealand to develop and approve certain food labelling standards to which producers, manufacturers and distributors must adhere. The standards will require greater detail about the content of food products, including the use of imported ingredients; and will ensure, among other things, that the word ‘Australian’ will only apply in relation to food that is 100% produced in Australia from Australian products.

*The Committee has no comment on this bill.*

## Foreign Acquisitions and Takeovers Amendment Bill 2009

Introduced into the House of Representatives on 20 August 2009

Portfolio: Treasury

### Background

This bill amends the *Foreign Acquisitions and Takeovers Act 1975* to clarify the operation of Australia's foreign investment screening regime by ensuring that the Federal Government has the capacity to examine all substantial investment proposals that could potentially raise national interest concerns.

The bill explicitly requires foreign investors to notify the Treasurer where there is a possibility that the type of arrangement being used will deliver influence or control over an Australian company, either currently or at some time in the future; and specifically covers transactions, agreements or arrangements that include debt instruments having quasi-equity characteristics.

### Retrospective commencement

#### Subclause 2(1)

Item 2 in the table to subclause 2(1) provides for the commencement of Schedule 1 of the bill on 12 February 2009, resulting in retrospective commencement. The Treasurer issued a press release on 12 February 2009, announcing the amendments contained in the bill and indicating that they would apply from the date of the announcement. Schedule 2 of the bill contains transitional provisions to exclude retrospective criminal prosecution for failure to notify the Treasurer of a proposed investment of the type covered by the amendments. The Committee also notes that the explanatory memorandum explains (at paragraph 1.40) that foreign investors will not be adversely affected by the start date of the amendments.

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

## Foreign States Immunities Amendment Bill 2009

Introduced into the House of Representatives on 19 August 2009

Portfolio: Attorney-General

### Background

This bill amends the *Foreign States Immunities Act 1985* to enable, by way of regulations, a foreign state and its emergency management personnel to be immune in tort proceedings under the Act for acts and omissions that occur in the course of the foreign state providing emergency management assistance to Australia. The exception would not apply to negligence by foreign officials outside of their duties and would also not apply in any criminal proceedings.

### 'Henry VIII' clause

#### Schedule 1, item 2, new subsection 42A(2)

Proposed new subsection 42A(1), to be inserted by item 2 of Schedule 1, extends immunity if the Minister is satisfied that a foreign state (or its entity) is providing assistance or facilities to the Australian government(s) for the purposes of preparing for, preventing or managing emergencies or disasters. Under proposed new subsection 42A(2), immunity is achieved by excluding or modifying the application of section 13 of the Act by regulation. The Committee notes that current section 13 provides that a foreign state is *not* immune in a proceeding insofar as the proceeding concerns: the death of, or personal injury to, a person caused by an act or omission done, or omitted to be done, in Australia; or loss of, or damage to, tangible property caused by a similar act or omission.

Proposed new subsection 42A(2) is a 'Henry VIII' clause. The explanatory memorandum explains (at paragraph 10) that '(t)he scope of the regulation making power is limited to emergencies or disasters which occur, or which may occur, in Australia'. An example is given (at paragraph 13) of the use of regulations to exclude the application of section 13 in whole, or in part, to a foreign state with respect to personnel assisting in bushfire prevention or management. However, it is possible that the regulation-making power could have such broad application so as to apply to 'non-natural' emergencies.

The Committee **seeks the Attorney-General's advice** as to whether it might be appropriate for the Act itself to confine the scope of the regulations by listing specific circumstances in which it is envisaged that this regulation-making power will be used. The Committee also **seeks the Attorney-General's clarification** in relation to how the scope of the proposed exception will be practically confined so that it applies only to foreign officials acting in the course of their duties, noting that emergency situations may necessarily involve the legitimate performance of a wide range of unforeseen or unusual duties.

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

## **Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009**

Introduced into the Senate on 20 August 2009

By Senator Fielding

### **Background**

This bill amends the *Trade Practices Act 1974* and the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004* to require the plain labelling of all cigarette and other tobacco products, with warning labels to be the only predominant feature on the packaging.

### **Explanatory memorandum**

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

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

## **Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2009**

Introduced into the House of Representatives on 18 August 2009

By Mr Oakeshott

### **Background**

This bill amends the *Renewable Energy (Electricity) Act 2000* to support the greater commercialisation of renewable energy technologies by establishing a national feed-in tariff system.

### **Explanatory memorandum**

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

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

## **Telecommunications Legislation Amendment (National Broadband Network Measures—Network Information) Bill 2009**

Introduced into the House of Representatives on 19 August 2009  
Portfolio: Broadband, Communications and the Digital Economy

### **Background**

This bill replaces the Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009 (introduced in the Senate) which the Committee commented upon in *Alert Digest No. 9 of 2009* (at pages 92-96). The Committee sought the Minister's advice in relation to several provisions in the original bill, and received a response on 20 August 2009. That response is contained in the Committee's *Tenth Report of 2009*.

The original bill has been deferred in the Senate until the Federal Government produces documentation relating to the National Broadband Network tender process. In order to progress the passage of the legislation and the rollout of the National Broadband Network as quickly as possible, the Federal Government has sought to introduce this bill in the House of Representatives. The only difference between the two bills is the definition of the term 'NBN Company' which has been updated in this bill to reflect the fact that the company established by the Federal Government has recently changed its name to NBN Co Limited.

The bill amends the *Telecommunications Act 1997* to allow for network information to be provided to the Commonwealth by telecommunications carriers and other utilities, for purposes related to the planning and rollout of the National Broadband Network. In particular, the bill:

- amends the provisions in Part 27A that impose the requirement to provide information so that the requirement may apply to utilities as well as to telecommunications carriers;
- amends the provisions in Part 27A that set out the purposes for which information is permitted to be disclosed and used; and

- amends the sunset periods applying to certain provisions in Part 27A (as amended) so that information can be disclosed and used during the period of the roll-out of the National Broadband Network.

*The Committee has no comment on this bill.*

## COMMENTARY ON AMENDMENTS TO BILLS

### **Automotive Transformation Scheme Bill 2009**

On 20 August 2009, the House of Representatives agreed to two government amendments to the bill, neither of which falls within the Committee's terms of reference.

### **Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009**

On 17 August 2009, the Senate agreed to one government amendment to the bill, which falls within the Committee's terms of reference.

#### **Retrospective application Schedule 2, item 2**

This amendment inserts the words 'incurred before, on or after the commencement of the amendment' into the application provision in item 2 of Schedule 2 to put beyond doubt that amendments allowing for a reduced VET FEE-HELP debt amount will apply retrospectively in relation to all VET FEE-HELP debts incurred by eligible students from 1 July 2009.

The supplementary explanatory memorandum explains (at page 2) that the amendment removes any uncertainty regarding the application of the relevant provisions and that '(a)ll students will be treated equitably and can take advantage of the Government's decision to remove the VET FEE-HELP loan fee from their VET FEE-HELP debt amount with effect from 1 July 2009'. The explanatory memorandum states further that 'no eligible student that has incurred a VET FEE-HELP debt from 1 July 2009 will be disadvantaged'.

The Committee notes that, while the amendment was agreed to by the Senate, the bill as a whole was negatived at the third reading. The Committee will give further consideration to the bill if it is re-introduced in the future.

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

## **Renewable Energy (Electricity) Amendment Bill 2009**

On 17 August 2009, the House of Representatives agreed to 23 government amendments to the bill, one of which falls within the Committee's terms of reference. On 20 August 2009, the Senate agreed to four further government amendments; on the same date, the House of Representatives also agreed to these amendments.

### **Indeterminate application Schedule 1, new section 17A**

Item 3M of Schedule 1 inserts new section 17A into the *Renewable Energy (Electricity) Act 2000* to provide that waste coal mine gas (WCMG) is 'eligible WCMG' if it is used in the generation of electricity by a power station during a defined period (paragraph 17A(1)(a)); and the power station was generating electricity from WCMG at any time in May 2009 (subparagraph 17A(1)(b)(i)), or the power station had done so before May 2009 and, as at the end of May 2009, had planned to resume such generation before the end of September 2009 (subparagraph 17A(1)(b)(ii)). However, subsection 17A(2) states that the regulations may provide that WCMG has the meaning prescribed by the regulations. While this means that other definitions of WCMG might have been unknown at May 2009, they would presumably be known by the time eligibility is sought. In these circumstances (and noting that the bill has passed both Houses of the Parliament), the Committee makes no further comment.

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

## **BILLS GIVING EFFECT TO NATIONAL SCHEMES OF LEGISLATION**

The Chairs and Deputy Chairs of Commonwealth, and state and territory Scrutiny Committees have noted (most recently in 2000) difficulties in the identification and scrutiny of national schemes of legislation. Essentially, these difficulties arise because ‘national scheme’ bills are devised by Ministerial Councils and are presented to Parliaments as agreed and uniform legislation. Any requests for amendment are seen to threaten that agreement and that uniformity.

To assist in the identification of national schemes of legislation, the Committee’s practice is to note bills that give effect to such schemes as they come before the Committee for consideration.

### **Crimes Amendment (Working With Children—Criminal History) Bill 2009**

This bill amends the *Crimes Act 1914* to implement the Council of Australian Governments’ (COAG) agreement of 29 November 2008 to facilitate the inter-jurisdictional exchange of criminal history information for people working with children, including information about spent, pardoned and quashed convictions. As part of the agreement, each jurisdiction is required to remove any legislative impediments to the exchange of criminal history information for people working with children. The bill removes the legislative barriers at the Commonwealth level so that the Commonwealth is able to provide information in accordance with the COAG agreement.

## 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 42<sup>nd</sup> Parliament.

### Bills introduced with standing appropriation clauses – 42nd Parliament

*Indicates passed by Senate	Bills and Clauses
	<b>Asian Development Bank (Additional Subscription) Bill 2009</b> — clause 6
	<b>Australian Business Investment Partnership Bill 2009</b> — clauses 13 and 14
	<b>Automotive Transformation Scheme Bill 2009</b> — clause 10
*	<b>Car Dealership Financing Guarantee Appropriation Bill</b> — clause 5
	<b>Carbon Pollution Reduction Scheme Bill 2009</b> — subclauses 103B(5), 139(4) and 291(4)
*	<b>COAG Reform Fund Bill 2008</b> — clause 5 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> )
*	<b>Commonwealth Securities and Investment Legislation Amendment Bill 2008</b> — Schedule 1, item 10, subsection 5BA(7)
*	<b>Defence Home Ownership Assistance Scheme Bill 2008</b> — clause 84
*	<b>Dental Benefits Bill 2008</b> — clause 65
*	<b>Education Legislation Amendment Bill 2008</b> — Schedule 1, item 6, section 14B
*	<b>Fair Work Bill 2008</b> — Subclause 559(4)
*	<b>Farm Household Support Amendment (Additional Drought Assistance Measures) Bill 2008</b> — Schedule 1, item 29

*	<b>Federal Financial Relations Bill 2009</b> — clause 22
*	<b>Federal Financial Relations (Consequential Amendments and Transitional Provisions) Bill 2009</b> — Schedule 4, subitem 2(3)
*	<b>Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Bill 2008</b> — 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> )
*	<b>Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Bill 2008</b> — Schedule 1, item 79, section 94B (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> )
*	<b>Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008</b> — Schedule 5, item 141, section 65A
*	<b>Guarantee of State and Territory Borrowing Appropriation Bill 2009</b> — clause 5
*	<b>Guarantee Scheme for Large Deposits and Wholesale Funding Appropriation Bill 2008</b> — clause 5
*	<b>International Monetary Agreements Amendment (Financial Assistance) Bill 2009</b> — Schedule 1, item 4, subsection 8CA(4)
	<b>Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009</b> — subclause 43(2), clause 70 and subclause 78(2)
*	<b>Nation-building Funds Bill 2008</b> — 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> )
	<b>National Consumer Credit Protection Bill 2009</b> — Schedule 1, subclause 115(2)
*	<b>Protection of the Sea Legislation Amendment Bill 2008</b> — Schedule 1, item 20, section 46N
*	<b>Safe Work Australia Bill 2008</b> — clause 64 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> )
	<b>Safe Work Australia Bill 2008 [No. 2]</b> — clause 64 (CRF appropriated by virtue of section 21 of the <i>Financial Management and Accountability Act 1997</i> )
*	<b>Schools Assistance Bill 2008</b> — clause 167
	<b>Uranium Royalty (Northern Territory) Bill 2008</b> — clause 18
*	<b>Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008</b> — Schedule 1, item 1
*	<b>Wheat Export Marketing Bill 2008</b> — 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
*	<b>Household Stimulus Package Bill 2009</b> — Schedule 4, subitem 1(5): special appropriation clause – for a finite period of time (ie for circumstances arising in a particular financial year).
*	<b>Social Security and Other Legislation Amendment (Economic Security Strategy) Bill 2008</b> — Schedule 4, item 4: special appropriation clause – for a finite period of time (ie for circumstances arising in a particular financial year).
*	<b>Social Security and Veterans’ Entitlements Legislation Amendment (One-off Payments and Other Budget Measures) Bill 2008</b> — 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).

## STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

## INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2008/2009

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
<b>Bills dealt with in 2008</b>							
Corporations Amendment (Short Selling) Bill 2008	13(26.11.08)	13.11.08	27.11.08	Treasury	26.11.08	7.1.09	1(4.2.09)
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		
Fair Work Bill 2008	14(3.12.08)	25.11.08	4.12.08	Education, Employment and Workplace Relations	4.12.08	19.1.08	1(4.2.09)
<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	4.12.08	1(4.2.09)
National Commissioner for Children Bill 2008	3(14.5.08)		18.3.08	Senator Bartlett	15.5.08		
Nation-building Funds (Consequential Amendments) Bill 2008	13(26.11.08)	13.11.08	3.12.08	Finance and Deregulation	27.11.08	23.1.09	1(4.2.09)
Tax Agent Services Bill 2008	13(26.11.08)	13.11.08	12.2.09	Treasury	27.11.08	3.2.09	1(4.2.09)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
<b>Bills dealt with in 2009</b>							
Anti-Terrorism Laws Reform Bill 2009	9(12.8.09)		23.6.09	Senator Ludlam	13.3.09	8.9.09	10(9.9.09)
Appropriation Bill (No. 2) 2009-2010	6(2.6.09)	12.5.09	23.6.09	Finance and Deregulation	3.6.09	15.6.09	6(17.6.09)
Australian Climate Change Regulatory Authority Bill 2009	6(2.6.09)	14.5.09	15.6.09	Climate Change and Water	3.6.09	18.6.09	7(25.6.09)
Australian Wine and Brandy Corporation Amendment Bill 2009	9.(12.8.09)	22.6.09		Agriculture, Fisheries and Forestry	13.8.09		
Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008	1(4.2.09)	3.12.08	12.2.09	Infrastructure, Transport, Regional Development and Local Government	5.2.09	10.3.09	2(11.3.09)
Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009	9(12.8.09)	24.6.09		Infrastructure, Transport, Regional Development and Local Government	13.8.09	19.8.09	10(9.9.09)
Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009	8(24.6.09)	17.6.09	17.8.09	Education, Employment and Workplace Relations	25.6.09	10.8.09	8(12.8.09)
Carbon Pollution Reduction Scheme Bill 2009	6(2.6.09)	14.5.09	15.6.09	Climate Change and Water	3.6.09	18.6.09	7(25.6.09)
Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009	6(2.6.09)	14.5.09	15.6.09	Climate Change and Water	3.6.09	18.6.09	7(25.6.09)
<i>Civil Aviation Amendment Act 2009</i>	3(11.3.09)	12.2.09	11.3.09	Infrastructure, Transport, Regional Development and Local Government	12.3.09	12.5.09	4(13.5.09)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2009	4(18.3.09)	12.3.09	17.3.09	Special Minister of State	19.3.09	22.4.09	4(13.5.09)
Coordinator-General for Remote Indigenous Services Bill 2009	6(2.6.09)	27.5.09	25.6.09	Families, Housing, Community Services and Indigenous Affairs	3.6.09	16.6.09	6(17.6.09)
Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009	9(12.8.09)	24.6.09		Treasury	13.8.09	28.8.09	10(9.9.09)
Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009	9(12.8.09)	25.6.09		Treasury	13.8.09		
Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009	9(12.8.09)	24.6.09		Attorney-General	13.8.09	4.9.09	10(9.9.09)
Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008	1(4.2.09)	3.12.08	10.3.09	Home Affairs	5.2.09	23.2.09	2(11.3.09)
Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008	1(4.2.09)	3.12.08	12.2.09	Attorney-General	5.2.09	27.2.09	2(11.3.09)
Employment and Workplace Relations Amendment Bill 2008	1(4.2.09)	3.12.08	12.2.09	Employment and Workplace Relations	5.2.09	16.3.09	3(18.3.09)
Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009	6(2.6.09)		14.5.09	Senator Ludlam	3.6.09	16.6.09	6(17.6.09)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Fair Work (State Referral and Consequential and Other Amendments) Bill 2009	6(2.6.09)	27.5.09	15.6.09	Education, Employment and Workplace Relations	3.6.09	29.6.09	8(12.8.09)
Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009	5(13.5.09)	19.3.09	15.6.09	Education, Employment and Workplace Relations	14.5.09	12.6.09	6(17.6.09)
Family Assistance Amendment (Further 2009 Budget Measures) Bill 2009	7(17.6.09)	3.6.09	17.6.09	Families, Housing, Community Services and Indigenous Affairs	18.6.09	5.8.09	8(12.8.09)
Family Assistance Legislation Amendment (Child Care) Bill 2009	6(2.6.09)	14.5.09	15.6.09	Education, Employment and Workplace Relations	14.5.09	17.6.09	7(17.6.09)
Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Bill 2009	5(13.5.09)	19.3.09	15.6.09	Treasury	14.5.09	24.6.09	8(12.8.09)
Fuel Quality Standards Amendment Bill 2009	5(13.5.09)	18.3.09	15.6.09	Environment, Heritage and the Arts	14.5.09	12.8.09	9(19.8.09)
Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009	9(12.8.09)	24.6.09		Health and Ageing	13.8.09	18.8.09	9(19.8.09)
Higher Education Support Amendment (VET FEE-HELP and Providers) Bill 2009	5(13.5.09)	18.3.09	15.6.09	Education	14.5.09	16.6.09	6(17.6.09)
Infrastructure Australia Amendment (National Broadband Network and Other Projects) Bill 2009	8(24.6.09)		15.6.09	Senator Minchin	25.6.09	10.8.09	8(12.8.09)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009	9(12.8.09)	24.6.09		Health and Ageing	13.8.09	18.8.09	9(19.8.09)
Migration Amendment (Immigration Detention Reform) Bill 2009	9(12.8.09)		25.6.09	Immigration and Citizenship	13.8.09	18.8.09	9(19.8.09)
Nation Building Program (National Land Transport) Amendment Bill 2009	6(2.6.09)	13.5.09	15.6.09	Infrastructure, Transport, Regional Development and Local Government	3.6.09	16.6.09	6(17.6.09)
National Consumer Credit Protection Bill 2009	9(12.8.09)	25.6.09	7.9.09	Treasury	13.8.09	21.8.09	10(9.9.09)
National Consumer Credit Protection (Fees) Bill 2009	9(12.8.09)	25.6.09	7.9.09	Treasury	13.8.09	21.8.09	10(9.9.09)
National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009	9(12.8.09)	25.6.09	7.9.09	Treasury	13.8.09	21.8.09	10(9.9.09)
National Greenhouse and Energy Reporting Amendment Bill 2009	5(13.5.09)	18.3.09	17.8.09	Climate Change and Water	14.5.09	22.6.09	7(24.6.09)
National Health Security Amendment Bill 2009	9(12.8.09)	24.6.09		Health and Ageing	13.8.09	19.8.09	10(9.9.09)
National Security Legislation Monitor Bill 2009	9(12.8.09)		25.6.09	Cabinet Secretary	13.8.09	8.9.09	10(9.9.09)
Native Title Amendment Bill 2009	5(13.5.09)	19.3.09	15.6.09	Attorney-General	14.5.09	23.6.09	7(24.6.09)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009	5(13.5.09)	19.3.09		Resources and Energy	14.5.09	1.6.09	5(2.6.09)
Personal Property Securities Bill 2009	9(12.8.09)	24.6.09		Attorney-General	13.8.09		
Renewable Energy (Electricity) Amendment Bill 2009	8(24.6.09)	17.6.09	18.8.09	Climate Change and Water	25.6.09	18.8.09	9(19.8.09)
Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Bill 2009	6(2.6.09)	12.5.09	13.5.09	Families, Housing, Community Services and Indigenous Affairs	3.6.09	6.7.09	8(12.8.09)
Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009	8(24.6.09)	15.6.09	17.6.09	Families, Housing, Community Services and Indigenous Affairs	25.6.09	5.8.09	8(12.8.09)
Tax Agent Services (Transitional and Consequential Amendments) Bill 2009	9(12.8.09)	24.6.09		Treasury	13.8.09	28.8.09	10(9.9.09)
Tax Laws Amendment (2009 Measures No. 2) Bill 2009	5(13.5.09)	19.3.09	15.6.09	Treasury	14.5.09	28.5.09	5(2.6.09)
Tax Laws Amendment (2009 Measures No. 4) Bill 2009	9(12.8.09)	25.6.09	8.9.09	Treasury	13.8.09	7.9.09	10(9.9.09)
Tax Laws Amendment (Taxation of Financial Arrangements) Bill 2008	1(4.2.09)	4.12.08	12.2.09	Treasury	5.2.09	11.3.09	3(18.3.09)
Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009	9(12.8.09)		25.6.09	Broadband, Communications and the Digital Economy	13.8.09	20.8.09	9(9.9.09)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Therapeutic Goods Amendment (2009 Measures No. 1) Bill 2009	5(13.5.09)	19.3.09	15.6.09	Health and Ageing	14.5.09	15.6.09	6(17.6.09)
Therapeutic Goods Amendment (Medical Devices and Other Measures) Bill 2008	1(4.2.09)	12.5.09	3.12.08	Health and Ageing	5.2.09	12.2.09	2(11.3.09)
Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008	1(4.2.09)	3.12.08	12.2.09	Treasury	5.2.09	11.3.09	3(18.3.09)
<i>Transport Safety Investigation Amendment Act 2009</i>	3(11.3.09)	12.2.09	11.3.09	Infrastructure, Transport, Regional Development and Local Government	12.3.09	5.5.09	4(13.5.09)
Veterans' Affairs and Other Legislation Amendment (Pension Reform) Bill 2009	10(19.8.09)	12.8.09	19.8.09	Veterans' Affairs	20.8.09	4.9.09	10(9.9.09)