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 B Cooney (Chairman)
Senator W Crane (Deputy Chairman)
Senator T Crossin
Senator J Ferris
Senator B Mason
Senator A Murray

Terms of Reference

Extract from **Standing Order 24**

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

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• The Committee has commented on these bills

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

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• The Committee has commented on these bills

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Australian Heritage Council Bill 2000

This bill was introduced into the Senate on 7 December 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Environment and Heritage]

Introduced with the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2000 and in conjunction with the Environment and Heritage Legislation Amendment Bill (No. 2) 2000, the bill proposes to establish the Australian Heritage Council to replace the Australian Heritage Commission.

The bill provides for the composition of the Council and prescribes the Council's functions as being to make assessments and to provide advice to the Minister on the identification, conservation, listing and protection of places on the National Heritage List and the Commonwealth Heritage List and on other heritage related matters.

Australian Heritage Council (Consequential and Transitional Provisions) Bill 2000

This bill was introduced into the Senate on 7 December 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Environment and Heritage]

Introduced with the Australian Heritage Council Bill 2000, the bill proposes to:

- repeal the Australian Heritage Commission Act 1975;
- amend the Environment Protection and Biodiversity Conservation Act 1999 to remove a reference to the Australian Heritage Commission Act 1975; and
- provide arrangements for the transition from the Australian Heritage Commission to the Australian Heritage Council.

Broadcasting Legislation Amendment Bill 2000

This bill was introduced into the Senate on 6 December 2000 by the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Communications, Information Technology and the Arts]

The bill proposes to amend the *Australian Broadcasting Corporation Act* 1983 and *Special Broadcasting Service Act* 1991 to transfer from the *Broadcasting Services Act* 1992 provisions giving the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS) the specific function of datacasting. These provisions will not require the ABC or SBS to provide datacasting services, but provide them with the ability to choose how to best use transmission capacity.

The bill also proposes amendments to the *Broadcasting Services Act 1992* to correct minor errors and repeal certain redundant provisions.

Communications and the Arts Legislation Amendment (Application of Criminal Code) Bill 2000

This bill was introduced into the House of Representatives on 7 December 2000 by the Minister for the Arts and the Centenary of Federation. [Portfolio responsibility: Communications, Information Technology and the Arts]

The bill proposes to make consequential amendments to certain offence provisions contained in 11 Acts within the Communications, Information Technology and the Arts portfolio. The amendments are intended to ensure that when Chapter 2 of the *Criminal Code Act 1995* (the Code) is applied to all Commonwealth criminal offences, from 15 December 2001, those provisions will continue to operate in a similar manner.

The bill also makes other minor amendments to offence provisions in the Communications, Information Technology and the Arts portfolio, which are consistent with the general criminal law policy, to simplify offence provisions and improve their operation.

Strict liability offences Schedule 1, items 4, 12, 38, 44, 46, 56, 57, 60, 74, 92, 94, 96, 98, 99, 148 and 154

This bill provides for the application of the Criminal Code to offences in legislation administered within the Communications, Information Technology and the Arts portfolio. As a result, a number of offences are now declared to be offences of strict liability. Where an offence is one of strict liability, a person is held to be legally liable for their conduct irrespective of their moral responsibility, and the Committee draws the Senate's attention to provisions which create such offences.

The Minister concludes his Second Reading Speech by observing that, apart from some minor exceptions, which are noted in the Explanatory Memorandum, "this Bill does not affect the operation of the current criminal offences. It ensures that the current criminal offences are not altered following the application of the *Criminal Code* to Commonwealth legislation". While

the Committee notes this observation, it **seeks the Minister's confirmation** that the bill creates no new offences of strict liability.

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

Customs Depot Licensing Charges Amendment Bill 2000

This bill was introduced into the House of Representatives on 6 December 2000 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Justice and Customs]

Part of a package of three bills in relation to the management and processing of cargo, the bill proposes to amend the *Customs Depot Licensing Charges Act 1997* to increase the number of transactions that will be required before a higher rate of depot licensing charge will be payable, and to set out the amount of depot licence variation charge. These amendments support the proposed simplified processes for amending Customs depot licences as contained in the Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2000.

Retrospective application Schedule 1, item 6

Item 6 in Schedule 1 to this bill provides that the amendment made by item 3 "applies to the reference year ending on 31 March 2001".

Subclause 2(2) of the bill provides that this Schedule is to commence "on the day on which item 146 in Schedule 3 to the *Customs Legislation Amendment* and Repeal (International Trade Modernisation) Act 2000 commences". That item may not commence until up to two years after that bill is assented to (see Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2000, paragraph 2(5)(c) and subclause 2(6))

In these circumstances, it follows that item 6 in Schedule 1 to this bill allows for the amendment proposed by item 3 to have some retrospective effect. However, that amendment is beneficial to those liable to pay customs depot licensing charge.

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

Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2000

This bill was introduced into the House of Representatives on 6 December 2000 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Justice and Customs]

Part of a package of three bills in relation to the management and processing of cargo, the bill proposes to amend the *Customs Act 1901* and *Customs Administration Act 1985* to modernise the way in which Customs manages the movement of cargo into and out of Australia.

The bill creates the legal framework for an electronic business environment for cargo management; establishes a new approach to compliance management that recognises that 'one size doesn't fit all'; and improves controls over cargo and its movement where there has been a failure to comply with regulatory requirements.

The bill also repeals the *Import Processing Charges Act 1997*.

Commencement on Proclamation Subclause 2(6)

In broad terms, clause 2 of this bill provides that many of the amendments proposed in the bill are to commence on Proclamation. Subclause 2(6) provides that if a provision is not proclaimed to commence within 2 years of assent, it commences on the first day after that period.

This is a departure from the practice set out in *Drafting Instruction No 2 of 1989* issued by the Office of Parliamentary Counsel. This provides that, as a general rule, where a clause provides for commencement after assent, the preferred period should not be longer than 6 months. The *Drafting Instruction* goes on to state that, where a longer period is chosen "Departments should explain the reason for this in the Explanatory Memorandum".

The Explanatory Memorandum notes the bill's departure from the Drafting Instruction, and states that a longer period is required to allow for the significant change being introduced through new cargo management processes and new information technology systems:

Aspects of this development include testing the new system, allowing an opportunity to those who wish to communicate with Customs to test the compatibility of their in-house systems against that of Customs; and subsequent migration from 'old' to 'new' systems. This work is currently being undertaken with the cooperation of the Australian trading community.

Because of the vagaries of developing a new computer system, and so as to avoid having to insert and administer complicated savings and transitional provisions in legislation if the computer system hasn't been fully developed, tested and in production by the time the Act receives the Royal Assent, plus six months, it is proposed to allow the legislation to commence up to 2 years after the Act receives the Royal Assent.

Given this explanation, the Committee makes no further comment on this provision.

Search and entry provisions Proposed new Subdivision J of Division 1 of Part XII

Part 5 of Schedule 1 to the bill inserts a number of provisions which repeal the existing 'audit' powers in the Customs Act, and replaces them with new 'monitoring powers'. In his Second Reading Speech, the Minister observes that these provisions "have been drafted in accordance with the Fourth Report of the Senate Standing Committee for the Scrutiny of Bills dated 6 April 2000 which examined entry and search provisions in Commonwealth legislation".

Specifically the bill provides that:

- only Customs officers authorised by the CEO will be able to exercise the powers of monitoring officers, and such officers must be suitably qualified and have the ability and experience to exercise those powers (proposed subsection 214AC(2));
- authorised officers must carry an identity card at all times while exercising monitoring powers (proposed section 4C)
- the primary means of entry to premises for monitoring purposes is through consent, which must be given and withdrawn in writing (proposed section 214AE);

- entry may also be pursuant to a warrant issued by a magistrate (proposed section 214AF);
- a monitoring officer may give an occupier notice of intended entry, but this is optional (proposed section 214AD);
- a monitoring officer may ask an occupier who has consented to entry to answer questions or provide reasonable assistance a refusal will not constitute an offence (proposed subsections 214AH(1) and 214AI(1));
- a monitoring officer who enters premises under warrant may require an occupier to answer questions and provide reasonable assistance a refusal will be an offence of strict liability (proposed subsections 214AH(2) and 214AI(3) and (4));
- the powers exercisable by monitoring officers include:
 - the current power to inspect and make copies of documents, as well as 'records';
 - the power to inspect, examine, count, measure, weigh, gauge, test or analyse, and take samples;
 - the power to take equipment or material on to premises;
 - the power to undertake systems audits to check the ability of computerbased system to accurately generate or record information or documents;
 - the power to operate electronic equipment used to store records and documents used in the communication of information to Customs and to copy relevant records and documents; and
 - the power to search premises.
- in entering premises and exercising monitoring powers, an officer may use such force as is necessary and reasonable in the circumstances, but only against things – there is no power to use force against persons (proposed subsection 214AC(3))
- where a monitoring officer finds evidence of the commission of a Customs-related offence, that officer has the power to secure that evidence until a warrant to seize can be obtained the power to secure evidence lapses after 72 hours if a warrant to seize has not been obtained; and
- Customs must pay reasonable compensation where damage is caused to equipment or data as a result of carelessness in its operation of that equipment.

The Committee notes that many of these changes draw on principles set out in its *Fourth Report of 2000*, and thanks the Minister for having regard to those principles. However, some principles do not seem to have been addressed in the bill. The Committee, therefore, **seeks Minister's advice** as to whether the legislation or operational procedures should provide for:

- an occupier to be informed of his or her rights and responsibilities, and given an opportunity to have independent third party present, where a search occurs under warrant:
- the situation of officers exercising monitoring powers and finding evidence of an offence that is not a Customs-related offence; and
- whether Customs intends reporting annually to the Parliament on the exercise of its monitoring powers.

Strict liability offences Proposed new sections 243SA, 243SB, 243T, 243U and 243V

Item 5 of Schedule 2 to the bill proposes to insert in the *Customs Act 1901* new sections 243SA (which deals with the failure to answer questions), 243SB (which deals with the failure to produce books and records), 243T (which deals with making false or misleading statements resulting in the loss of duty), 243U (which deals with false or misleading statements not resulting in the loss of duty) and 243V (which deals with false or misleading statements in cargo reports or outturn reports).

In each case, these new sections create offences of strict liability. Under a strict liability offence, a person may be punished for doing something, or failing to do something, whether or not they have a guilty intent.

These strict liability offences are accompanied by a penalty regime which introduces the option of issuing an infringement notice, to the value of 20% of the penalty that would have been payable if a prosecution had been commenced. Payment of this penalty extinguishes Customs' right to prosecute. However, prosecutions may be commenced where Customs believes it can be proved that a person intended to breach the law.

The Explanatory Memorandum seeks to justify this approach in the following terms:

[T]he mischief intended to be addressed in the legislation is (for the most part) either the late or inaccurate reporting of information to Customs. If this information is received either late or inaccurately, Customs cannot perform its community service obligations of analysing information about incoming cargo so as to ensure that prohibited goods such as drugs are kept out of the country, or that the correct amount of duty and taxes is paid as a result of the importation or exportation of goods. The intention of the communicator is therefore irrelevant. The critical outcome is the quality of the information ...

As the offences can be characterised as being technical or regulatory in nature, it is appropriate in the circumstances for there to be an infringement notice/strict liability penalty regime in place.

Where a person is charged with a strict liability offence, the prosecution does not have to prove intent. This invites consideration of the defences available to those charged with such offences. At common law, there is a defence of honest and reasonable mistake of fact. The Criminal Code makes available defences such as mistake of fact, intervening conduct or event, duress, sudden or extraordinary emergency and self-defence.

In addition to these defences, the bill provides two further defences where a person is charged with an offence under proposed section 243T (false or misleading statements resulting in the loss of duty). These additional defences are:

- voluntary disclosure of false or misleading statements where this occurs before the issue of a monitoring notice, and is made in writing, and where any additional duty is paid or any refund or drawback is repaid; and
- genuine uncertainty as to the accuracy or completeness of the information included in a statement made to Customs which has duty implications (this defence is in similar terms to the existing section 234V in the *Customs Act 1901*) the Explanatory Memorandum states that this defence acknowledges that "sometimes not all relevant information in relation to goods is available" to owners or their agents and where the doubtful or incomplete information is identified, and reasons given for the uncertainty, no penalty should apply.

The defence of voluntary disclosure is also made available to a person charged with an offence under proposed section 243U (false or misleading statements not resulting in a loss of duty), but not the defence of genuine uncertainty. The Explanatory Memorandum notes that strict liability has been introduced in this

situation "to improve the quality of information received by Customs. This data is used for trade statistics and border control purposes and any inaccuracy in that data impinges on Customs' ability to perform its functions in these areas effectively".

No further specific defences are made available to a person charged with making false or misleading statements in cargo reports or outturn reports (under proposed section 243V).

The Committee recognises that creating offences of strict liability may be acceptable in some circumstances. However, it is not clear why a failure to answer questions or produce records should be a strict liability offence in a Customs context, when it is not a strict liability offence in many other similar contexts (see for example, *Agricultural and Veterinary Chemicals Code 1994* s 144; *Industrial Chemicals (Notification and Assessment) Act 1989* s 88; *Health Insurance Commission Act 1973* s 8R).

In creating these strict liability offences (which, arguably, impose greater burdens on persons charged) it is also not clear whether the substantive penalties have been reviewed for the offences when prosecuted. In this regard, the Committee draws attention to its *Eighth Report of 1998* which dealt with the appropriate basis for penalty provisions for offences involving the giving or withholding of information.

In addition, it is not clear why the defence of genuine uncertainty should be applicable to statements which result in a loss of duty, but not to statements which result in <u>no</u> loss of duty, or to statements in cargo or outturn reports.

Finally, where a matter is dealt with under the infringement notice scheme, it is not clear whether an offence will be recorded against the person concerned. The Committee, therefore, **seeks the Minister's advice** on these four issues.

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 I(a)(i) of the Committee's terms of reference.

Customs Tariff Amendment Bill (No. 4) 2000

This bill was introduced into the House of Representatives on 6 December 2000 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Justice and Customs]

The bill proposes to amend the Customs Tariff Act 1995 to:

- add Angola and Madagascar to the list of Least Developed Countries;
- rename Zaire as the Democratic Republic of Congo;
- reduce the duty on thirty tariff subheadings from 5 per cent to free as a result of the settlement with the United States of America in relation to the Howe leather trade dispute;
- extend a duty concession for the Textiles, Clothing and Footwear Import Credit Scheme to 30 December 2001;
- create a new concessional item to cover the collection of duty on certain returned goods; and
- re-introduce a 5 per cent rate of duty on woven fibreglass fabric.

Retrospective commencement Subclauses 2(2) to (5)

By virtue of subclauses 2(2) to 2(5) of this bill, the amendments proposed in the Schedule are to be taken to have commenced retrospectively at various times during the year 2000.

However, the Explanatory Memorandum observes that these amendments will either lead to a reduction in Customs duty, or "will have little or no financial impact". In addition, each of the proposed changes has been tabled as a Customs Tariff proposal, and such proposals are often included in legislation retrospectively.

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

Environment and Heritage Legislation Amendment (Application of Criminal Code) Bill 2000

This bill was introduced into the Senate on 6 December 2000 by the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Environment and Heritage]

The bill proposes to make consequential amendments to certain offence provisions contained in 11 Acts administered by the Department of the Environment and Heritage. The amendments are intended to ensure that when Chapter 2 of the *Criminal Code Act 1995* (the Code) is applied to all Commonwealth criminal offences from 15 December 2001, those provisions will continue to operate in the manner they operated previously.

The bill also makes other amendments to ensure the portfolio's legislation more closely accords with the Criminal Code. These include the requirement that defendants generally should bear an evidential, not a legal burden, in the *Antarctic Marine Living Resources Conservation Act 1981* and the *Antarctic Treaty (Environment Protection) Act 1980*.

Strict liability offences and reversals of the onus of proof Schedule 1, items 16, 20, 24, 34, 39, 42, 43, 45, 53, 55, 57, 59, 61-65, 68, 85, 87, 89, 91, 93, 95, 98, 101, 103, 108, 110-115, 117-118, 125, 127, 130-133, 135, 137, 140, 149, 151, 157, 159-161, 167, 169, 171, 174-176

This bill provides for the application of the Criminal Code to certain offences in legislation administered within the Environment and Heritage portfolio. As a result, many offences are now declared to be offences of strict liability, and an evidential burden is imposed on defendants in relation to the raising of various other matters. It is the Committee's practice to draw the Senate's attention to provisions which have this effect.

With regard to the imposition of an evidential burden, the Minister's Second Reading Speech notes that these amendments effectively change what is an existing legal burden on defendants to a lesser evidential one. Therefore, the bill reduces the burdens imposed on defendants.

With regard to the specification of strict liability offences, the Explanatory Memorandum observes that "these amendments are intended to ensure that when Chapter Two of the *Criminal Code Act 1995* is applied to pre-existing portfolio offence provisions, from 15 December 2001, those provisions will continue to operate in the same manner as they operated previously". While noting this observation, the Committee **seeks the Minister's confirmation** that the bill creates no new offences of strict liability.

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

Environment and Heritage Legislation Amendment Bill (No. 2) 2000

This bill was introduced into the Senate on 7 December 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Environment and Heritage]

Introduced in conjunction with the Australian Heritage Council Bill 2000, the bill proposes to amend the *Environment Protection and Biodiversity Conservation Act* 1999 to:

- establish a Commonwealth heritage regime that will focus on matters of national significance and Commonwealth responsibility;
- establish a National Heritage List using a process of community consultation, expert advice and ministerial responsibility; and to protect and manage places on the National Heritage List; and
- establish a Commonwealth Heritage List of Commonwealth areas of national significance using a process of community consultation, expert advice and ministerial responsibility; advise Commonwealth agencies on actions in relation to places on the Commonwealth Heritage List; and to provide for the management of places on the list.

The bill also contains transitional provisions in relation to places included in the current Register of the National Estate, including the Interim List, and kept under the *Australian Heritage Commission Act 1975*.

Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Bill 2000

This bill was introduced into the House of Representatives on 6 December 2000 by the Minister for Foreign Affairs. [Portfolio responsibility: Foreign Affairs and Trade]

The bill proposes to make consequential amendments to certain offence provisions contained in 11 Acts administered by the Foreign Affairs and Trade portfolio. The amendments are intended to ensure that when Chapter 2 of the *Criminal Code Act 1995* (the Code) is applied to all Commonwealth criminal offences from 15 December 2001, those provisions will continue to operate in the same manner as they operated previously.

Strict liability offences and reversals of the onus of proof Schedule 1, items 4-7, 9, 12, 17, 21-23, 30, 41-42

This bill provides for the application of the Criminal Code to certain offences in legislation administered within the Foreign Affairs and Trade portfolio. As a result, many offences are now declared to be offences of strict liability, and an evidential burden is imposed on defendants in relation to the raising of various other matters. It is the Committee's practice to draw the Senate's attention to provisions which have this effect.

In his Second Reading Speech, the Minister states that these amendments are "technical in nature" and their purpose is "merely to ensure that these offence-creating provisions will, after the commencement of the Criminal Code, be interpreted in that same manner as they are currently". While noting this observation, the Committee **seeks the Minister's confirmation** that the bill creates no new offences of strict liability.

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

Import Processing Charges Bill 2000

This bill was introduced into the House of Representatives on 6 December 2000 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Justice and Customs]

Part of a package of three bills in relation to the management and processing of cargo, the bill introduces new cost recovery arrangements to support the proposed changes to the management and processing of cargo that are set out in the Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2000.

Replacing the *Import Processing Charges Act 1997*, the bill imposes and sets the amounts of six charges: screening charge, self-assessed clearance declaration charge, import declaration processing charge, request for cargo release (RCR) processing charge, periodic declaration processing charge, and warehouse declaration processing charge.

Law and Justice Legislation Amendment (Application of Criminal Code) Bill 2000

This bill was introduced into the Senate on 6 December 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Justice and Customs]

The bill proposes to make consequential amendments to certain offence provisions contained in 50 Acts administered by the Attorney-General's portfolio. The amendments are intended to ensure that when Chapter 2 of the *Criminal Code Act 1995* (the Code) is applied to all Commonwealth criminal offences, from 15 December 2001, those provisions will continue to operate in the same manner as they operated previously.

Strict liability, absolute liability and reversals of the onus of proof Various provisions

This bill applies the Criminal Code to all offence-creating and related provisions in legislation administered within the Attorney-General's portfolio. As a result, many offences are now declared to be offences of strict liability, absolute liability is applied to the elements of certain offences, and an evidential burden is imposed on defendants in relation to the raising of various other matters. It is the Committee's practice to draw the Senate's attention to provisions which have this effect.

The Explanatory Memorandum states that the aim of the bill is simply to "ensure that existing offences operate in much the same way as they do now ... there will be occasions when the operation of existing offences will be uncertain. The amendments will therefore sometimes involve judgment about the likely effect of existing offences. Where this occurs it will provide much needed clarification of the meaning of the relevant provisions".

The Committee notes that, in the case of some provisions covered in this bill, there has been uncertainty as to whether they are currently offences of strict liability. Given this, the Committee **seeks the Minister's advice** as to which offences are uncertain; whether that uncertainty is as a result of any judicial consideration, and whether (and why) the bill has resolved that uncertainty by now declaring those offences to be offences of strict liability.

Pending the Minister's advice, the Committee draws Senators' attention to these 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.

Medicare Levy Amendment (CPI Indexation) Bill (No. 2) 2000

This bill was introduced into the House of Representatives on 7 December 2000 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to amend the *A New Tax (Medicare Levy Surcharge—Fringe Benefits) Act 1999* and *Medicare Levy Act 1986* to increase the Medicare levy low income thresholds for individuals, married couples and sole parents and the Medicare levy surcharge low income thresholds for the 2000-2001 and later financial years. The thresholds will increase in line with increases in the Consumer Price Index. The bill will also increase the upper level of the shading-in of the Medicare levy for individuals as a result of the increased low income threshold.

National Crime Authority Legislation Amendment Bill 2000

This bill was introduced into the Senate on 7 December 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Justice and Customs]

Schedule 1 to the bill proposes to amend the *National Crime Authority Act* 1984 in relation to the administration and operations of the National Crime Authority (NCA); the relationship between the Parliamentary Joint Committee on the National Crime Authority and the NCA; and the application of chapter 2 of the *Criminal Code*.

Schedule 2 proposes to amend the *Privacy Act 1988* to insert a note which modifies the application of the Act and alerts the reader of that Act to the requirements of the NCA Act.

Schedule 3 proposes to amend the *Ombudsman Act 1976* to extend the Ombudsman's jurisdiction to deal with complaints against the NCA.

Schedule 4 proposes to amend the *Administrative Decisions (Judicial Review) Act 1977* to exclude the operation of that Act in relation to certain decisions made under the NCA Act.

General comment

The National Crime Authority (NCA) was established in 1984, essentially to combat drug-related "organised crime", and was granted significant powers to enable it to undertake this function.

However, under the definition of 'relevant offence' as set out in this bill, the NCA may pursue various other offences, including offences involving theft, fraud, tax evasion, bankruptcy and company violations (where these involve multiple offenders, substantial planning and organisation, and the use of sophisticated methods and techniques).

This bill now proposes to increase the powers available to the NCA, and reduce the safeguards available to those affected by them. This raises a number of issues within the Committee's terms of reference.

The NCA is to exercise powers that are markedly greater than those held by other law enforcement bodies, such as police forces, who are apparently able to investigate crimes such as murder, rape and armed robbery without having to trespass unduly on personal rights and liberties. This raises the question of why the NCA should be given extended powers.

The bill imposes heavy penalties on people who decline to answer questions or produce documents. It is of concern that what was formerly a right to silence should now have become a crime punishable by a prison term of up to 5 years and a heavy fine. In addition, a person can be charged with contempt for maintaining silence before, and declining to produce documents to, an investigative body. In addition, the Committee notes that the bill adds 'perverting the course of justice' to the list of relevant offences in section 4. The Committee **seeks the Minister's advice** as to whether such an offence could be committed by a person who refused to answer a question at an NCA hearing. All this seems to constitute a major shift in people's rights when under investigation.

The Committee notes that the power to issue warrants is to be extended not just to federal magistrates but to magistrates at large, and that the bill refers to the disclosure of information by legal practitioners. The Committee would like to see any issues involved here clarified.

The Committee considers that there would be value in its **receiving a briefing** on the provisions of the bill in general.

Pending this briefing, the Committee draws Senators' attention to the provisions of this bill, as they may be considered to trespass unduly on personal rights and liberties, in breach of principle I(a)(i) of the Committee's terms of reference.

Defence of reasonable excuse Schedule 1, Part 1, items 1, 3, 5, 11

Items 1, 3, 5 and 11 in Part 1 of Schedule 1 to this bill omit the defence of 'reasonable excuse' from various provisions in the *National Crime Authority Act* 1984.

The Explanatory Memorandum states that:

The removal of the 'reasonable excuse' defence is consistent with the move to more specific defences under Chapter 2 of the Criminal Code (the Code). The Code ... sets out general principles of criminal responsibility and includes defences applicable to all offences.

The general defences are contained in Part 2.3 of the Code, and include defences relating to intervening conduct or event, duress, and sudden and extraordinary emergency. By replacing the less clear notion of 'reasonable excuse' with these specific defences, the scope for disputes as to whether a reasonable excuse exists will be significantly reduced.

This Digest considers a number of bills which seek to apply the Criminal Code to legislation across a number of portfolio areas. Some of these bills also refer to the defences of 'lawful excuse' and 'reasonable excuse' as they are to apply under the *Code*.

For example the Law and Justice Legislation Amendment (Application of Criminal Code) Bill 2000, among other things, proposes to amend section 63 of the *Australian Federal Police Act 1979*. This section makes it an offence to impersonate an AFP officer, or, without lawful excuse, to wear or possess any AFP clothing or equipment. The proposed amendment is intended to:

- remove the specific defence of 'lawful excuse' from section 63 (because general defences of lawful excuse and lawful authority are now to be inserted in the Criminal Code as section 10.5); but
- insert a specific defence of 'reasonable excuse' in section 63 (because a general defence of 'lawful excuse' would not cover situations where someone might have some other reasonable excuse for possessing that clothing or equipment for example, finding a piece of lost equipment and intending to return it).

From this, it would seem that the *Criminal Code* will contain a generally applicable defence of 'lawful excuse', and some individual offences will also contain a specific defence of 'reasonable excuse'. It is not clear how this scheme will affect the NCA. The Committee, therefore, **seeks the Minister's advice** as to whether the <u>proposed Criminal Code</u> defence of 'lawful excuse' will apply to offences under the *National Crime Authority Act 1984*, and what those offences are. The Committee also **seeks the Minister's advice** as to

why the *Code* seems to contemplate a defence of 'reasonable excuse' as appropriate for some Commonwealth offences, but not for offences under the *National Crime Authority Act 1984*.

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 I(a)(i) of the Committee's terms of reference.

Abrogation of the privilege against self-incrimination Schedule 1, Part 1, item 12

Item 12 in Part 1 of Schedule 1 to the bill creates a new scheme where a witness appearing at an NCA hearing claims that the answer to a question or the production of a document or thing might tend to incriminate them. Under the current provisions, if a witness makes such a claim:

- the NCA must decide whether it is a valid claim;
- if it is a valid claim, then the person has a reasonable excuse for not answering the question or producing the document or thing;
- however, if the DPP or State Attorney-General gives the person a written undertaking that any answer, document or thing, or anything derived from it, will not be used in evidence against the person in later proceedings, then the person does not have a reasonable excuse; and
- if the person is given such an undertaking, or does not have a valid claim, then they must answer the question or produce the document or thing.

Under the proposed new scheme:

- the witness must answer the incriminating question or produce the document, and it is an offence if they fail to do so; but
- the answer or document is not admissible in evidence against the witness in any later criminal proceeding.

Therefore the new scheme differs from the existing scheme in that there is no longer an issue of reasonable excuse, or the need for the DPP to give an

undertaking, and evidence that <u>derives</u> from an answer or document may now be used against the person ('derivative use immunity').

The EM justifies this change by noting the NCA's unique nature and its critical role in the fight against organised crime. This means that the public interest in the NCA having full and effective investigatory powers, and in being able to use against a person any incriminating material derived from that person's evidence "outweigh the merits of affording full protection to self-incriminatory material".

The EM also notes that the proposed provision is similar to section 68 of the *Australian Securities and Investments Commission Act 1989* (which was amended in 1992 following a report of the PJC on Corporations and Securities).

This Committee considered that amendment in its Fourth Report of 1992. In that report, the Committee acknowledged the argument that "effective investigation and prosecution of corporate offences [should not be] hindered by inappropriate evidentiary requirements". However, the Committee concluded that the common law privilege against self-incrimination was a fundamental right which, in the absence of good reason, ought not be interfered with.

In similar terms, the Committee acknowledges that <u>this</u> amendment is intended to enhance the investigatory power of the NCA by limiting the ability of witnesses to challenge the NCA's role. However, it is always cause for concern where the legitimate and essential rights of witnesses are limited in the interest of expedient investigations. The Committee, therefore, **seeks the Minister's advice** as to why derivative use immunity should not be retained during NCA investigations and hearings as a fundamental right of long-standing.

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

National Museum of Australia Amendment Bill 2000

This bill was introduced into the Senate on 6 December 2000 by the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Communications, Information Technology and the Arts]

The bill proposes to amend the *National Museum of Australia Act 1980* to ensure that activities proposed by the National Museum of Australia (the Museum) are within its powers. These activities include:

- enabling the Museum to exhibit material relating to Australia's future as well as its past;
- engaging in a range of commercial activities relating to its functions;
- charging fees and impose charges for services provided in relation to its functions;
- enabling the Museum to raise funds for Museum purposes;
- increasing the value of historical material for which Ministerial approval is required before the material may be disposed of; and
- establishing a Museum Fund into which may be paid gifts and bequests and money (other than trust money) received from the disposal of property, devises, bequests and assignments.

The bill also corrects a technical error in relation to the disclosure of pecuniary interests.

New Business Tax System (Simplified Tax System) Bill 2000

This bill was introduced into the House of Representatives on 7 December 2000 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to amend the *Income Tax Assessment Act 1997* to introduce a simplified tax system (STS) for certain small businesses; and the *Income Tax Assessment Act 1936* and *New Business Tax System (Integrity and Other Measures) Act 1999* to introduce a new 12-month rule for prepayments of deductible expenses by STS taxpayers and individuals incurring non-business expenditure.

Schedules 1 and 2 of the bill proposes to amend the income tax law to introduce the STS which is an alternative method for determining taxable income for certain businesses with straight-forward, uncomplicated financial affairs who choose to enter the STS. The STS modifies the current method of determining taxable income.

Schedule 3 replaces the current 13-month prepayment rule with a new 12-month rule allowing immediate deduction for prepayments under certain circumstances.

The proposed changes will apply to assessments for income years commencing after 30 June 2001. They were announced in the Treasurer's Press Releases Nos. 58 and 59 of 21 September 1999.

Occupational Health and Safety (Commonwealth Employment) Amendment Bill 2000

This bill was introduced into the House of Representatives on 7 December 2000 by the Minister for Employment, Workplace Relations and Small Business. [Portfolio responsibility: Employment, Workplace Relations and Small Business]

The bill proposes to amend the *Occupational Health and Safety* (Commonwealth Employment) Act 1991 to provide improved health and safety protection for Commonwealth employees by:

- revising the provisions relating to the employer's duty of care to provide a greater focus on occupational health and safety outcomes;
- recognising the primacy of direct employer and employee relationships by facilitating consultations between the parties in a more direct relationship;
- ensuring that the additional flexibility given to employers and employees to develop appropriate workplace arrangements is balanced by an enforcement regime;
- revising the annual reporting requirements of Commonwealth agencies under the Act to provide a greater focus on outcomes rather than process; and
- making technical amendments to various provisions of the Act to correct deficiencies or otherwise improve the operation of these provisions.

The bill also contains transitional, application and saving provisions.

Petroleum (Submerged Lands) Legislation Amendment Bill (No. 3) 2000

This bill was introduced into the House of Representatives on 6 December 2000 by the Parliamentary Secretary to the Minister for Industry, Science and Resources. [Portfolio responsibility: Industry, Science and Resources]

Introduced with the Petroleum (Submerged Lands) (Registration Fees) Amendment Bill 2000, the bill proposes to amend the *Petroleum (Submerged Lands) Act 1967* to:

- revise administrative arrangements between the Commonwealth, the States and the Northern Territory in relation to the management of offshore petroleum resources, including the transfer of certain powers from Commonwealth and State or Territory Joint Authorities to State or Territory Designated Authorities;
- provide a framework for the adoption of the Geocentric Datum of Australia;
- ensure consistency of liability of officials; and
- make technical corrections.

The bill contains transitional and application provisions and makes technical corrections to the *Petroleum (Submerged Lands) Fees Act 1994* and *Primary Industries and Energy Legislation Amendment Act (No. 1) 1998*.

Retrospective commencement Subclauses 2(3) and (5)

Subclauses 2(3) of this bill provides that the amendments proposed to be made by Part 3 of Schedule 1 (which deal with the removal of property from the seabed) are to be taken to have commenced retrospectively on 7 March 2000.

To similar effect, subclause 2(5) provides that the amendment proposed to be made in Schedule 3 (which corrects a minor technical error which "thwarted the intention" of amendments made in a 1998 Amendment Act) are to be taken to have commenced retrospectively on 30 July 1998.

In each case, the Explanatory Memorandum states that these amendments do no more than correct earlier drafting errors, and make no change to the substantive law. The Committee **seeks the Minister's confirmation** that no person will be adversely affected by the proposed retrospective commencement of these provisions.

Pending the Minister's confirmation, 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 I(a)(i) of the Committee's terms of reference.

Petroleum (Submerged Lands) (Registration Fees) Amendment Bill 2000

This bill was introduced into the House of Representatives on 6 December 2000 by the Parliamentary Secretary to the Minister for Industry, Science and Resources. [Portfolio responsibility: Industry, Science and Resources]

Introduced with the Petroleum (Submerged Lands) Legislation Amendment Bill (No. 3) 2000, the bill proposes to amend the *Petroleum (Submerged Lands)* (*Registration Fees*) *Act 1967* to transfer certain functions in relation to the determination of the rate of certain fees from Commonwealth and State or Territory Joint Authorities to State or Territory Designated Authorities.

Renewable Energy (Electricity) (Charge) Amendment Bill 2000

This bill was introduced into the Senate on 8 December 2000 by the Minister for the Environment and Heritage. [Portfolio responsibility: Environment and Heritage]

The bill proposes consequential amendments to the *Renewable Energy* (*Electricity*) (*Charge*) *Act 2000* to ensure that the obligations under the mandatory renewable energy target contained in the Renewable Energy (Electricity) Bill 2000, and the penalty for non-compliance with those obligations, commence at the same time. The bill became necessary following the delay in the commencement of, and amendments made to, the Renewable Energy (Electricity) Bill 2000.

The bill passed both Houses of the Parliament on 8 December 2000.

Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2000

This bill was introduced into the House of Representatives on 7 December 2000 by the Minister for Employment, Workplace Relations and Small Business. [Portfolio responsibility: Employment, Workplace Relations and Small Business]

Schedule 1 to the bill proposes to amend the *Industrial Chemicals* (*Notification and Assessment*) *Act 1989* to streamline and improve the operation of the National Industrial Chemicals Notification and Assessment Scheme by amending the definition of synthetic polymers of low concern; improving the secondary notification procedures for existing chemicals; and making other minor and technical corrections.

Schedule 2 proposes to amend the *Safety, Rehabilitation and Compensation Act 1988* in relation to the operation of the Commonwealth workers' compensation scheme, including the streamlining and updating of various provisions and the making of minor technical, policy and consequential amendments.

Schedule 3 proposes to amend the following Acts:

Equal Opportunity for Women in the Workplace Act 1999 to correct a technical anomaly arising from an omission in the Act;

Income Tax Assessment Act 1936 to authorise provision of taxation information to Comcare as well as to the Safety, Rehabilitation and Compensation Commission;

National Occupational Health and Safety Commission Act 1985 to reflect the name change of the Australian Chamber of Commerce and Industry; and the

Occupational Health and Safety (Commonwealth Employment) Act 1991 to make consequential amendments in relation to the collection of premiums.

Consistent with section 4AB of the *Crimes Act 1914*, the bill also converts certain penalties currently expressed in monetary terms into penalty units.

Retrospective application Schedule 2, Part 4

The amendment proposed in Part 4 of Schedule 2 to the bill will add a new subsection 27(3) to the *Safety, Rehabilitation and Compensation Act 1988*. This new subsection will prevent any person who suffered a permanent impairment prior to 1 December 1988 from claiming compensation for non-economic loss, unless they had lodged an application for compensation before the date on which this bill was introduced into the Parliament.

The Explanatory Memorandum states that the proposed amendment "clarifies that an employee who suffered a permanent impairment prior to the commencement date should not receive compensation under section 27 of the SRC Act because such an employee would not have been entitled to receive compensation for non-economic loss under the previous legislation (the 1971 Act)".

While the EM asserts that the bill "clarifies" the law, the fact that some people were still, at the date of the introduction of the bill, apparently making claims for compensation for non-economic loss in respect of impairments which were suffered before 1 December 1988, indicates that the new provision is intended to have some substantive effect, and this effect operates retrospectively. Given this, the Committee **seeks the Minister's advice** as to how many claimants are likely to be affected by this amendment, what notice those claimants have received concerning the introduction of the amendment, and why the amendment will not operate in a more conventional manner from the date that the bill is passed.

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 I(a)(i) of the Committee's terms of reference.

Social Security Legislation Amendment (Concession Cards) Bill 2000

This bill was introduced into the Senate on 7 December 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Family and Community Services]

The bill proposes to amend the *Social Security Act 1991*, the *Social Security (Administration) Act 1999*, the *Health Insurance Act 1973* and the *National Health Act 1953* to consolidate within the framework of the social security law all rules relating to the issue and holding of pensioner concession cards, seniors' health cards and health care cards. Currently the only type of concession card that has a legislative basis is the seniors' health card. The issue and holding of pensioner concession cards and health care cards is governed by administrative rules.

Provisions in the Health Insurance Act relating for an eligible overseas representative to be granted a health care card have not been included in the bill as it was considered highly unlikely that these representatives would satisfy the health care card income test. The explanatory memorandum indicates that in the unlikely event that this deletion was to give rise to difficulties, the problems could be overcome by the use of the Minister's powers under either section 1061ZN(1)(a)(iii) or 1061ZO(7).

Superannuation Legislation Amendment (Post-retirement Commutations) Bill 2000

This bill was introduced into the House of Representatives on 7 December 2000 by the Parliamentary Secretary to the Minister representing the Minister for Finance and Administration. [Portfolio responsibility: Finance and Administration]

The bill proposes to amend the *Parliamentary Contributory Superannuation Act 1948*, *Superannuation Act 1976* and *Superannuation Act 1990* to allow former members of the Parliamentary Contributory Superannuation Scheme (PCSS) or the Commonwealth Superannuation Scheme (CSS) or their reversionary beneficiaries to commute all or part of their pension to a lump sum to meet their post-retirement superannuation surcharge assessment; and to facilitate introduction of similar arrangements for the Public Sector Superannuation Scheme (PSS).

The bill also proposes the provision of a special appropriation for payments by the Parliamentary Retiring Allowances Trust of superannuation surcharge assessments in respect of a member before the member ceases scheme membership.

Retrospective application Schedule 1, items 29 and 30; Schedule 2, items 7 and 8

Items 29 and 30 in Schedule 1 to the bill provide that nominated sections of the *Parliamentary Contributory Superannuation Act 1948*, as amended by Schedule 1, apply in relation to an assessment or a death, whether this occurs before, at, or after the commencement of each item. Items 7 and 8 in Schedule 2 to the bill make similar provision in relation to nominated sections in the *Superannuation Act 1976*.

In each case, the amendments may apply to matters which occurred before the bill receives Assent. Unfortunately, the Explanatory Memorandum does not indicate the reason for this apparent retrospective application. The Committee, therefore, **seeks the Minister's advice** as to why these provisions operate retrospectively.

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.

Taxation Laws Amendment (Excise Arrangements) Bill 2000

This bill was introduced into the House of Representatives on 7 December 2000 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to amend the Excise Act 1901 and 8 other Acts to:

- transfer administration of excise legislation from the Chief Executive Office of Customs to the Commissioner of Taxation;
- insert a confidentiality protection provision in the Excise Act 1901;
- incorporate in the *Excise Act 1901* the powers of officers that are currently conferred by the Customs Act for excise purposes; and
- require forfeited goods seized by police officers to be dealt with in the same way as forfeited goods seized by officers exercising excise powers.

The bill also:

- repeals redundant provisions in the *Distillation Act 1901* and *Spirits Act 1906*;
- amends the *Customs Act 1901* to transfer administrative responsibility for the Diesel Fuel Rebate Scheme to the Commissioner of Taxation;
- makes consequential amendments to the *Customs Act 1901*, *Customs Administration Act 1985* and *Taxation Administration Act 1953*; and

contains transitional provisions.

Therapeutic Goods Amendment Bill (No. 4) 2000

This bill was introduced into the Senate on 7 December 2000 by the Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts. [Portfolio responsibility: Health and Aged Care]

The bill proposes to amend the *Therapeutic Goods Act 1989* to introduce a redeveloped system for electronically listing medicines, except those to be listed for export-only, on the Australian Register of Therapeutic Goods. The new refined listing system seeks to assure the safety, quality of, and consumer confidence in listable medicines whilst facilitating quicker market access by applicants (sponsors). Listable, or listed, medicines are considered to be of low risk based on their ingredients and therapeutic indications and claims. Most complementary medicines and some over the counter medicines fall into this category.

The bill will also impose a greater responsibility on the sponsors of listable medicines in relation to pre-market assessment of the medicines they wish to list and the Therapeutic Goods Administration (TGA) will assume greater post-market monitoring responsibilities in relation to these medicines. Penalty provisions for the provision of false or misleading information have been increased and the Secretary's power to take action to cancel the listing of a medicine have also been expanded.

Retrospective application Schedule 1, subitems 36(2) and (3)

Subitems 36(2) and (3) in Schedule 1 to the bill provide that the amendments proposed by items 5 and 31, respectively, in that Schedule will apply to therapeutic goods and medicines that were listed prior to the commencement of the bill. However, the Explanatory Memorandum does not indicate the reason for this apparent retrospective application. The Committee, therefore, seeks the Minister's advice as to why these provisions operate retrospectively.

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 I(a)(i) of the Committee's terms of reference.

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

REPORT NO 1/2001

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
Customs Act 1901	Section 243SB	Fail to produce documents or records	30 penalty units
National Crime Authority Amendment Bill 2000	Subsections 30(6) and (7)	Fail to attend hearing and answer questions (on indictment)	Not exceeding \$20,000 or imprisonment for a period not exceeding 5 years
	Subsection 30(8)	Fail to attend hearing and answer questions (summarily)	Not exceeding \$2,000 or imprisonment for a period not exceeding 1 year
	Section 34A	Contempt of NCA	Punishable as contempt of court
Therapeutic Goods Act 1989	Subsection 22(2A)	Making a false or misleading statement in connection with a certification	400 penalty units

STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2000

NAME OF BILL AI	ERT DIGEST	INTRO HOUSE	DUCED SENATE	MINISTER	RESPON SOUGHT RE		REPORT NUMBER
Bills Carried over from 1999/2000							
Aboriginal and Torres Strait Islander Commission Amendment Bill 2000	18(6.12.00)	29.11.00		Aboriginal and Torres Strait Islander Affairs	7.12.00	15.1.00	1(7.2.01)
Administrative Review Tribunal Bill 2000	10(16.8.00)	28.6.00		Attorney-General	17.8.00		
Administrative Review Tribunal (Consequential and Transitional Provisions) Bill 2000	15(1.11.00)	12.10.00		Attorney-General	2.11.00		
Aviation Noise Ombudsman Bill 2000	13(4.10.00)	4.9.00		Mr Albanese MP	5.10.00	6.10.00	
Broadcasting Services Amendment Bill 200 (previous citation: Broadcasting Services Amendment Bill (No. 4) 1999)	0 1(16.2.00)	9.12.99	7.11.00	Communications, Information and the Arts	17.2.00 9.11.00	4.5.00 8.1.01	16(8.11.00) 1(7.2.01)
Convention on Climate Change (Implementation) Bill 1999	14(22.9.99)		2.9.99	Senator Brown	3.9.99		
Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Bill 2000	17(29.11.00)	9.11.00		Defence	30.11.00	5.12.00	
Job Network Monitoring Authority Bill 200	0 16(8.11.00)	30.10.00		Ms Kernot	9.11.00		
Job Network Monitoring Authority Bill 200 [No. 2]	0 16(8.11.00)	31.10.00		Senator Collins	9.11.00		

NAME OF BILL	ALERT DIGEST	INTROD HOUSE S		MINISTER	RESP SOUGHT	ONSE RECEIVED	REPORT NUMBER
Migration Legislation Amendment Bill (No. 2) 2000	4(5.4.00)	14.3.00		Immigration and Multicultural Affairs	6.4.00	26.4.00	
Migration Legislation Amendment (Integrity of Regional Migration Schemes) Bill 2000	y 18(6.12.00)	9.11.00		Immigration and Multicultural Affairs	7.12.00		
Pig Industry Bill 2000	18(6.12.00)	30.11.00		Agriculture, Fisheries and Forestry	7.12.00		
Postal Services Legislation Amendment Bill 2000	5(12.4.00)	6.4.00		Communications, Information Technology and the Arts	13.4.00		
Remuneration Tribunal Amendment Bill 20	00 18(6.12.00)	29.11.00		Finance and Administration	7.12.00		
Roads to Recovery Bill 2000	18(6.12.00)	30.11.00	5.12.00	Transport and Regional Services	7.12.00		