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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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.

The Committee has commented on these bills

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Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Bill 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Minister for Agriculture, Fisheries and Forestry. [Portfolio responsibility: Agriculture, Fisheries and Forestry]

The bill proposes to amend 20 Acts within the Agriculture, Fisheries and Forestry portfolio to reflect the application of the *Criminal Code* to existing offence provisions from 15 December 2001 by:

- applying the *Criminal Code* to all offence-creating and related provisions in portfolio legislation;
- deleting references in portfolio legislation to some general offence provisions in the *Crimes Act 1914* which duplicate provisions of the *Criminal Code* and replacing them with references to equivalent *Criminal Code* provisions where appropriate;
- applying strict liability to individual offences or specified physical elements of offences where appropriate;
- reconstructing provisions in order to clarify physical elements of conduct, circumstance and result and to clarify defences;
- removing or replacing inappropriate fault elements; and
- repealing some offence-creating provisions, which duplicate the general offence provisions in the *Criminal Code*.

Strict liability offences Various provisions

As noted above, the purpose of this bill is to include in legislation administered within the Agriculture, Fisheries and Forestry portfolio a number of offences which are specified as offences of strict liability.

The Explanatory Memorandum observes that the amendments proposed in the bill are intended to ensure that, when Chapter 2 of the *Criminal Code* is applied to all Commonwealth criminal offences, "the relevant offences continue to have much the same meaning and operate in much the same way

as they do at present". The Minister's Second Reading Speech notes that "it is not proposed to create any new strict liability offences in this Bill".

The Committee has recently examined a number of similar bills from other portfolio areas and has received an explanation of the policy adopted to ensure that the existing meaning and operation of offence provisions is preserved. Given this, the Committee **seeks the advice of the Minister** as to whether there are any specific examples in this legislation of an offence which previously was not one of strict liability which would be converted into such an offence by the bill.

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.

Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001

This bill was introduced into the Senate on 26 June 2001 by Senator Murray as a Private Senator's bill.

The bill proposes to amend the Constitution to ensure that, if the Senate fails to pass a proposed law appropriating revenue or moneys for the ordinary annual services of the government in respect of that year, an amount of money is appropriated for those services equal to the amount appropriated for those services in the preceding year.

Customs Tariff Amendment Bill (No. 4) 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Parliamentary Secretary to the Minister for Finance and Administration. [Portfolio responsibility: Justice and Customs]

The bill proposes a series of amendments to the *Customs Tariff Act 1995* (the Act). Schedule 1 amends the Act to reflect the cessation of the Administrative Arrangements to the Year 2000 for the Automotive Industry and the commencement of the Automotive Competitiveness and Investment Scheme (ACIS) on 1 January 2001.

Schedule 2 contains a technical change to incorporate the customs tariff subheadings and excise items which have been created to implement the Product Stewardship for Waste Oil (PSO) initiatives from 1 January 2001.

Schedule 3 implements a scheme to ameliorate the impact of the cessation of the Textiles, Clothing and Footwear Import Credit Scheme on island countries within the South Pacific Forum.

Schedule 4 amends item 17 in Schedule 4 of the Act to reflect the cessation of the Export Facilitation Scheme for the automotive industry and the commencement of the Automotive Competitiveness and Investment Scheme.

Schedule 5 inserts a new item 69 into Schedule 4 of the Act to provide for the duty free entry of specified goods for use in space projects.

Schedule 6 amends Schedule 4 of the Act to implement the new Project Bylaw Scheme. This Schedule also consolidates the present provisions in the Act relating to goods consigned to Australia in one or more shipments.

Schedule 7 contains technical amendments to Schedule 3 of the Act which reflect changes previously made in the Excise Tariff Act.

Retrospective commencement Subclauses 2(2) to 2(5)

By virtue of subclauses 2(2) to 2(5) of this bill, the amendments proposed in Schedules 2 to 5 are to commence retrospectively. However, each of the

proposed changes has been tabled as a Customs Tariff proposal, and such proposals are usually introduced into legislation in this manner.

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

Cybercrime Bill 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Minister representing the Minister for Justice and Customs. [Portfolio responsibility: Justice and Customs]

The bill proposes to amend the *Criminal Code Act 1995* (the *Criminal Code*) by adding a new Part 10.7, containing updated computer offences. These amendments are based on the Model Criminal Code *Damage and Computer Offences Report*, dated January 2001, which was developed through a Commonwealth, State and Territory cooperation model for national consistency. The bill repeals the offence provisions in Part VIA of the *Crimes Act 1914*.

The bill also amends the *Crimes Act 1914* and the *Customs Act 1901* to enhance investigation powers relating to the search and seizure of electronically stored data. These amendments take into account the draft Council of Europe Convention on Cybercrime.

The bill also makes consequential amendments to the *Australian Security Intelligence Organisation Act 1979*, the *Education Services for Overseas Students Act 2000* and the *Telecommunications (Interception) Act 1997*.

Absolute liability offences and jurisdiction Proposed subsections 477.1(2), 477.2(2) 477.3(2), 478.1(2) and 478.2(2)

This bill proposes to insert a number of new provisions in the *Criminal Code*. Some of these provisions will create offences of absolute liability. By virtue of section 6.2 of the *Code*, where an absolute liability offence is created, the prosecution, in establishing liability, need not prove any aspect of fault on the part of the accused, and the defendant cannot plead mistake of fact.

The Explanatory Memorandum notes that the purpose of these subsections is to establish a necessary link with a head of power of the Parliament, and a consequent application of one or more of the Commonwealth jurisdictional connections set out elsewhere in the provision.

For example, proposed section 477.2 creates an offence of unauthorised modification of computer data to cause impairment. The offence is only committed where one of the Commonwealth jurisdictional elements in paragraph 477.2(1)(d) applies. These elements require, for example, that the data be held in a Commonwealth computer, or in a computer on behalf of the Commonwealth, or the data be modified by means of a telecommunications service, or by a Commonwealth computer. Proposed subsection 477.2(2) states that absolute liability applies to these jurisdictional connections.

The Explanatory Memorandum states that absolute liability applies to these elements because "if the prosecution was required to prove, for example, awareness on the part of the defendant that the modified data was held in a Commonwealth computer, many defendants would be able to escape liability by demonstrating that they did not even think about who owned the computer in which the data was held. The elements in paragraph 477.2(1)(d) are included merely to trigger Commonwealth jurisdiction and do not have any bearing on the gravity of the offence."

The provisions of the bill raise a number of questions. Given that absolute liability has been applied to offences to invoke jurisdiction, the Committee **seeks the Minister's advice** as to why the Commonwealth's power to make laws with respect to Commonwealth land has not been included as an additional jurisdictional element. Under the bill, it would seem that interference with data in a Commonwealth computer located on non-Commonwealth land <u>would</u> constitute an offence, but interference with data held in a non-Commonwealth computer located on Commonwealth land would <u>not</u> constitute an offence. Among other things, this raises the issue of why it is seen as necessary to protect Commonwealth computers and data as distinct from the computers and data of other people and organisations.

The Minister's Second Reading Speech observes that all the proposed offences "are supported by extended extra-territorial jurisdiction". The Committee **seeks the Minister's advice** as to how this extended extra-territorial jurisdiction will operate.

The Committee notes that a person commits an offence where (among other things) he or she "causes" the modification of data. The Committee **seeks the Minister's advice** as to whether this can apply to a person who opens (whether advertently or inadvertently) an attachment or program which then automatically modifies data on another computer.

Finally, the Committee seeks the Minister's advice on the circumstances which have given rise to the bill, and why the serious offences have been framed in the way set out in the bill.

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.

Environmental Legislation Amendment Bill (No. 2) 2001

This bill was introduced into the Senate on 28 June 2001 by the Minister for the Environment and Heritage. [Portfolio responsibility: Environment and Heritage]

The bill proposes to amend the following Acts:

- Hazardous Waste (Regulation of Exports and Imports) Act 1989 to ensure that Australian companies cannot avoid the requirements in the Act, by making it an offence to sell hazardous wastes to a foreign company unless an export permit is in force; the Act will also be amended to allow ministerial orders to be made in a more effective and appropriate manner in such situations, and to make administrative amendments;
- Fuel Quality Standards Act 2000 in relation to the analysis of fuel samples and evidentiary matters in relation to those samples, and to replace references to the Administrative Review Tribunal with references to the Administrative Appeals Tribunal; and
- Environment Protection (Sea Dumping) Act 1981 and Ozone Protection Act 1989 to correct certain drafting errors.

Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Bill 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Attorney-General. [Portfolio responsibility: Attorney-General]

The bill proposes to amend the Family Law Act 1975, Income Tax Assessment Act 1936; Income Tax Assessment Act 1997; Small Superannuation Accounts Act 1995; Superannuation Contributions Tax (Assessment and Collection) Act 1997; Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection) Act 1997; and Superannuation (Unclaimed Money and Lost Members) Act 1999 to ensure that appropriate tax treatment is applied when a superannuation interest is divided under the superannuation and separation provisions contained in the Family Law Legislation Amendment (Superannuation) Act 2001.

General Insurance Reform Bill 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to amend the *Insurance Act 1973* to introduce a revised regulatory framework for general insurers which will bring the general insurance supervisory regime into line with the supervisory regime for authorised deposit-taking institutions and life insurers.

The bill also contains transitional provisions and makes consequential amendments to the Australian Prudential Regulation Authority Act 1998; Australian Securities and Investments Commission Act 2001; Corporations Act 2001; Financial Sector (Collection of Data) Act 2001; Financial Transactions Reports Acts 1988; Insurance Acquisitions and Takeovers Act 1991; and Seafarers Rehabilitation and Compensation Act 1992.

Non disallowable determinations Proposed new section 7

Item 21 of Schedule 1 to the bill proposes to insert a new section 7 in the *Insurance Act 1973*. This section will permit the Australian Prudential Regulation Authority (APRA) to issue a determination that "all or specified provisions of [that] Act do not apply to a person". This provision appears to allow APRA to exercise a legislative function, but does not subject the exercise of that function to Parliamentary scrutiny by, for example, ensuring that such determinations are disallowable instruments. The Committee therefore, **seeks the Minister's advice** as to why section 7 determinations are not subject to Parliamentary scrutiny.

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

Inappropriate delegation of legislative power Proposed new sections 7A, 14, 20

The bill also proposes to insert new sections 7A, 14 and 20 in the *Insurance Act 1973*. These provisions would impose criminal liability on a person who fails to comply with either a determination made, or a condition imposed, by APRA. These provisions also appear to give APRA power to create criminal liability, without reference to the Parliament. The Committee, therefore, **seeks the Minister's advice** as to why this delegation of legislative power is appropriate and whether a person affected has any review rights.

Pending the Minister's advice, the Committee draws Senators' attention to the provisions, as they may be considered to delegate legislative powers inappropriately, in breach of principle l(a)(iv) of the Committee's terms of reference.

Strict liability offences Proposed new sections 7A, 9(1), 10(1), 10(2), 14, 20

The offences created by proposed new sections 7A, 9(1), 10(1) and (2), 14 and 20 of the *Insurance Act 1973* are stated to be offences of strict liability. However, the Explanatory Memorandum provides no reasons for the imposition of this form of criminal liability. The Committee, therefore, **seeks the Minister's advice** as to why strict liability has been applied to these offences.

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.

Non-reviewable discretions Proposed new sections 15 and 21

The bill proposes to insert new sections 15 and 21 in the *Insurance Act 1973*. Each of these sections gives APRA a discretion to revoke an authorisation

previously granted. The exercise of these discretions is apparently not subject to external merits review by the Administrative Appeals Tribunal despite the fact that the exercise of other discretions is stated to be subject to such review, by specifying that Part VI of the Act applies. The Committee, therefore, **seeks the Minister's advice** as to why the exercise of discretions under proposed sections 15 and 21 are not subject to merits review.

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

Abrogation of the privilege against self-incrimination Proposed new section 49D

The bill proposes to insert a new section 49D in the *Insurance Act 1973*. This section will abrogate the privilege against self-incrimination for a person providing information under proposed new sections 49 and 49A (which impose a duty on auditors and actuaries of general insurers to provide information to APRA).

Subsection 49D(2) provides that any information given is not admissible in evidence in proceedings against the person (other than a proceeding in respect of the falsity of the information) if, before giving the information, the person claims that giving the information might tend to incriminate him or her, and giving the information might in fact tend to incriminate him or her.

While subsection 49D(2) does limit the circumstances in which incriminating information may be used in evidence, any information derived from that incriminating information is not protected. The Committee, therefore, **seeks** the **Minister's advice** as to why proposed subsection 49D(2) makes no provision for derivative use immunity.

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.

Intelligence Services Bill 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Minister for Foreign Affairs. [Portfolio responsibility: Foreign Affairs]

Introduced with the Intelligence Services (Consequential Provisions) Bill 2001, this bill proposes a new framework for the oversight and accountability of intelligence services by:

- giving the Australian Secret Intelligence Service (ASIS) and Defence Signals Directorate (DSD) a statutory basis. Among other things, the new statutory provisions set out the DSD's functions in detail, establish an accountability regime which provides limited immunities to agencies; and imposes a statutory duty on agencies to respect the rights of Australians to privacy;
- expanding the role of the Inspector-General of Intelligence and Security through the conduct of retrospective audits of ASIS' compliance with ministerial authorisations; and
- establishing a new parliamentary committee to oversee the expenditure and administration of ASIS and the Australian Security Intelligence Organisation (ASIO), replacing the existing ASIO parliamentary committee.

Inappropriate delegation of legislative power Clause 15

Clause 15 of this bill obliges the relevant Minister responsible for the Australian Secret Intelligence Service (ASIS) and the Defence Signals Directorate (DSD) to make written rules "regulating the communication and retention by the relevant agency of intelligence information concerning Australian persons". Under subclause 15(2), in making the rules, the Minister must have regard to the need to ensure that the privacy of Australian persons is preserved as far as is consistent with the proper performance by the agencies of their functions.

This rule-making power is apparently legislative in nature, but its exercise is not subject to Parliamentary scrutiny. The Committee, therefore, seeks the

Minister's advice as to why the rules under clause 15 should not be subject to Parliamentary scrutiny.

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

Intelligence Services (Consequential Provisions) Bill 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Minister for Foreign Affairs. [Portfolio responsibility: Foreign Affairs]

Introduced with the Intelligence Services Bill 2001, this bill proposes consequential amendments to the following Acts:

- Australian Security Intelligence Organisation Act 1979 and Remuneration and Allowances Act 1990 in relation to the parliamentary committee established by the Intelligence Services Bill 2001, including the abolition of the existing Parliamentary Joint Committee on the Australian Security Intelligence Organisation;
- Inspector-General of Intelligence and Security Act 1986 in relation to activities of the Inspector-General;
- Acts Interpretation Act 1901 in relation to the timing of periodic reporting;
- Administrative Decisions (Judicial Review) Act 1977 to include an exemption provision for decisions made under the proposed Intelligence Services Act 2001; and
- Freedom of Information Act 1982 to include a disclosure exemption provision for certain secrecy requirements.

The bill also contains transitional provisions.

Migration Legislation Amendment (Immigration Detainees) Bill (No. 2) 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Minister for Immigration and Multicultural Affairs. [Portfolio responsibility: Immigration and Multicultural Affairs]

The bill proposes to amend the *Migration Act 1958* to introduce a power to strip search immigration detainees and to apply search powers in State and Territory legislation to immigration detainees held in a State or Territory prison or remand centre. The measures proposed are intended to address the increasing incidence of weapons and other objects found in detention facilities, and inappropriate behaviour by detainees, that might lead to personal injuries and damage to property.

Inappropriate delegation of legislative power Proposed new sections 7A, 14, 20

The provisions of this bill are similar to certain provisions in a bill introduced into the House of Representatives on 5 April (the Migration Legislation Amendment (Immigration Detainees) Bill 2001) and on which the Committee commented in *Alert Digest No. 6 of 2001*. On 25 June the Committee received a briefing on the provisions of this bill as well as a response from the Minister for Immigration and Multicultural Affairs.

On 21 June a number of provisions of concern to the Committee were removed from the earlier bill. These provisions have now been changed and included in this bill.

The provisions in the earlier bill which were of concern to the Committee included:

- a series of provisions enabling an authorised officer, without warrant, to conduct a 'strip search' of a person in immigration detention to determine whether that detainee possess a weapon or other thing capable of being used to inflict bodily injury or facilitate an escape; and
- a provision which applied, as Commonwealth law, those State or Territory laws which conferred a power to search persons serving a sentence or

being held on remand to a person held in immigration detention in a State or Territory prison.

The changes made by the current bill to the provisions previously introduced are:

- new paragraph 252A(3)(a) and subsection (6) which place some limits on those who may authorise 'strip searches' essentially a strip search may be conducted only if it is authorised by the Secretary of the Department or an SES Band 3 employee in the Department; and
- new paragraph 252B(1)(h), which seeks to ensure that a 'strip search' of an adult must be conducted "in the presence of another person (if any) nominated by the detainee" although this protection is weakened somewhat by new subsection 252B(4) which states that a 'strip search' will not be prevented by a detainee's refusal, failure or inability to nominate such a person.

In addition a *Draft Protocol for Strip Search of Immigration Detainees* has been developed and agreed between the Minister for Immigration and Multicultural Affairs and the Attorney-General. This *Draft Protocol* provides the principles and essential operating guidelines for those who authorise a strip search, those who conduct it, and those who are subject to it.

While these changes provide greater safeguards in the authorisation and conduct of strip searches, the Committee remains concerned about the use of powers given to <u>police officers</u> to search people <u>under arrest</u> as precedents for the search of people in immigration detention. The Committee also remains concerned about the application of State and Territory laws as Commonwealth laws without the Parliament having an opportunity to consider those laws.

The Committee notes that the *Draft Protocol* is expected to be incorporated into written directions issued pursuant to section 499 of the *Migration Act* 1958. The Committee **seeks the Minister's advice** as to whether the Protocol or directions will be disallowable.

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

Motor Vehicle Standards Amendment Bill 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Minister for Forestry and Conservation. [Portfolio responsibility: Transport and Regional Services]

The bill proposes to amend the *Motor Vehicle Standards Act 1989* to enable new arrangements to apply for the importation and supply to the Australian market of low volume specialist and enthusiast road motor vehicles and motorcycles. Provisions include the creation of a register of vehicles, a regulatory framework for the sector, and creation of certain offence provisions. The bill also contains transitional provisions.

New Business Tax System (Debt and Equity) Bill 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Parliamentary Secretary to the Minister for Finance and Administration. [Portfolio responsibility: Treasury]

The bill proposes to amend the *Income Tax Assessment Act 1936*, *Income Tax Assessment Act 1997* and *Taxation Administration Act 1953* to implement new rules for defining debt and equity in an entity. This determines the tax treatment for a return on a financial interest issued by a company (ie, whether it is frankable or may be deductible).

The definition of debt also constitutes a key component of the new thin capitalisation regime since it is used to determine what deductions may be disallowed. The bill also contains application and transitional provisions.

New Business Tax System (Thin Capitalisation) Bill 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Parliamentary Secretary to the Minister for Finance and Administration. [Portfolio responsibility: Treasury]

The bill proposes to amend the *Income Tax Assessment Act 1936*, *Income Tax Assessment Act 1997* and *Income Tax (Transitional Provisions) Act 1997* to introduce a new thin capitalisation regime to prevent an excessive allocation of debt for tax purposes to the Australian operations of multinational companies and ensure that Australia obtains appropriate tax from those entities that operate internationally. The bill also makes consequential amendments and contains application and transitional provisions.

Parliamentary Contributory Superannuation Amendment Bill 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Minister for Finance and Administration. [Portfolio responsibility: Finance and Administration]

The bill proposes to amend the *Parliamentary Contributory Superannuation Act 1948* to defer payment of retiring allowances for new senators and members of the House of Representatives, who are elected at or after the next general election, until they reach the age of 55 years. Special provisions are also included to accommodate ill health, hardship and compassionate grounds.

Public Interest Disclosure Bill 2001

This bill was introduced into the Senate on 27 June 2001 by Senator Murray as a Private Senator's bill.

The bill proposes to encourage the disclosure of conduct adverse to the public interest in the public sector, and to establish comprehensive protection for whistleblowers.

Superannuation (Entitlements of same sex couples) Bill 2001

This bill was introduced into the House of Representatives on 25 June 2001 by Mr Albanese as a Private Member's bill.

The bill proposes to amend the *Superannuation Industry (Supervision) Act* 1993 to ensure that same sex couples receive the same superannuation benefits as heterosexual couples.

Superannuation Legislation Amendment (Indexation) Bill 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Parliamentary Secretary to the Minister for Finance and Administration. [Portfolio responsibility: Finance and Administration]

The bill proposes to amend the *Superannuation Act 1922* and *Superannuation Act 1976* to provide for twice-yearly indexation of superannuation pensions paid under those Acts in place of the existing annual indexation. The arrangements include the payment of pensions to members on retirement on grounds of age, early age, invalidity and redundancy as well as reversionary pensions to eligible spouses and orphans following the death of a pensioner or contributor. The bill also contains application provisions.

Taxation Laws Amendment Bill (No. 4) 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to amend the following Acts:

Schedule 1 of the bill proposes to amend the *Income Tax Assessment Act 1936* to take account of the reduction in the company tax rate from 34% to 30%.

Schedule 2 proposes to amend the *Income Tax Assessment Act 1997* to defer the commencement of the Review of Business Taxation proposals to tax certain income received by friendly societies, and to defer the commencement of the new methodology for working out the capital component of ordinary life insurance investment policies.

Schedule 3 proposes to amend the *Income Tax Assessment Act 1936* to make corrections in relation to dividend imputation and intercorporate dividend rebates for prescribed dual resident companies.

Schedule 4 proposes to amend the *Income Tax Assessment Act 1997* and the *Taxation Laws Amendment (Superannuation Contributions) Act 2001* to deny refunds of excess imputation credits to non-complying superannuation funds and non-complying approved deposit funds.

Schedule 5 proposes to amend the *Income Tax Assessment Act 1936* to make technical corrections to the franking rebate provisions for charities and gift-deductible organisations, and the *Medicare Levy Act 1986* to correct cross-references to the *Income Tax Assessment Act 1936*.

The bill also contains application and transitional provisions.

Retrospective application Schedules 3, 4 and 5

Schedule 3 to this bill amends the taxation laws with regard to the availability of the intercorporate dividend rebate to dual resident companies. Schedule 4 amends the taxation laws to deny refunds of excess imputation credits to non-

complying superannuation funds and non-complying ADFs. Schedule 5 makes a number of technical corrections.

The amendments proposed in Schedule 3 to this bill will apply retrospectively from 1 July 2000 (see item 4 thereof). The Explanatory Memorandum observes that these amendments will have no financial impact, will apply retrospectively to "dividends in relation to which the rebate and deduction would otherwise be allowed in error" and, were they not made, "there could be a significant cost to revenue".

The amendments proposed in Schedule 4 will apply retrospectively from 22 May 2001 (see item 5 thereof) – the date of a Media Release issued by the Assistant Treasurer. The Explanatory Memorandum states that this is a revenue protection measure, with a gain to revenue of less than \$1 million.

The amendments proposed in Schedule 5 will apply retrospectively from 1 July 2000 (see items 2 and 5 thereof). The Explanatory Memorandum states that these amendments are technical corrections and will have no financial impact.

Given these explanations, the Committee makes no further comment on these provisions.

Taxation Laws Amendment (Research and Development) Bill 2001

This bill was introduced into the House of Representatives on 27 June 2001 by the Parliamentary Secretary to the Minister for Industry, Science and Resources. [Portfolio responsibility: Treasury]

The bill proposes to amend the *Income Tax Assessment Act 1936*, *Income Tax Assessment Act 1997*, *Industry Research and Development Act 1986*, *Income Tax (Transitional Provisions) Act 1997* and *Taxation (Interest on Overpayments and Early Payments) Act 1983* to change and make additions to research and development tax concessions. The amendments are designed to encourage investment in business research and development.

Retrospective commencement Subclause 2(2), Schedule 1 and Schedule 2, Part 3, Div 1

By virtue of subclause 2(2), the amendments proposed in Division 1 of Part 3 of Schedule 2 to this bill will commence retrospectively at 12 noon on 29 January 2001. Similarly the amendments proposed in Parts 2, 3 and 4 of Schedule 1 are to apply from the same time (see items 4, 6 and 9 of that Schedule). Furthermore, the amendment proposed in Part 1 of Schedule 2 will apply from 1 July 1985 (see item 2).

However, the Explanatory Memorandum observes that all of these amendments are beneficial to taxpayers.

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

Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 3) 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Minister for Financial Services and Regulation. [Portfolio responsibility: Treasury]

The bill proposes to amend 5 Acts to reflect the application of the *Criminal Code Act 1995* to existing offence provisions from 15 December 2001. The amendments will:

- specify the physical elements of an offence and corresponding fault elements where they vary from those specified in the *Criminal Code*;
- specify that an offence, or part of an offence, is one of strict or absolute liability; and
- clarify the operation of defences by relocating them separately from the elements that constitute the offence itself.

Strict liability offences Various provisions

As noted above, the purpose of this bill is to include in legislation administered within parts of the Treasury portfolio, a number of offences which are specified as offences of strict liability.

The Minister's Second Reading Speech notes that the bill "does not change the criminal law. Rather it ensures that the current law is maintained following application of the *Criminal Code Act* to Commonwealth legislation".

The Committee has recently examined a number of similar bills from other portfolio areas and has received an explanation of the policy adopted to ensure that the existing meaning and operation of offence provisions is preserved. Given this, the Committee **seeks the advice of the Minister** as to whether there are any specific examples in this legislation of an offence which previously was not one of strict liability which would be converted into such an offence by the bill.

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.

Veterans' Affairs Legislation Amendment (2001 Budget Measures) Bill 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Minister for Veterans' Affairs. [Portfolio responsibility: Veterans' Affairs]

The bill proposes to amend the *Veterans' Entitlements Act 1986* to:

- extend the Repatriation Pharmaceutical Benefits Scheme to certain persons;
- exempt superannuation assets from the means test for people aged between 55 and pension age;
- reinstate pensions and benefits to certain war widows; and
- make amendments consequential on the proposed changes to administrative law arrangements.

The Committee has no comment on this bill.

Veterans' Affairs Legislation Amendment (Further Budget 2000 and Other Measures) Bill 2001

This bill was introduced into the House of Representatives on 28 June 2001 by the Minister for Veterans' Affairs. [Portfolio responsibility: Veterans' Affairs]

The bill proposes to amend the *Veterans' Entitlements Act 1986* to provide for:

- a more generous treatment of the way in which periodic compensation payments will effect pension payments received by partners of compensation recipients and to provide for the direct recovery of certain compensation debts;
- where a financial asset is regarded as unrealisable for the purposes of the assets test hardship provisions, it will also not be regarded as a financial asset for the purposes of the income test deeming provisions;
- inclusion of small superannuation accounts in definitions relating to assets;
- streamlined operation of income streams rules and to limit the abuse of those rules; and
- rounding of pensions and income support instalments to the nearest cent.

Retrospective commencement Subclause 2(2)

By virtue of subclause 2(2), the amendments proposed by Part 1 of Schedule 3 to this bill will commence retrospectively on 1 July 1995. However, the Explanatory Memorandum notes that those amendments are consequential on the enactment of the *Small Superannuation Accounts Act 1995* and that they will have no financial impact.

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

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

REPORT NO 5/2001

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 |
|--------------------|--|--|------------------|
| Insurance Act 1973 | New subsections 49(3) and (4) and 49A(3) and (4) | Auditors fail to give information when required (strict liability offence) | 60 penalty units |

PARLIAMENTARY AMENDMENTS AND THE COMMITTEE'S TERMS OF REFERENCE

AMENDMENTS IN THE HOUSE OF REPRESENTATIVES (25 June – 28 June)

Australia New Zealand Food Authority Amendment Bill 2001: On 28 June, the House of Representatives agreed to amend this bill. These amendments raised no issues within the Committee's terms of reference.

Broadcasting Legislation Amendment Bill (No 2) 2001: On 27 June, the House of Representatives agreed to amend this bill. These amendments raised no issues within the Committee's terms of reference.

Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2001: On 26 June, the House of Representatives agreed to a number of Senate amendments to this bill. These amendments raised no issues within the Committee's terms of reference. An amendment moved to section 214ACA of the Principal Act (requiring a monitoring officer to notify an occupier of premises of his/her rights and obligations) addressed an issue of concern to the Committee. A number of other amendments <u>removed</u> strict liability from certain offences – another area in which the Committee has expressed concern.

Dairy Produce Legislation Amendment (Supplementary Assistance) Bill 2001: On 27 June, the House of Representatives <u>disagreed</u> with a number of Senate requests for amendments to this bill but agreed to amend the bill in place thereof. These amendments raised no issues within the Committee's terms of reference.

Passenger Movement Charge Amendment Bill 2001: On 27 June, the House of Representatives agreed to amend this bill. This amendment raised no issues within the Committee's terms of reference.

AMENDMENTS IN THE SENATE

(25 June – 28 June)

Australia New Zealand Food Authority Amendment Bill 2001: On 28 June, the Senate agreed to the amendments made by the House of Representatives to this bill. These amendments raised no issues within the Committee's terms of reference.

Child Support Legislation Amendment Bill (No 2) 2000: On 28 June, the Senate agreed not to insist on certain amendments and agreed to certain other amendments made by the House of Representatives in place of the amendments. The Senate agreed to insist on other

amendments. These amendments raised no issues within the Committee's terms of reference.

Dairy Produce Legislation Amendment (Supplementary Assistance) Bill 2001: On 25 June, the Senate agreed to request that the House of Representatives make certain amendments to this bill. These amendments raised no issues within the Committee's terms of reference.

Dairy Produce Legislation Amendment (Supplementary Assistance) Bill 2001: On 28 June, the Senate agreed not to press its request for an amendment that the House of Representatives had not made, and agreed to the amendments made by the House in place of the requested amendments. These amendments raised no issues within the Committee's terms of reference.

Health Legislation Amendment (Medical Practitioners' Qualifications and Other Measures) Bill 2001: On 28 June, the Senate agreed to amend this bill. These amendments raised no issues within the Committee's terms of reference.

Innovation and Education Legislation Amendment Bill 2001: On 28 June, the Senate divided this bill into three separate bills and made certain amendments to these bills. These amendments raised no issues within the Committee's terms of reference.

Interactive Gambling Bill 2001: On 28 June, the Senate agreed to amend this bill. These amendments raised no issues within the Committee's terms of reference.

Taxation Laws Amendment Bill (No 2) 2001: On 28 June, the Senate agreed to amend this bill. These amendments raised no issues within the Committee's terms of reference.

Taxation Laws Amendment Bill (No 5) 1999: On 28 June, the Senate agreed to amend this bill. These amendments raised no issues within the Committee's terms of reference.

AMENDMENTS RAISING ISSUES WITHIN THE COMMITTEE'S TERMS OF REFERENCE

Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 2001

Non disallowable instrument Proposed new section 303FP

The Committee considered this bill in *Alert Digest No. 7 of 2001* in which it made no comment. On 27 June, the House of Representatives agreed to amend this bill

and, on 28 June, the Senate agreed to these amendments and passed the bill. Most of the amendments raised no issues within the Committee's terms of reference.

Amendment (64) deleted proposed subclause 303FP(10). Clause 303FP provides that the Minister may, by instrument published in the *Gazette*, declare an operation to be an accredited wildlife trade management plan for the purposes of the section. Proposed subclause (10) provided that an instrument declaring a specified plan to be an accredited wildlife trade management plan was a disallowable instrument. Deleting this subclause has the effect of removing such an instrument from Parliamentary scrutiny. Notwithstanding that the bill has passed both Houses, the Committee would **appreciate the Minister's advice** as to the reason for removing such instruments from Parliamentary scrutiny.

STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2001

| NAME OF BILL AL | ERT DIGEST | INTRO HOUSE | DDUCED 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 | 6.2.01 | Aboriginal and Torres Strait Islander Affairs | 7.12.00 | 15.1.01 27.2.01 | 1(7.2.01) 2(28.2.01) |
| Administrative Review Tribunal Bill 2000 | 10(16.8.00) | 28.6.00 | 6.2.01 | Attorney-General | 17.8.00 | 6.8.01 | 9(8.8.01) |
| Administrative Review Tribunal (Consequential and Transitional Provisions) Bill 2000 | 15(1.11.00) | 12.10.00 | 6.2.01 | Attorney-General | 2.11.00 | 6.8.01 | 9(8.8.01) |
| Aviation Noise Ombudsman Bill 2000 | 13(4.10.00) | 4.9.00 | | Mr Albanese MP | 5.10.00 | 6.10.00 | DNP 2.4.01 |
| 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 | | |
| Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 1999 (new citation: Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 2000) | 19(1.12.99) | 24.11.99 | 30.10.00 | Justice and Customs | 2.12.99 | 15.3.00 11.00 | 15(1.11.00) 2(28.2.01) |
| Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Bill 2000 | 17(29.11.00) | 9.11.00 | 7.2.01 | Defence | 30.11.00 1.3.01 | 5.12.00 7.3.01 | 2(28.2.01) 3(7.3.01) |

| NAME OF BILL | ALERT DIGEST | | ODUCED SENATE | MINISTER | RESP SOUGHT | ONSE RECEIVED | REPORT NUMBER |
|--|---------------|----------|------------------|--|------------------|--------------------|--------------------------|
| Job Network Monitoring Authority Bill 2000 | 16(8.11.00) | 30.10.00 | | Ms Kernot | 9.11.00 | | DC |
| Job Network Monitoring Authority Bill 2000 [No. 2] | 16(8.11.00) | | 31.10.00 | Senator Collins | 9.11.00 | | |
| Migration Legislation Amendment Bill (No. 1) 2001 (previous citation: Migration Legislation Amendment Bill (No. 2) 2000) | 4(5.4.00) | 14.3.00 | 26.2.01 | Immigration and Multicultural Affairs | 6.4.00 1.3.01 | 26.4.00 20.4.01 | 2(28.2.01) 6(23.5.01) |
| Migration Legislation Amendment (Integrity of Regional Migration Schemes) Bill 2000 | 18(6.12.00) | 9.11.00 | 27.3.01 | Immigration and Multicultural Affairs | 7.12.00 | 5.2.01 | 4(28.3.01) |
| Pig Industry Bill 2000 | 18(6.12.00) | 30.11.00 | 8.3.01 | Agriculture, Fisheries and Forestry | 7.12.00 | 14.2.01 | 4(28.3.01) |
| Postal Services Legislation Amendment Bill 2000 | 5(12.4.00) | 6.4.00 | | Communications, Information Technology and the Arts | 13.4.00 | | DC |
| Remuneration Tribunal Amendment Bill 2000 | 0 18(6.12.00) | 29.11.00 | 8.3.01 | Finance and Administration | 7.12.00 | 31.1.01 | 4(28.3.01) |
| Roads to Recovery Act 2000 | *18.6.12.00) | 30.11.00 | 5.12.00 | Transport and Regional Services | 7.12.00 | 6.4.01 | 6(23.5.01) |

| NAME OF BILL | ALERT DIGEST | | RODUCED E SENATE | MINISTER | RESI SOUGHT | PONSE RECEIVED | REPORT NUMBER |
|--|-------------------------|----------|---------------------|--|-------------------|------------------------------|---------------------------------------|
| Bills being dealt with in 2001 | | | | | | | |
| Australia New Zealand Food Authority Amendment Bill 2001 | 2(28.2.01) | 24.5.01 | 8.2.01 | Health and Aged Care | 1.3.01 | 26.3.01 | 4(28.3.01) |
| Australian Securities and Investments Commission Bill 2001 | 6(23.5.01) | 4.4.01 | 18.6.01 | Treasurer | 24.5.01 | 18.6.01 | 7(20.6.01) |
| Aviation Legislation Amendment Bill (No. 2) 2001 | 6(23.5.01) | 5.4.01 | | Transport and Regional Services | 24.5.01 | 19.6.01 | |
| Communications and the Arts Legislation Amendment (Application of Criminal Code) Bill 2000 | 1(7.2.01) | 30.11.00 | 8.2.01 | Communications, Information Technology and the Arts | 8.2.01 | 26.2.01 | 2(28.2.01) |
| Copyright Amendment (Parallel Importation Bill 2001 | n) 3(7.3.01) | 28.2.01 | 28.6.01 | Attorney-General | 8.3.01 | 15.5.01 | 9(8.8.01) |
| Crimes Amendment (Age Determination) Bill 2001 | 4(28.3.01) | 7.3.01 | 4.4.01 | Justice and Customs | 29.3.01 | 2.4.01 | 5(4.4.01) |
| Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2000 | 1(7.2.01) 4(28.3.01) | 6.12.00 | 26.3.01 | Justice and Customs | 8.2.01 29.3.01 | 27.3.01 12.6.01 7.8.01 | 4(28.3.01) 7(20.6.01) 9(8.8.01) |
| Customs Tariff Amendment Bill (No.2) 200 | 01 4(28.3.01) | 8.3.01 | 29.3.01 | Justice and Customs | 29.3.01 | 27.4.01 | 6(23.5.01) |
| Dried Vine Fruits (Rate of Primary Industry (Customs) Charge) Validation Bill 2001 | 5(4.4.01) | 29.3.01 | 18.6.01 | Agriculture, Fisheries and Forestry | 5.4.01 | 14.6.01 | 7(20.6.01) |
| Dried Vine Fruits (Rate of Primary Industry (Excise Levy) Validation Bill 2001 | 5(4.4.01) | 29.3.01 | 18.6.01 | Agriculture, Fisheries and Forestry | 5.4.01 | 14.6.01 | 7(20.6.01) |

| NAME OF BILL | ALERT DIGEST | | ODUCED SENATE | MINISTER | RESP SOUGHT | ONSE RECEIVED | REPORT NUMBER |
|--|---------------------------|---------|------------------|----------------------------|--------------------|------------------|------------------|
| | | | | | | | |
| Electoral and Referendum Amendment Bill (No. 1) 2001 | 4(28.3.01) | 7.3.01 | 2.4.01 | Finance and Administration | 29.3.01 24.5.01 | 4.5.01 | 6(23.5.01) |
| Environment and Heritage Legislation Amendment (Application of Criminal Code) Bill 2000 | 1(7.2.01) | 8.2.01 | 6.12.00 | Environment and Heritage | 8.2.01 | 26.2.01 | 2(28.2.01) |
| Environment and Heritage Legislation Amendment Bill (No. 2) 2000 | 1(7.2.01) 8(27.6.01) | | 7.12.00 | Environment and Heritage | 28.6.01 | | |
| Fair Prices and Better Access for All (Petroleum) Bill 2001 | 8(27.6.01) | | 19.6.01 | Senator Schacht | 28.6.01 | | |
| Excise Tariff Amendment Bill (No. 1) 2001 | 4(28.3.01) | 8.3.01 | 29.3.01 | Treasurer | 29.3.01 | 27.4.01 | 6(23.5.01) |
| Family Law Legislation Amendment (Superannuation) Bill 2001 | *6(10.5.00) 7(21.6.01) | 13.4.00 | 18.6.01 | Attorney-General | 21.6.01 | 26.6.01 | 8(27.6.01) |
| Financial Sector (Collection of Data) Bill 2001 | 6(23.5.01) | 5.4.01 | | Treasurer | 24.5.01 | 30.6.01 | |
| Financial Services Reform Bill 2001 | 6(23.5.01) | 5.4.01 | | Treasurer | 24.5.01 | 7.8.01 | 9(8.8.01) |
| Financial Services Reform (Consequential Provisions) Bill 2001 | 7(20.6.01) | 7.6.01 | | Treasurer | 21.6.01 | 7.8.01 | 9(8.8.01) |
| Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Bill 2000 | 1(7.2.01) | 6.12.00 | 5.4.01 | Foreign Affairs and Trade | 8.2.01 | 2.4.01 | 5(4.4.01) |
| Great Barrier Reef Marine Park Amendment Bill 2001 | 6(23.5.01) | 4.6.01 | 5.4.01 | Environment and Heritage | 24.5.01 | 6.7.01 | 9(8.8.01) |

| NAME OF BILL | ALERT DIGEST | | ODUCED SENATE | MINISTER | RESP SOUGHT | PONSE RECEIVED | REPORT NUMBER |
|---|--------------|---------|------------------|---------------------------------------|----------------|-------------------|------------------|
| Health Legislation Amendment Bill (No. 2) 2001 | 6(23.5.01) | 5.4.01 | 18.6.01 | Health and Aged Care | 24.5.01 | 21.6.01 | 8(27.6.01) |
| International Maritime Conventions Legislation Amendment Bill 2001 | 6(23.5.01) | 4.4.01 | | Transport and Regional Services | 24.5.01 | 1.8.01 | |
| Law and Justice Legislation Amendment (Application of Criminal Code) Bill 2000 | 1(7.2.01) | 5.3.01 | 6.12.00 | Justice and Customs | 8.2.01 | 20.2.01 | 2(28.2.01) |
| Measures to Combat Serious and Organised Crime Bill 2001 | d 6(23.5.01) | | 4.4.01 | Justice and Customs | 24.5.01 | Briefing | 8(27.6.01) |
| Migration Legislation Amendment (Application of Criminal Code) Bill 2001 | 6(23.5.01) | 5.4.01 | 18.6.01 | Immigration and Multicultural Affairs | 24.5.01 | 13.6.01 | 7(20.6.01) |
| Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Bill 2001 | 6(23.5.01) | 5.4.01 | 18.6.01 | Immigration and Multicultural Affairs | 24.5.01 | 13.6.01 | 7(20.6.01) |
| Migration Legislation Amendment (Immigration Detainees) Bill 2001 | 6(23.5.01) | 5.4.01 | 27.6.01 | Immigration and Multicultural Affairs | Briefing | 25.6.01 | 8(27.6.01) |
| National Crime Authority Legislation Amendment Bill 2000 [2001] | 1(7.2.01) | | 7.12.00 | Justice and Customs | 8.2.01 | 13.2.01 | 7(20.6.01) |
| New Business Tax System (Capital Allowances) Bill 2001 | 7(20.6.01) | 24.5.01 | 26.6.01 | Treasurer | 21.6.01 | 30.7.01 | 9(8.8.01) |
| Parliamentary (Choice of Superannuation) Bill 2001 | 4(28.3.01) | 5.3.01 | | Mr P Andren MP | 29.3.01 | 3.4.01 | |

| NAME OF BILL | ALERT DIGEST | | RODUCED E SENATE | MINISTER | RESF SOUGHT | PONSE RECEIVED | REPORT NUMBER |
|--|-----------------------------|---------|---------------------|--|--------------------|---------------------|---------------------------|
| Petroleum (Submerged Lands) Legislation Amendment Bill (No. 3) 2000 | 1(7.2.01) | 6.12.00 | 5.4.01 | Industry, Science and Resources | 8.2.01 | 5.3.01 | 5(4.4.01) |
| Prime Minister and Cabinet Legislation Amendment (Application of Criminal Code Bill 2001 | 4(28.3.01) | 24.5.01 | 8.3.01 | Prime Minister | 29.3.01 | 27.4.01 | 6(23.5.01) |
| Reconciliation and Aboriginal and Torres Strait Islander Affairs Legislation Amend- ment (Application of Criminal Code) Bill 2 | 7(20.6.01) 2001 | 6.6.01 | | Reconciliation and ATSI Affairs | 21.6.01 | | |
| Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 200 | 1(7.2.01) | 7.12.00 | 24.5.01 | Employment, Workplace Relations and Small Business | 8.2.01 21.6.01 | 2.4.01 | 7(20.6.01) |
| Superannuation Legislation Amendment (Post-retirement Commutations) Bill 2000 | 1(7.2.01) | 7.12.00 | 1.3.01 | Finance and Administration | 8.2.01 | 28.2.01 | 3(7.3.01) |
| Taxation Laws Amendment Bill (No. 2) 2001 | 7(20.6.01) | 7.6.01 | 26.6.01 | Treasurer | 21.6.01 | 27.6.01 | 9(8.8.01) |
| Taxation Laws Amendment (Superannuation Contributions) Bill 2000 | *14(11.10.00) 2(28.2.01) | 7.9.00 | 5.10.00 | Treasurer | 12.10.00 1.3.01 | 31.10.00 27.6.01 | *15(1.11.00) 9(8.8.01) |
| Therapeutic Goods Amendment Bill (No. 4) 2000 | 1(7.2.01) | 5.3.01 | 7.12.00 | Health and Aged Care | 8.2.01 | 20.2.01 | 2(28.2.01) |
| Therapeutic Goods Amendment (Medical Devices) Bill 2001 | 5(4.4.01) | 29.3.01 | | Health and Aged Care | 5.4.01 | 13.6.01 | 9(8.8.01) |

| NAME OF BILL | ALERT DIGEST | INTRODUCED HOUSE SENATE | MINISTER | RESP SOUGHT | PONSE RECEIVED | REPORT NUMBER |
|---|--------------|----------------------------|-----------|----------------|-------------------|------------------|
| Treasury Legislation Amendment (Application of Criminal Code) Bill (No. 2) 2001 | 6(23.5.01) | 5.4.01 | Treasurer | 24.5.01 | | |