

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



Alert Digest

No. 15 of 2002

4 December 2002

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ISSN 1329-668X

Senate Standing Committee for the Scrutiny of Bills

Members of the Committee

Senator J McLucas (Chair)
Senator B Mason (Deputy Chairman)
Senator G Barnett
Senator T Crossin
Senator D Johnston
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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Charter of the United Nations Amendment Bill 2002

This bill was introduced into the House of Representatives on 14 November 2002 by the Parliamentary Secretary to the Minister for Foreign Affairs. [Portfolio responsibility: Foreign Affairs]

The bill proposes to amend the *Charter of the United Nations Act 1945* to give holders of assets such as banks and trustees the same ability as owners of assets to apply to the Minister for Foreign Affairs for permission to deal with an asset that may be a freezable asset, as part of measures to combat terrorism. This provision was recommended by the Senate Legal and Constitutional Legislation Committee in its report on the Security Legislation Amendment (Terrorism) Bill 2002.

No advice of commencement in Explanatory Memorandum Schedule 1

By virtue of item 2 in the table to subclause 2(1) of this bill, the amendments proposed by Schedule 1 would commence immediately after the commencement of Part 4 of the *Charter of the United Nations Act 1945*. However, there is a comment in the Explanatory Memorandum, under the heading “**Outline**” that “Part 4 of the Act has not commenced”, and at the conclusion of his second reading speech, the Minister notes that “Part 4 of the Act will commence either on the making of regulations under section 22A [of the *Charter of the United Nations Act 1945*], or on 6 January 2003, whichever is earlier”. Although it therefore turns out that this bill does not propose any retrospective commencement, the Committee **seeks the Minister’s advice** as to why the information referred to above was not provided in the notes to clause 2 in the Explanatory Memorandum, which may be the preferable location.

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

Criminal Code Amendment (Offences Against Australians) Bill 2002

This bill was introduced into the House of Representatives on 12 November 2002 by the Attorney-General. [Portfolio responsibility: Justice and Customs]

The bill proposes to amend the *Criminal Code Act 1995* to insert new provisions that will make it an offence to murder, commit manslaughter or intentionally or recklessly cause serious harm to an Australian where that conduct occurs outside Australia.

The proposed offences will provide coverage for overseas attacks on Australian citizens and residents. In certain circumstances, the perpetrators of those attacks will be able to be prosecuted in Australia. The proposed new offences are intended to complement existing terrorism legislation, and provide a prosecution option where perpetrators are unable to be prosecuted under terrorism legislation.

Retrospectivity Schedule 1

By virtue of item 2 in the table to subclause 2(1) of this bill, the amendments proposed by Schedule 1 would commence on 1 October 2002. This means that this bill would create criminal offences which operate retrospectively, and would impose criminal liability for conduct which, at the time it was committed, was not a criminal offence. The Minister recognises the serious nature of this retrospectivity in the notes to clause 2 in the Explanatory Memorandum, and seeks to justify it on the ground that “the conduct which is being criminalised – causing death or serious bodily injury – is conduct which is universally known to be conduct which is criminal in nature.” The Committee accepts that this justification is sufficient, given the background to the proposed legislation.

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

Absolute liability

Proposed new subsections 104.1(2), 104.2(2), 104.3(2) and 104.4(2)

Proposed new subsections 104.1(2), 104.2(2), 104.3(2) and 104.4(2) of the *Criminal Code*, to be inserted by Schedule 1 to this bill, would impose absolute criminal liability for certain aspects of the offences created by those proposed sections. As the Explanatory Memorandum observes, this means that “it will not be necessary for the prosecution to prove a fault element in relation to that particular element, and that the defence of mistake of fact will not be available”. In each case, the element of the crime to which this absolute liability applies is that the victim was an Australian citizen or resident of this country. The Committee considers that, given the background to the proposed legislation, absolute liability may be justified in this situation. However, there are two aspects of the bill on which the Committee would appreciate further advice.

The first aspect is the effect which a prosecution overseas would have on a possible prosecution under the bill in Australia in relation to the same actions. How would such an overseas prosecution be taken into account? What if, for instance, a person was acquitted in such an overseas prosecution?

The second aspect is the effect of the bill on Australia’s treaty obligations. Will the bill come within the provisions of any treaty to which Australia is a party? Is it expected that the bill will require or trigger any treaty action by Australia?

The Committee accordingly **seeks the Minister’s advice** on these two matters.

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.

Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002

This bill was introduced into the Senate on 19 November 2002 by Senator Bartlett as a Private Senator's bill.

The primary aim of the bill is to prevent the introduction of further invasive species into Australia and to eradicate or control those already here. The bill amends the *Environment Protection and Biodiversity Conservation Act 1999* to provide for the Minister to list invasive species; for a permit system to regulate such species; and for invasive species threat abatement plans. The bill also establishes an Invasive Species Advisory Committee.

Possible absence of parliamentary scrutiny Proposed new section 266AA

Under proposed new section 266AA of the Principal Act, to be inserted by item 1 of Schedule 1 to this bill, the Minister is to establish a list of invasive species for the purposes of that Act. And by virtue of proposed new sections 266BA and 266BB, the contents of that list will be relevant in determining a person's criminal liability. However, section 266AA provides only that the list be published in the *Gazette*, and not that it be subject to Parliamentary scrutiny. Nevertheless, this apparent lack of Parliamentary scrutiny may be addressed later in the bill. Proposed new subsection 266AD(3) ensures that any amendments to the list will be disallowable instruments, and it is therefore possible that that new subsection necessarily renders the list referred to in proposed new section 266AA a disallowable instrument. The Committee, accordingly, **seeks the advice of the Senator sponsoring the bill** as to whether it is intended that the list referred to in section 266AA should be a disallowable instrument.

Pending the Senator's advice, the Committee draws Senators' attention to the provisions, as they may be considered to insufficiently subject the exercise of legislative power to parliamentary scrutiny, in breach of principle 1(a)(v) of the Committee's terms of reference.

Strict liability

Proposed new subsections 266BA(3), 266BB(2) and 266DA(4)

Proposed new subsections 266BA(3), 266BB(2) and 266DA(4) declare some aspects of the offences created by those sections to be offences of strict liability. In the absence of an Explanatory Memorandum, the Committee is not advised of the reason for these impositions of strict criminal liability. The Committee, therefore, **seeks the advice of the Senator sponsoring the bill** about the necessity for such provisions.

Pending the Senator'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.

Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002

This bill was introduced into the House of Representatives on 16 May 2002 by the Minister representing the Minister for Family and Community Services. [Portfolio responsibility: Family and Community Services]

The Committee dealt with this bill in *Alert Digest No. 5 of 2002* in which it made no comment.

On 15 November 2002, the Senate divided this bill into the:

- Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002; and the
- Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill (No. 2) 2002.

This bill raises no issues within the Committee's terms of reference.

The Committee has no comment on this bill.

Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill (No. 2) 2002

This bill resulted on 15 November 2002, when the Senate divided the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002 into the:

- Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002; and the
- Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill (No. 2) 2002.

The Committee advised in *Alert Digest No. 5 of 2002* (19 June 2002) that it had no comment on the original undivided bill. The divided bills similarly raise no issues within the Committee's terms of reference.

On 15 November 2002, the Senate also agreed to amend this bill. As noted in the part of this Digest dealing with parliamentary amendments, the amendments raise no issues within the Committee's terms of reference.

The Committee has no comment on this bill.

Medical Indemnity Bill 2002

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister representing the Minister for Health and Ageing. [Portfolio responsibility: Health and Ageing]

Part of a package of four bills to establish a framework for medical indemnity insurance, the bill provides for the incurred but not reported (IBNR) liability indemnity scheme. Under the scheme the Government will assume responsibility for any unfunded IBNR liabilities of medical defence organisations (MDOs). The scheme will allow members of MDOs with unfunded IBNR liabilities to fund these liabilities over time, through a levy.

The bill also provides for:

- a High Cost Claims Scheme to assist with the cost of large claims, thereby ensuring that MDOs pay out less on big claims and are able to reduce the amount of reinsurance they have to purchase; and
- the introduction of premium subsidies for certain groups of doctors who face the most serious premium affordability problems relative to their peers – obstetricians, neurosurgeons and procedural GPs;

and contains a regulation making power.

Strict liability

Subclauses 42(6), 45(4), 46(3), 47(3), 69(6), 73(4) and 74(3)

Various of the offences to be created by this bill are to be offences of strict liability – see subclauses 42(6), 45(4), 46(3), 47(3), 69(6), 73(4) and 74(3). In each case, there will be no need for the prosecution to prove any fault element on the part of the accused. However, in each case the relevant offence is very much of a regulatory nature, such as a failure to provide information, a failure to keep records, or a failure to pay money, which the Committee has previously been prepared to accept as reasonable circumstances for the imposition of strict criminal liability.

Nevertheless, the Committee would appreciate further advice on the need in these cases for strict liability, which removes from the offences the traditional

element of intent. In particular, the advice should address whether strict liability is fair in the circumstances in which it is imposed. For instance, the practicalities of the offence under subclause 74(3), which applies to a failure to notify a specified change in circumstances, are that the person affected may have attempted to comply but did not in fact manage to do so because of, say, the vagaries of the postal system. Similar practical questions may arise in relation to the other offence provisions. Thus, strict liability may be acceptable in the context of a failure to comply with a request only where the receipt of a request is capable of verification, such as certified mail or personal service.

The Committee, therefore, **seeks the Minister's advice** on this aspect of 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 1(a)(i) of the Committee's terms of reference.

Medical Indemnity (Consequential Amendments) Bill 2002

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister representing the Minister for Health and Ageing. [Portfolio responsibility: Health and Ageing]

Part of a package of four bills to establish a framework for medical indemnity insurance, the bill proposes consequential amendments to the *Health Insurance Act 1973*, the *Health Insurance Commission Act 1974* and the *National Health Act 1953*.

The Committee has no comment on this bill.

Medical Indemnity (Enhanced UMP Indemnity) Contribution Bill 2002

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister representing the Minister for Health and Ageing. [Portfolio responsibility: Health and Ageing]

Part of a package of four bills to establish a framework for medical indemnity insurance, the bill proposes to impose a tax on certain members and former members of United Medical Protection Limited to enable the government to recover the costs of a guarantee to the provisional liquidator of UMP/AMIL if the Commonwealth makes any payments under the guarantee. The Commonwealth is yet to make any payments under this guarantee, and may not make any payments at all if UMP/AMIL is able to trade its way out of its current difficulties.

The bill also contains a regulation making power.

The Committee has no comment on this bill.

Medical Indemnity (IBNR Indemnity) Contribution Bill 2002

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister representing the Minister for Health and Ageing. [Portfolio responsibility: Health and Ageing]

Part of a package of four bills to establish a framework for medical indemnity insurance, the bill proposes to impose a tax on certain members and former members of certain medical defence organisations with unfunded ‘incurred but not reported’ liabilities (IBNRs). It is proposed that the tax will be used to cover the cost of Commonwealth assistance in meeting the IBNRs and be spread over a number of years.

The bill also contains a regulation making power.

The Committee has no comment on this bill.

National Health Amendment (Pharmaceutical Benefits—Budget Measures) Bill 2002 [No. 2]

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister representing the Minister for Health and Ageing. [Portfolio responsibility: Health and Ageing]

The bill proposes to amend the *National Health Act 1953* to implement increases to the Pharmaceutical Benefits Scheme patient co-payments and safety nets, as announced in the 2002-03 Budget, to reduce outlays under the Pharmaceutical Benefits Scheme. The increases are proposed to take the place of indexation changes that would otherwise occur with effect from 1 January 2003. Indexation of patient co-payments and safety net thresholds will then resume with effect from 1 January 2004.

The bill is identical to the bill introduced in the House of Representatives on 6 June 2002 and negatived in the Senate on 20 June 2002.

Retrospectivity Schedule 1

By virtue of item 2 in the table to subclause 2(1) of this bill, the amendments proposed by Schedule 1 would commence on 1 August 2002, and those amendments would increase the patient co-payments under the Pharmaceutical Benefits Scheme. However, as the title to the bill attests, these proposed amendments are Budget measures, in relation to which the Committee has been prepared to accept a measure of retrospectivity.

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

Taxation Laws Amendment (Venture Capital) Bill 2002

This bill was introduced into the House of Representatives on 14 November 2002 by the Parliamentary Secretary to the Minister for Finance and Administration. [Portfolio responsibility: Treasury]

Introduced with the Venture Capital Bill 2002, the bill proposes the establishment of an internationally competitive framework for venture capital investments.

Schedule 1 to the bill proposes to amend the *Income Tax Assessment Act 1977* in relation to capital gains and capital losses and related matters to extend the current tax exemption provided to certain foreign pension funds on profits from the disposal of investments in eligible venture capital businesses.

Schedule 2 to the bill proposes to amend the *Income Tax Assessment Act 1936* and the *Income Tax Assessment Act 1977* in relation to ‘flow-through’ taxation treatment for venture capital limited partnerships, Australian venture capital limited partnerships and venture capital management partnerships.

Schedule 3 to the bill proposes to amend the *Fringe Benefits Tax Assessment Act 1986* and the *Income Tax Assessment Act 1997* in relation to the capital gains tax treatment of the sale of eligible venture capital investments otherwise known as ‘carried interests’.

Schedule 4 to the bill proposes to amend the *Income Tax Assessment Act 1997* and the *Pooled Development Funds Act 1992* to make consequential amendments relating to the proposed *Venture Capital Act 2002*.

Retrospectivity

Items 1 and 5 of Schedule 1

By virtue of items 2 and 4 in the table to subclause 2(1) of this bill, the amendments proposed by items 1 and 5 of Schedule 1 would commence immediately after the commencement of items 2 and 3 of Schedule 2 to the *Taxation Laws Amendment Act (No. 2) 2000*. However, the amendments proposed in items 1 and 5 of Schedule 1 to this bill do no more than correct a

drafting error whereby a section of the *Income Tax Assessment Act 1997* was numbered incorrectly.

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

Retrospectivity

Item 27 of Schedule 1, Item 28 of Schedule 2 and Item 18 of Schedule 3

By virtue of item 27 in Schedule 1, item 28 in Schedule 2 and item 18 in Schedule 3, the substantive amendments to be made by this bill would apply from 1 July 2002. However, those amendments are beneficial to taxpayers who provide venture capital.

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

Venture Capital Bill 2002

This bill was introduced into the House of Representatives on 14 November 2002 by the Parliamentary Secretary to the Minister for Finance and Administration. [Portfolio responsibility: Treasury]

Introduced with the Taxation Laws Amendment (Venture Capital) Bill 2002, the bill proposes the establishment of a registration and reporting regime for venture capital partnerships, Australian venture capital funds of funds and eligible venture capital investors.

The bill also contains a regulation making power.

The Committee has no comment on this bill.

Workplace Relations Amendment (Award Simplification) Bill 2002

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister for Employment and Workplace Relations. [Portfolio responsibility: Employment and Workplace Relations]

The bill proposes to amend the *Workplace Relations Act 1966* to limit and clarify ‘allowable award matters’ and make related changes in relation to the award making powers of the Australian Industrial Relations Commission (AIRC).

The bill also proposes application and transitional provisions, one of which requires the AIRC to review all awards within 12 months to ascertain whether they contain provisions that may no longer be included as ‘allowable matters’ as a consequence of the passing of this bill.

The Committee has no comment on this bill.

Workplace Relations Amendment (Choice in Award Coverage) Bill 2002

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister for Employment and Workplace Relations. [Portfolio responsibility: Employment and Workplace Relations]

The bill proposes to amend the *Workplace Relations Act 1966* to strengthen safeguards against the ‘roping-in’ of employers to federal awards. The amendments make provision for:

- businesses to be provided with more information about ‘roping-in’;
- restraining the capacity to ‘rope-in’ small businesses; and
- a requirement that the Australian Industrial Relations Commission inquire into the views of small business employers potentially affected by a ‘roping-in’ claim.

The bill also contains application provisions.

The Committee has no comment on this bill.

Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002 [No. 2]

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister for Employment and Workplace Relations. [Portfolio responsibility: Employment and Workplace Relations]

The bill proposes to amend the *Workplace Relations Act 1996* to require that, prior to the taking or organising of protected industrial action by employees and organisations of employees, a secret ballot process approving the taking of industrial action, and overseen by the Australian Industrial Relations Commission, occurs.

The bill includes provisions relating to the eligibility of employees and union members to participate in ballots and take industrial action; and proposed procedural requirements for ballots. Industrial action would be authorised by a ballot if at least 40 per cent of eligible voters participate in the ballot, and if more than 50 per cent of the votes cast are in favour of the proposed industrial action.

The bill also proposes consequential changes to the existing secret ballot provisions of the Act.

The bill is identical to the bill introduced in the House of Representatives on 20 February 2002 and negatived in the Senate on 25 September 2002.

The Committee has no comment on this bill.

Workplace Relations Amendment (Termination of Employment) Bill 2002

This bill was introduced into the House of Representatives on 13 November 2002 by the Minister for Employment and Workplace Relations. [Portfolio responsibility: Employment and Workplace Relations]

The bill proposes to amend the *Workplace Relations Act 1966* to:

- extend the operation of the federal unfair dismissal system by making greater use of the corporations power in section 51(xx) of the Constitution;
- improve the operation of the federal unfair dismissal laws as they impact on small business; and
- make other changes to the way the unfair dismissal laws operate.

The Committee has no comment on this bill.

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

REPORT NO 7/2002

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
Medical Indemnity Bill 2002	Subclauses 45(2) and 73(2)	Fail to provide information to a public authority	30 penalty units

PARLIAMENTARY AMENDMENTS AND THE COMMITTEE'S TERMS OF REFERENCE

AMENDMENTS IN THE HOUSE OF REPRESENTATIVES (11-14 November)

Australian Crime Commission Establishment Bill 2002: On 14 November 2002, the House of Representatives agreed to amend this bill. The amendments raise no issues within the Committee's terms of reference.

Financial Sector Legislation Amendment Bill (No. 2) 2002: On 14 November 2002, the House of Representatives agreed to amend this bill. The amendments raise no issues within the Committee's terms of reference.

Workplace Relations Legislation Amendment Bill 2002: On 14 November 2002, the House of Representatives agreed to amend this bill. Amendments proposed to the *National Labour Consultative Council Act 1977* provide for the regulations to prescribe a rate of travelling allowance determined by the Remuneration Tribunal as in force at a particular time, or as in force from time to time. Similar amendments proposed to the *Workplace Relations Act 1996* provide directly for travelling allowances as determined from time to time by the Remuneration Tribunal. However, the Committee understands that Remuneration Tribunal determinations are generally subject to parliamentary scrutiny.

Apart from this, the Committee has no comment on the amendments.

AMENDMENTS IN THE SENATE (11-15 November, 18-19 November)

Australian Crime Commission Establishment Bill 2002: On 19 November 2002, the Senate agreed to amend this bill. The amendments raise no issues within the Committee's terms of reference.

Plant Breeder's Rights Amendment Bill 2002: On 18 November 2002, the Senate agreed to amend this bill. The amendments raise no issues within the Committee's terms of reference.

Bankruptcy Legislation Amendment Bill 2002: On 15 November 2002, the Senate agreed to amend this bill. The amendments raise no issues within the Committee's terms of reference.

Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002: On 15 November 2002, the Senate agreed to divide this bill into a bill with the same title as the original bill and a second bill with the title Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill (No. 2) 2002. On 15 November 2002, the Senate also agreed to amend the second bill. The amendments raise no issues within the Committee's terms of reference.

Health Insurance Amendment (Professional Services Review and Other Matters) Bill 2002: On 18 November 2002, the Senate agreed to request the House of Representatives to amend this bill. The requested amendment provides a discretion for the Minister to determine that, because of exceptional circumstances, a person needs repair of previous reconstructive surgery. It is, however, not certain whether this discretion is subject to independent merits review. Accordingly, the Committee **seeks the Minister's advice** on this aspect of the amendment.

Pending the Minister's advice, the Committee draws Senators' attention to the provision, as it may be considered to make rights, liberties or obligations unduly dependent upon non-reviewable decisions, in breach of principle 1(a)(iii) of the Committee's terms of reference.

Prohibition of Human Cloning Bill 2002: On 14 November 2002, the Senate agreed to amend this bill. The amendments raise no issues within the Committee's terms of reference.

STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

INDEX OF BILLS COMMENTED ON AND MINISTERIAL RESPONSES SOUGHT/RECEIVED - 2002

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT RECEIVED		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Bills dealt with in 2001							
<i>Air Passenger Ticket Levy (Collection Act 2001</i>	14(26.9.01)	20.9.01	26.9.01	Transport and Regional Services	27.9.01	31.12.01	1(20.2.02)
<i>Border Protection (Validation and Enforcement Powers) Act 2001</i>	13(20.9.01)	18.9.01	20.9.01	Immigration and Multicultural Affairs	20.9.01	6.02.02	1(20.2.02)
<i>Defence Legislation Amendment (Application of Criminal Code) Act 2001</i>	12(19.9.01)	29.8.01	24.9.01	Defence	20.9.01	8.11.01	1(20.2.02)
<i>Electoral and Referendum Amendment Act (No. 1) 2001</i>	4(28.3.01)	7.3.01	2.4.01	Finance and Administration	29.3.01	4.5.01	6(23.5.01)
Environment and Heritage Legislation Amendment Bill (No. 2) 2000 [2001]	1(7.2.01) 8(27.6.01)		7.12.00	Further response required	24.5.01	10.1.02	1(20.2.02)
<i>Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 2001</i>	9(8.8.01)	25.6.01	24.5.01	Environment and Heritage re Amendments	23.8.01	18.10.01	1(20.2.02)
<i>Health and Aged Care Legislation Amendment (Application of Criminal Code) Act 2001</i>	10(22.8.01)	8.8.01	23.8.01	Health and Aged Care	23.8.01	8.10.01	1(20.2.02)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Bills being dealt with in 2002							
Aboriginal and Torres Strait Islander Commission Amendment Bill 2002	3(20.3.02)	13.3.02	16.5.02	Immigration and Multicultural and Indigenous Affairs	21.3.02 20.6.02	13.5.02 28.6.02	FRR5(19.6.02) 8(21.8.02)
Airports Amendment Bill 2002	1(20.2.02)	14.2.02	--	Transport and Regional Services	21.2.02	6.5.02	DC
Australian Heritage Council Bill 2002	7(21.8.02)	27.6.02	15.11.02	Environment and Heritage	22.8.02	21.10.02	15(4.12.02)
Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002	7(21.8.02)	27.6.02	15.11.02	Environment and Heritage	22.8.02	21.10.02	15(4.12.02)
Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Bill 2002	4(15.5.02)	21.3.02	20.6.02	Health and Ageing	16.5.02	4.6.02	7(26.6.02)
Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002	4(15.5.02)	21.3.02	15.10.02	Attorney-General	16.5.02	27.9.02	12(16.10.02)
Border Security Legislation Amendment Bill 2002	3(20.3.02)	12.3.02	14.3.02	Attorney-General	21.3.02	23.4.02	4(15.5.02)
<i>Coal Industry Repeal Act 2001</i>	1(20.2.02)	28.6.00	5.4.01	Industry, Science and Resources	21.2.02	11.3.02	2(13.3.02)
<i>Coal Industry Repeal (Validation of Proclamation) Act 2002</i>	2(13.3.02)	20.2.02	13.3.02	Industry, Tourism and Resources	14.3.02	22.3.02	4(15.5.02)
Communications Legislation Amendment Bill (No. 1) 2002	7(21.8.02)	27.6.02		Communications, Information Technology and the Arts	22.8.02	16.9.02	

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Copyright Amendment (Parallel Importation) Bill 2002	3(20.3.02)	13.3.02		Attorney-General	21.3.02	5.6.02	
Corporate Responsibility and Employment Security Bill 2002	3(20.3.02)	11.3.02	--	Mr McClelland	21.3.02	--	DC
Criminal Code Amendment (Anti-hoax and Other Measures) Bill 2002	1(20.2.02)	13.2.02	11.3.02	Attorney-General	21.2.02	8.3.02	2(13.3.02)
					14.3.02	19.3.02	3(20.3.02)
					21.3.02	4.4.02	4(15.5.02)
Criminal Code Amendment (Espionage and Related Offences) Bill 2002 (new citation: Criminal Code Amendment (Espionage and Related Matters) Bill 2002)	3(20.3.02)	13.3.02	16.9.02	Attorney-General	21.3.02	14.6.02	9(28.8.02)
Customs Legislation Amendment Bill (No. 1) 2002	6(26.6.02)	19.6.02	22.8.02	Justice and Customs	27.6.02	20.8.02	9(28.8.02)
<i>Egg Industry Service Provision Act 2002</i>	9(18.9.02)	28.8.02	23.9.02	Agriculture, Fisheries and Forestry	19.9.02	15.11.02	15(4.12.02)
Electoral and Referendum Amendment (Roll Integrity and Other Measures) Bill 2002	3(20.3.02)	14.3.02		Special Minister of State	21.3.02	30.4.02	
Excise Laws Amendment Bill (No. 1) 2002	11(16.10.02)	26.9.02	17.10.02	Treasurer	17.10.02	23.10.02	14(13.11.02)
Financial Corporations (Transfer of Assets and Liabilities) Amendment Bill 2002	3(20.3.02)	15.5.02	12.3.02	Treasury	21.3.02	3.5.02	4(15.5.02)
Financial Sector Legislation Amendment Bill (No. 1) 2002	4(15.5.02)	21.3.02	20.6.02	Treasury	16.5.02	17.6.02	7(26.6.02)
Financial Sector Legislation Amendment Bill (No. 2) 2002	7(21.8.02)	26.6.02	2.12.02	Treasury	22.8.02	18.11.02	15(4.12.02)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Financial Services Reform Bill 2001	6(23.5.01) 11(29.8.01)	5.4.01	9.8.01	Treasurer re Amendments	24.5.01 30.8.01 17.5.02	7.8.01 13.5.02 14.8.02	9(8.8.01) 4(15.5.02) 8(21.8.02)
Financial Services Reform (Consequential Provisions) Bill 2001	7(20.6.01)	7.6.01	9.8.01	Treasurer Further response requested	21.6.01 9.8.01	7.8.01 13.5.02	9(8.8.01) 4(15.5.02)
Fuel Quality Standards (Renewable Content of Motor Vehicle Fuel) Amendment Bill 2002	13(13.11.02)	21.10.01		Mr Katter	14.11.02		
<i>General Insurance Reform Act 2001</i>	9(8.8.01)	28.6.01	27.8.01	Treasurer re Amendments	9.8.01 30.8.01	27.8.01 24.6.02	11(29.8.01) 7(26.6.02)
Health Insurance Amendment (Profession Services Review and Other Matters) Bill 2002	15(4.12.02)	27.6.02	11.11.02	re Amendments			
Higher Education Funding Amendment Bill 2002	5(19.6.02) 10(25.9.02) 11(16.10.02)	5.6.02	22.8.02	Education, Science and Training re Amendments re Amendments	20.6.02 26.9.02 17.10.02	20.8.02	9(28.8.02)
Higher Education Legislation Amendment Bill (No. 1) 2002	1(20.2.02)	14.2.02	13.3.02	Education, Science and Training	--	12.3.02	2(13.3.02)
Import Processing Charges (Amendment and Repeal) Bill 2002	6(26.6.02)	19.6.02	22.8.02	Justice and Customs	27.6.02	20.8.02	9(28.8.02)
Intellectual Property Laws Amendment Bill 2002	7(21.8.02)	27.6.02		Industry, Tourism and Resources	22.8.02	17.9.02	
International Criminal Court Bill 2002	7(21.8.02)	25.6.02	26.6.02	Attorney-General	22.8.02		

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
		HOUSE	SENATE				
International Criminal Court (Consequential Amendments) Bill 2002	7(21.8.02)	25.6.02	26.6.02	Attorney-General	22.8.02		
Migration Legislation Amendment Bill (No. 1) 2002	3(20.3.02)	13.3.02		Immigration and Multicultural and Indigenous Affairs	21.3.02	27.5.02	
<i>Migration Legislation Amendment (Transitional Movement) Act 2002</i>	3(20.3.02)	13.3.02	20.3.02	Immigration and Multicultural and Indigenous Affairs	21.3.02	27.5.02	5(19.6.02)
Plant Breeder's Rights Amendment Bill 2002	3(20.3.02)	3.12.02	13.3.02	Agriculture, Fisheries and Forestry	21.3.02	23.5.02	5(19.6.02)
Proceeds of Crime Bill 2002	3(20.3.02)	13.3.02	20.8.02	Justice and Customs	21.3.02	9.5.02	8(21.8.02)
Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002	3(20.3.02)	13.3.02	20.8.02	Justice and Customs	21.3.02	9.5.02	8(21.8.02)
Quarantine Amendment Bill 2002	3(20.3.02)	14.3.02	21.3.02	Agriculture, Fisheries and Forestry	21.3.02		
Research Involving Embryos Bill 2002	14(19.11.02)	27.6.02	15.10.02	Health and Ageing	20.11.02	3.12.02	15(4.12.02)
Security Legislation Amendment (Terrorism) Bill 2002 [No. 2]	3(20.3.02)	13.3.02	14.3.02	Attorney-General	21.3.02	14.5.02	4(15.5.02)
Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Bill 2002	2(13.3.02)	21.2.02	19.6.02	Finance and Administration	14.3.02	16.5.02	FRR5(19.6.02)
Suppression of Financing of Terrorism Bill 2002	3(20.3.02)	12.3.02	14.3.02	--	--	14.5.02	4(15.5.02)
Taxation Laws Amendment Bill (No. 2) 2002	3(20.3.02)	14.3.02	24.6.02	Treasury	21.3.02	25.6.02	7(26.6.02)

NAME OF BILL	ALERT DIGEST	INTRODUCED		MINISTER	RESPONSE		REPORT NUMBER
		HOUSE	SENATE		SOUGHT	RECEIVED	
Taxation Laws Amendment Bill (No. 3) 2002	4(15.5.02)	21.3.02	15.10.02	Treasury	16.5.02	27.9.02	12(16.10.02)
Taxation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2002	5(19.6.02)	14.5.02	19.6.02	Treasurer	20.6.02		
Telecommunications Interception Legislation Amendment Bill 2002	3(20.3.02)	12.3.02	14.3.02	--	--	14.5.02	4(15.5.02)
Therapeutic Goods Amendment Bill (No. 1) 2002	2(13.3.02)	20.2.02	20.3.02	Health and Ageing	14.3.02	19.3.02	3(20.3.02)
Trade Practices Amendment (Liability for Recreational Services) Bill 2002	9(18.9.02)	27.6.02	28.8.02	Treasurer	19.9.02	22.10.02	13(23.10.02)
<i>Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2002</i>	2(13.3.02)	20.2.02	14.3.02	Transport and Regional Services	24.10.02	21.11.02	15(4.12.02)
Transport Safety Investigation Bill 2002	6(26.6.02)	20.6.02	15.10.02	Transport and Regional Services	27.6.02	17.9.02	12(16.10.02)
Veterans' Affairs Legislation Amendment Bill (No. 1) 2002	4(15.5.02)	21.3.02	28.8.02	Veterans' Affairs	21.10.02		13(23.10.02)
Veterans' Affairs Legislation Amendment Bill (No. 2) 2002	7(21.8.02)	27.6.02	26.8.02	Veterans' Affairs	24.10.02	12.11.02	14(13.11.02)
Veterans' Affairs Legislation Amendment (Further Budget 2000 and Other Measures) Bill 2002	2(13.3.02)	21.2.02	21.3.02	Veterans' Affairs	16.5.02	27.6.02	10(18.9.02)
					22.8.02	29.8.02	11(25.8.02)
					14.3.02	19.3.02	3(20.3.02)

NAME OF BILL	ALERT DIGEST	INTRODUCED HOUSE	SENATE	MINISTER	SOUGHT	RESPONSE RECEIVED	REPORT NUMBER
Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002	2(13.3.02)	20.2.02	19.6.02	Employment and Workplace Relations	14.3.02 20.6.02	22.5.02 9.8.02	FRR5(19.6.02) 8(21.8.02)
Workplace Relations (Registration and Accountability of Organisations) Bill 2002	4(15.5.02)	21.3.02	15.10.02	Employment and Workplace Relations	16.5.02	19.8.02	12(16.10.02)

