

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



**Alert Digest**

**No. 4 of 2004**

**24 March 2004**



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

**Alert Digest No. 4 of 2004**

**24 March 2004**

**ISSN 1329-668X**



# Senate Standing Committee for the Scrutiny of Bills

## Members of the Committee

Senator T Crossin (Chair)  
Senator B Mason (Deputy Chairman)  
Senator G Barnett  
Senator D Johnston  
Senator J McLucas  
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.



## TABLE OF CONTENTS

---

|  |    |
|--|----|
| • Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004 | 5  |
| Customs Tariff Amendment (Greater Sunrise) Bill 2004                                     | 6  |
| • Greater Sunrise Unitisation Agreement Implementation Bill 2004                         | 7  |
| Higher Education Legislation Amendment Bill 2004   | 9  |
| Invasion of Iraq Royal Commission (Restoring Public Trust in Government) Bill 2004       | 10 |
| Resale Royalty Bill 2004   | 11 |
| Sex Discrimination Amendment (Teaching Profession) Bill 2004                             | 12 |
| Parliamentary amendments and the Committee's terms of reference                          | 14 |

- **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.



## **Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004**

[Introduced into the House of Representatives on 11 March 2004. Portfolio: Transport and Regional Services]

The bill amends the *Civil Aviation Act 1988* to empower the Governor-General to make regulations that may be inconsistent with the *Disability Discrimination Act 1992* and the *Sex Discrimination Act 1984* and to validate existing safety regulations and past actions based on those regulations.

These amendments are necessary for Australia to comply with its international obligations.

### **Retrospective application Schedule 1, subitems 3(1) and 3(3)**

By virtue of subitem 3(1) of Schedule 1 to this bill, the amendments proposed by the bill will have effect retrospectively from the making of the *Civil Aviation Regulations 1988* and the *Civil Aviation Safety Regulations 1998*. However, subitem 3(3) of Schedule 1 ensures that such retrospectivity would not affect any rights acquired by any person in reliance on the Regulations as originally made, and the Explanatory Memorandum observes that the amendments are necessary to enable Australia to continue to comply with its international obligations.

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

## **Customs Tariff Amendment (Greater Sunrise) Bill 2004**

[Introduced into the House of Representatives on 10 March 2004. Portfolio: Industry, Tourism and Resources]

Introduced with the *Greater Sunrise Unitisation Agreement Implementation Bill 2004*, the bill gives effect to the Greater Sunrise Unitisation Agreement between Australia and East Timor signed on 6 March 2003 by adding item 22A to Schedule 4 of the Customs Tariff to provide for the duty free entry of goods, as prescribed by by-law, for use in petroleum related activities in the Eastern Greater Sunrise area.

*The Committee has no comment on this bill.*

## **Greater Sunrise Unitisation Agreement Implementation Bill 2004**

[Introduced into the House of Representatives on 10 March 2004. Portfolio: Industry, Tourism and Resources]

Introduced with the Customs Tariff Amendment (Greater Sunrise) Bill 2004, the bill amends the *Petroleum (Submerged Lands) Act 1967* to provide the administrative framework for Australia to meet its obligations under the Greater Sunrise unitisation agreement between Australia and East Timor for the development and commercialisation of the petroleum resources in the Sunrise and Troubador fields, which are collectively known as Greater Sunrise, and to make technical amendments.

The bill also amends the *Petroleum Resource Rent Tax Assessment Act 1987* to extend the application of petroleum resource rent tax to all Greater Sunrise projects and the *Radiocommunications Act 1992* to apply the law to the part of the unit area contained within the Joint Petroleum Development Area.

The bill also contains a regulation-making power.

### **Commencement by proclamation Subclause 2(1), items 3, 5 and 7**

By virtue of items 3, 5 and 7 of the table to subclause 2(1) of this bill, most of the amendments proposed thereby would commence on a single day to be fixed by proclamation, with no date set by which the amendments must commence in any event. However, the Explanatory Memorandum makes it clear that this form of commencement is necessary so that it may “coincide with the day on which the Greater Sunrise unitisation agreement is ratified by Australia and East Timor.”

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

**Retrospectivity**  
**Subclause 2(1), item 6**

By virtue of item 6 of the table to subclause 2(1) of this bill, the amendments proposed in Part 2 of Schedule 1 would commence retrospectively on 7 March 2000. However, the Explanatory Memorandum observes that these amendments “are editorial in nature and do not have the potential to act to the detriment of any person.”

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

## Higher Education Legislation Amendment Bill 2004

[Introduced into the House of Representatives on 11 March 2004. Portfolio: Education, Science and Training]

The bill amends various Higher Education Acts to:

- set new funding and grant levels for certain purposes;
- allow higher education providers to set different student contribution amounts and tuition fees to be paid by students who are to commence a particular course of study in a particular year;
- amend provisions relating to the remission of HECS-HELP debts for persons undertaking Work Experience in Industry;
- amend the definition of equivalent full time student load;
- amend student notification requirements of tax file numbers;
- set new maximum aggregate funding levels for the Commonwealth Grant Scheme and Other Grants for 2005-07;
- simplify the transitional arrangements which relate to Commonwealth supported students at the University of Notre Dame Australia; and
- add a transitional provision to provide the Minister with a discretion to approve funding increases under the Commonwealth Grants Scheme in the first year (2005) of implementation, under certain circumstances.

*The Committee has no comment on this bill.*

## **Invasion of Iraq Royal Commission (Restoring Public Trust in Government) Bill 2004**

[Introduced into the House of Representatives on 8 March 2004 by Mr Organ as a Private Member's bill.]

The bill provides for the appointment of a Royal Commission of Inquiry to investigate the accuracy, independence and use of intelligence information provided to the Commonwealth Government that contributed to its decision to commit Australian military forces to the war against Iraq in 2003.

*The Committee has no comment on this bill.*

## **Resale Royalty Bill 2004**

[Introduced into the Senate on 11 March 2004 by Senator Lundy as a Private Senator's bill.]

The bill proposes to establish a Resale Royalty Scheme for the visual arts which will provide for a collecting society authorised to receive moneys on behalf of artists whose original work is resold through an art market intermediary. The bill also contains a regulation-making power.

*The Committee has no comment on this bill.*

## **Sex Discrimination Amendment (Teaching Profession) Bill 2004**

[Introduced into the House of Representatives on 10 March 2004. Portfolio: Attorney-General]

The bill amends the *Sex Discrimination Act 1984* to allow the provision of scholarships to males to redress the gender imbalance in the teaching profession, particularly the shortage of males in pre-school and primary school teaching.

*The Committee has no comment on this bill.*

## PARLIAMENTARY AMENDMENTS AND THE COMMITTEE'S TERMS OF REFERENCE

### AMENDMENTS IN THE HOUSE OF REPRESENTATIVES (8 to 11 March 2004)

**Health Legislation Amendment (Medicare) Bill 2003:** The House of Representatives amended this bill on 11 March 2004. The amendments raise no issues within the Committee's terms of reference.

### AMENDMENTS IN THE SENATE (8 to 11 March 2004)

**Health Legislation Amendment (Medicare) Bill 2003:** The Senate amended this bill on 11 March 2004. The Senate also requested that the House of Representatives make amendments to this bill on 11 March 2004. The amendments raise no issues within the Committee's terms of reference.

**Superannuation Safety Amendment Bill 2003:** The Senate amended this bill on 10 March 2004. 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 - 2004

| NAME OF BILL   | ALERT DIGEST             | INTRODUCED<br>HOUSE | SENATE  | MINISTER   | RESPONSE<br>SOUGHT RECEIVED        | REPORT<br>NUMBER         |
|--|--------------------------|---------------------|---------|--|------------------------------------|--------------------------|
| <b>Bill dealt with in 2002 still awaiting reporting</b>  |                          |                     |         |  |                                    |                          |
| Electoral and Referendum Amendment<br>(Roll Integrity and Other Measures) Bill 2002                          | 3(20.3.02)               | 14.3.02             |         | Special Minister of State                              | 21.3.02 30.4.02                    |                          |
| <b>Bills dealt with in 2003 still awaiting reporting</b>   |                          |                     |         |  |                                    |                          |
| <i>ASIO Legislation Amendment Act 2003</i>   | 16(3.12.03)              | 27.11.03            | 3.12.03 | Attorney-General                                       | 4.12.03 9.2.04                     | 1(11.2.04)               |
| Australian Protective Service Amendment<br>Bill 2003 <b>Amendments</b>                                       | 8(13.8.03)               | 15.10.03            | 26.6.03 | Justice and Customs                                    | 14.8.03 9.9.03<br>27.11.03 4.2.04  | 9(10.9.03)<br>1(11.2.04) |
| Aviation Transport Security Bill 2003<br><b>Amendments</b>   | 5(14.5.03)<br>1(11.2.04) | 27.3.03             | 10.2.04 | Transport and Regional Services                        | 15.5.03 20.6.03<br>12.2.04 27.2.04 | 1(11.2.04)<br>2(3.3.04)  |
| Broadcasting Services Amendment<br>(Media Ownership) Bill 2002 [No. 2]                                       | 15(26.11.03)             | 5.11.03             | 2.12.03 | Communications, Information<br>Technology and the Arts | 27.11.03                           |                          |
| Building and Construction Industry<br>Improvement Bill 2003  | 15(26.11.03)             | 6.11.03             | 10.2.04 | Employment and Workplace Relations                     | 27.11.03 12.1.04                   | 1(11.2.04)               |
| Civil Aviation Legislation Amendment<br>(Mutual Recognition with New Zealand<br>and Other Matters) Bill 2003 | 8(13.8.03)               | 25.6.03             |         | Transport and Regional Services                        | 14.8.03 29.10.03                   |                          |

| NAME OF BILL  | ALERT DIGEST | INTRODUCED |          | MINISTER   | RESPONSE |          | REPORT NUMBER |
|---|--------------|------------|----------|--|----------|----------|---------------|
|   |              | HOUSE      | SENATE   |  | SOUGHT   | RECEIVED |               |
| Corporate Responsibility and Employment Security Bill 2003  | 10(10.9.03)  | 18.8.03    |          | Hon S F Crean MP                                     | 11.9.03  |          |               |
| Fisheries Legislation Amendment (High Seas Fishing Activities and Other Matters) Bill 2003                    | 16(3.12.03)  | 16.2.04    | 28.11.03 | Agriculture, Fisheries and Forestry                  | 4.12.03  | 5.2.04   | 1(11.2.04)    |
| Late Payment of Commercial Debts (Interest) Bill 2003   | 3(19.3.03)   |            | 6.3.03   | Senator Conroy                                       | 27.3.03  |          |               |
| Migration Legislation Amendment (Identification and Authentication) Bill 2003                                 | 9(20.8.03)   | 26.6.03    | 7.10.03  | Immigration and Multicultural and Indigenous Affairs | 21.8.03  | 10.2.04  | 1(11.2.04)    |
| Sexuality and Gender Identity Discrimination Bill 2003  | 16(3.12.03)  |            | 25.11.03 | Senator Greig  | 4.12.03  |          |               |
| Superannuation Safety Amendment Bill 2003   | 16(3.12.03)  | 27.11.03   | 11.2.04  | Treasurer/Revenue                                    | 4.12.03  | 1.3.04   | 2(3.3.04)     |
| Trade Practices Amendment (Public Liability Insurance) Bill 2003  | 10(10.9.03)  | 18.8.03    |          | Mr A Griffin MP                                      | 11.9.03  |          | RNP           |
| <b>Bills dealt with in 2004</b>   |              |            |          |  |          |          |               |
| Australian Crime Commission Amendment Bill 2004   | 1(11.2.04)   | 8.3.04     | 4.12.03  | Attorney-General/Justice & Customs                   | 12.2.04  | 1.3.04   | 2(3.3.04)     |
| Customs Legislation Amendment (Application of International Trade Modernisation and Other Measures) Bill 2003 | 1(11.2.04)   | 4.12.03    | 11.3.04  | Justice and Customs                                  | 12.2.04  | 8.03.04  | 4(24.3.04)    |
| Dairy Produce Amendment Bill 2003   | 1(11.2.04)   | 3.12.03    | 24.3.04  | Agriculture, Fisheries and Forestry                  | 12.2.04  | 18.3.04  | 4(24.3.04)    |

| <b>NAME OF BILL</b>  | <b>ALERT DIGEST</b> | <b>INTRODUCED<br/>HOUSE</b> | <b>INTRODUCED<br/>SENATE</b> | <b>MINISTER</b>          | <b>RESPONSE<br/>SOUGHT</b> | <b>RESPONSE<br/>RECEIVED</b> | <b>REPORT<br/>NUMBER</b> |
|--|---------------------|-----------------------------|------------------------------|--------------------------|----------------------------|------------------------------|--------------------------|
| <i>Environment Protection and Biodiversity<br/>Conservation Act 1999</i> | 2(3.3.04)           | 28.6.99                     | 12.11.98                     | Environment and Heritage | 4.3.04                     |                              |                          |
| Military Rehabilitation and Compensation<br>Bill 2003                    | 1(11.2.04)          | 4.12.03                     | 1.3.04                       | Veterans' Affairs        | 12.2.04                    | 23.3.04                      | 4(24.3.04)               |