

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 the Hon Ian Macdonald (Chair)

Senator C Brown (Deputy Chair)

Senator M Bishop

Senator S Edwards

Senator R Siewert

Senator the Hon L Thorp

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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Senate Standing Legislation Committee Inquiries

The committee will forward any comments it has made on a bill to any relevant legislation committee for information.

Fair Work Amendment (Small Business-Penalty Rates Exemption) Bill 2012

Introduced into the Senate on 16 August 2012

By Senator Xenophon

Background

This bill amends the *Fair Work Act 2009* to state that ‘excluded small business employers’ (employers who employ fewer than 20 full-time equivalent staff in the restaurant and catering or retail industries) cannot be required by an existing or future modern award to pay penalty rates unless an employee has worked more than ten hours in a 24 hour period or more than 38 hours in a week.

The Committee has no comment on this bill.

International Monetary Agreements Amendment (Loans) Bill 2012

Introduced into the House of Representatives on 15 August 2012

Portfolio: Treasury

Background

The bill amends the *International Monetary Agreements Act 1947* to:

- allow for the reduction of Australia's current credit arrangement under the International Monetary Fund's New Arrangements to Borrow (NAB); and
- make other minor technical changes to the NAB.

The Committee has no comment on this bill.

Statute Law Revision Bill 2012

Introduced into the House of Representatives on 15 August 2012

Portfolio: Attorney-General

Background

This bill corrects technical errors in Acts and also contains amendments to:

- remove specific references to regulations concerning aircraft and to replace them with generic, more robust, references;
- make amendments consequential on amendments to the *Acts Interpretation Act 1901* and the enactment of the *Legislative Instruments Act 2003*;
- remove specific references in Acts to Ministers and Departments and to replace them with generic, more robust, references and reduce the need for Orders under section 19B or 19BA of the *Acts Interpretation Act 1901* to be made and read in conjunction with the Acts;
- repeal obsolete provisions and Acts;
- modernise language and to make other technical amendments in certain legislation.

The Committee has no comment on this bill.

COMMENTARY ON AMENDMENTS TO BILLS

Consumer Credit Legislation Amendment (Enhancements) Bill 2012

[Digest 12/11& 8/12 amendments – still awaiting response]

On 14 August 2012 the Senate tabled a revised explanatory memorandum. The Committee has no comment on the additional material and notes that the bill has been passed by the Parliament.

The Committee takes this opportunity to note its disappointment that it did not receive a response from the Treasurer or the Minister to the scrutiny concerns it raised in *Alert Digest No. 12 of 2011* about some provisions of the bill.

Illegal Logging Prohibition Bill 2011

[Digest 1/12 – response in 6th Report]

On 16 August 2012 the House of Representatives tabled a supplementary explanatory memorandum. The Committee has no comment on the additional material.

SCRUTINY OF STANDING APPROPRIATIONS

The Committee has determined that, as part of its standard procedures for reporting on bills, it should draw senators' attention to the presence in bills of standing appropriations. It will do so under provisions 1(a)(iv) and (v) of its terms of reference, which require the Committee to report on whether bills:

- (iv) inappropriately delegate legislative powers; or
- (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.

Further details of the Committee's approach to scrutiny of standing appropriations are set out in the Committee's *Fourteenth Report of 2005*. The following is a list of the bills containing standing appropriations that have been introduced since the beginning of the 42nd Parliament.

Bills introduced with standing appropriation clauses in the 43rd Parliament since the previous *Alert Digest*

Nil

Other relevant appropriation clauses in bills

Nil

