

# **SELECTION OF BILLS COMMITTEE**

**REPORT NO. 2 of 2014**

*6 March 2014*

## **MEMBERS OF THE COMMITTEE**

Senator Helen Kroger (Government Whip, Chair)

Senator Anne McEwen (Opposition Whip)

Senator Bridget McKenzie (The Nationals Whip)

Senator Rachel Siewert (Australian Greens Whip)

Senator Catryna Bilyk

Senator David Bushby

Senator the Hon Mitch Fifield

Senator Claire Moore

Secretary: Chris Reid  
 6277 3020

## SELECTION OF BILLS COMMITTEE

### REPORT NO. 2 OF 2014

1. The committee met in private session on Wednesday, 5 March 2014 at 7.15 pm.
2. The committee resolved to recommend—That—
  - (a) the Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 May 2014 (see appendix 1 for a statement of reasons for referral);
  - (b) the Fair Work Amendment Bill 2014 be *referred immediately* to the Education and Employment Legislation Committee for inquiry and report, **but was unable to reach agreement on a reporting date** (see appendices 2, 3 and 4 for statements of reasons for referral);
  - (c) the Land Transport Infrastructure Amendment Bill 2014 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 24 March 2014 (see appendices 5 and 6 for statements of reasons for referral);
  - (d) contingent upon its introduction in the House of Representatives, the *provisions* of the Qantas Sale Amendment Bill 2014 be *referred immediately* to the Economics Legislation Committee for inquiry and report, **but was unable to reach agreement on a reporting date** (see appendices 7, 8 and 9 for statements of reasons for referral);
  - (e) the Social Security Legislation Amendment (Green Army Programme) Bill 2014 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 25 March 2014 (see appendix 10 for a statement of reasons for referral);
  - (f) the Tertiary Education Quality and Standards Agency Amendment Bill 2014 be *referred immediately* to the Education and Employment Legislation Committee for inquiry and report, **but was unable to reach agreement on a reporting date** (see appendices 11 and 12 for statements of reasons for referral); and
  - (g) the Trade and Foreign Investment (Protecting the Public Interest) Bill 2014 be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 16 June 2014 (see appendix 13 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Adelaide Airport Curfew Amendment (Protecting Residents' Amenity) Bill 2014
  - Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014
  - Live Animal Export (Slaughter) Prohibition Bill 2014
  - Customs Tariff Amendment (Tobacco) Bill 2014

- Excise Tariff Amendment (Tobacco) Bill 2014
- Farm Household Support Bill 2014
- Farm Household Support (Consequential Amendments) Bill 2014
- Governor-General Amendment (Salary) Bill 2014
- Native Title Amendment (Reform) Bill 2014
- Quarantine Charges (Collection) Bill 2014
- Quarantine Charges (Imposition-Customs) Bill 2014
- Quarantine Charges (Imposition-Excise) Bill 2014
- Quarantine Charges (Imposition-General) Bill 2014
- Social Security Legislation Amendment (Increased Employment Participation) Bill 2014
- Tax and Superannuation Laws Amendment (2014 Measures No. 1) Bill 2014.

*The committee recommends accordingly.*

4. The committee deferred consideration of the following bills to its next meeting:
- Civil Aviation Amendment (CASA Board) Bill 2014
  - Export Market Development Grants Amendment Bill 2014
  - Great Barrier Reef Legislation Amendment Bill 2014
  - National Broadband Network Companies Amendment (Tasmania) Bill 2014

(Helen Kroger)  
**Chair**  
 6 March 2014

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:** Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014

**Reasons for referral/principal issues for consideration:**

Bill has serious implications for procedural fairness in relation to proceeds of crime matters.

**Possible submissions or evidence from:**

Law Council of Australia; other legal bodies

**Committee to which bill is to be referred:**

Legal and Constitutional Affairs

**Possible hearing date(s):**

April 14/15

**Possible reporting date:**

May 15

Senator Siewert

(signed) .....

Whip / Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**

Fair Work Amendment Bill 2014

**Reasons for referral/principal issues for consideration:**

Detailed consideration of the Government's legislation that amends the Fair Work Act 2009 consistent with the Government's *Policy to Improve the Fair Work Laws*.

**Possible submissions or evidence from:**

Employer associations  
Employee associations  
State Governments  
Department of Employment

**Committee to which bill is to be referred:**

Senate Education and Employment Committee

**Possible hearing date(s):**


To be determined by the committee

**Possible reporting date:**

13 May 2014

Senator Fifield

(signed)

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**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:** Fair Work Amendment Bill 2014

**Reasons for referral/principal issues for consideration:**

- Detailed scrutiny of consequences to employees and their rights and conditions in the workplace
- Thorough consideration of the impacts on union-employee and employer relationships
- Scrutiny of the proposed Individual Flexibility Arrangements
- Any other related matters

**Possible submissions or evidence from:**

**Committee to which bill is to be referred:**

Senate Education and Employment Legislation Committee

**Possible hearing date(s):**

**Possible reporting date:**

5 June, 2014

Senator McEwen

(signed)

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Whip/ Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE**  
**Proposal to refer a bill to a committee**

**Name of bill:**

Fair Work Amendment Bill 2014

**Reasons for referral/principal issues for consideration:**

Research and consideration of Bill's implications

Consultation with stakeholders

**Possible submissions or evidence from:**

ACTU, ETU, UFU, NTEU

**Committee to which bill is to be referred:**

Senate Education and Employment Legislation Committee

**Possible hearing date(s):**

15 and 20 April or 15 and 20 May

**Possible reporting date:**

June 5

Senator Siewert  
(signed) ...

Whip / Selection of Bills Committee member



**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:** Land Transport Infrastructure Amendment Bill 2014

**Reasons for referral/principal issues for consideration:** The impact of the Bill in terms of Commonwealth spending on infrastructure and the relationship between Commonwealth and State funding of infrastructure. The impact of the Bill in terms of thresholds that are required to be met before infrastructure projects funded by State or Commonwealth governments are not put out to public tender.

**Possible submissions or evidence from:** Infrastructure Australia, Public Transport Users Association, Sub-Contractors Association.

**Committee to which bill is to be referred:** RRAT

**Possible hearing date(s):** 28 March

**Possible reporting date:** 13 May

**Senator Siewert**

(signed) .....

**Whip / Selection of Bills Committee member**

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:** Land Transport Infrastructure Amendment Bill 2014

**Reasons for referral/principal issues for consideration:**

- scrutiny of detail of legislation
- scrutiny of impact of legislation on road, rail, intermodal programs
- any other related matters

**Possible submissions or evidence from:**

- infrastructure stakeholders
- Department of Infrastructure & Regional Development

**Committee to which bill is to be referred:**

\*Rural & Regional Affairs and Transport Legislation Committee

**Possible hearing date(s):**

**Possible reporting date:**

March 24, 2014

Senator McEwen

(signed)

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Whip / Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:** Qantas Sale Amendment Bill 2014

**Reasons for referral/principal issues for consideration:** To evaluate the impact of proposed amendments on the aviation sector and the wider Australian economy.

**Possible submissions or evidence from:** Qantas, unions covering the Qantas workforce eg. ASU, TWU, AIPA.

**Committee to which bill is to be referred:** Rural and Regional Affairs and Transport

**Possible hearing date(s):** 31<sup>st</sup> March/1<sup>st</sup> April

**Possible reporting date:** 13th May

Senator Siewert

(signed) .....

**Whip / Selection of Bills Committee member**

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill: Qantas Sale Act Amendment Bill**

**Reasons for referral/principal issues for consideration:**

- scrutiny of detail of legislation
- scrutiny of impact of legislation
- impact on other Acts
- any other related matters

**Possible submissions or evidence from:**

- aviation stakeholders
- general community

**Committee to which bill is to be referred:**

\* Rural & Regional Affairs and Transport Legislation Committee

**Possible hearing date(s):**

March

**Possible reporting date:**

24 March 2014

Senator McEwen

(signed)

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Whip / Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**

Qantas Sale Amendment Bill 2014

**Reasons for referral/principal issues for consideration:**

Consideration of the opportunities the Bill will provide for Qantas to increase its competitiveness through the harmonisation of Australia's aviation regulatory framework.

**Possible submissions or evidence from:**

Qantas  
Virgin Australia  
Regional Express Airlines  
Aviation Associations

**Committee to which bill is to be referred:**

Senate Economics Committee

**Possible hearing date(s):**

To be determined by the committee

**Possible reporting date:** 17 March 2014

Senator Fifield

(signed)

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**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:** Social Security Legislation Amendment (Green Army Programme) Bill 2014

**Reasons for referral/principal issues for consideration:**

- Consideration of the industrial and work place safety coverage of the program.
- Scrutiny of income, tax and benefit payments.
- Consideration of training hours, outcomes and accredited recognised training.
- Any other related matters

**Possible submissions or evidence from:**

ACTU  
ACOSS  
Welfare Rights  
RTOs  
Job Services Australia  
Departments of the Environment/Social Services/Employment

**Committee to which bill is to be referred:**

Community Affairs Legislation Committee

**Possible hearing date(s):**

**Possible reporting date:**

25 March 2014

Senator McEwen

(signed)

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Whip / Selection of Bills Committee member



SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Tertiary Education Quality and Standards Agency 2014

Reasons for referral/principal issues for consideration:

- The Bill requires further scrutiny and consultation with higher education providers, students
- Principle issues for consideration include possible ramifications of: changing TEQSA's delegation powers; changing Ministerial power of direction; and dismissing commissioners through legislation
- To what extent the Bill addresses the findings of the Review of Higher Education Regulation
- To what extent the Bill will affect quality assurance and accountability in the higher education sector

Possible submissions or evidence from: Professor Kwong Lee Dow, Professor Valerie Braithwaite, Group of Eight, Innovative Research Universities, Regional Universities Network, Australian Technology Network, Universities Australia, Council for Private Higher Education, National Tertiary Education Union, National Union of Students, Council of Australian Postgraduate Associations, Australian Council for Private Education and Training, Council of International Students, Australian public and private higher education providers.

Committee to which bill is to be referred: Senate Education and Employment Legislation Committee

Possible hearing date(s): Dependent on submissions

Possible reporting date: 16 June 2014

Senator McEwen

(signed)

 Whip/Selection of Bills Committee member

**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:** Tertiary Education Quality and Standards Agency Amendment Bill 2014

**Reasons for referral/principal issues for consideration:** The impact of the proposed de-regulation across the wider higher education sector, particularly on staff and students is the principal issue for consideration. Another issue to consider is the use of legislation to dismiss the TEQSA commissioners.

**Possible submissions or evidence from:** National Tertiary Education Union, Universities Australia, TEQSA, National Union of Students.

**Committee to which bill is to be referred:** Education and Employment

**Possible hearing date(s):** 11 April

**Possible reporting date:** 18 April

Senator Siewert

(signed) .....

**Whip / Selection of Bills Committee member**



**SELECTION OF BILLS COMMITTEE**

**Proposal to refer a bill to a committee**

**Name of bill:**

Trade and Foreign Investment (Protecting the Public Interest) Bill 2014

**Reasons for referral/principal issues for consideration:**

Investor State Dispute Settlement clauses are extremely complex parts of trade agreements. There is community concern about what the clauses in the recently signed free trade deal with Korea means for environmental and health regulation. The Trans Pacific Partnership Agreement which Australia is negotiating currently also may include ISDS cases.

Australia is still fighting a high profile ISDS case against Phillip Morris regarding plain packaging for cigarettes.

**Possible submissions or evidence from:**

Department of Foreign Affairs and Trade, international trade law practitioners, ACTU, Choice, Business Council of Australia, Australian Chamber of Commerce and Industry, Productivity Commission.

**Committee to which bill is to be referred:**

Foreign Affairs Defence and Trade

**Possible hearing date(s):**

**Possible reporting date:**

June 16 2014

Senator Siewert

(signed)

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**Whip / Selection of Bills Committee member**

**SELECTION OF BILLS COMMITTEE—  
PRESENTATION OF SECOND REPORT OF 2014—  
AMENDMENT AGREED TO BY THE SENATE ON 6 MARCH 2014**

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At the end of the motion, add, “but, in respect of:

- (a) the Fair Work Amendment Bill 2014, the provisions of the bill be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 5 June 2014;
- (b) the Qantas Sale Amendment Bill 2014, the provisions of the bill be referred immediately to the Economics Legislation Committee for inquiry and report by 24 March 2014; and
- (c) the Tertiary Education Quality and Standards Agency Amendment Bill 2014, the provisions of the bill be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 16 June 2014.”.