



Department of the Senate

Senate Scrutiny of Bills Committee

NEWS

17 August 2017 (drawing on material in the committee's [Scrutiny Digest No. 9 of 2017](#))

Introduction

This newsletter highlights key aspects of the Senate Scrutiny of Bills Committee's work, with a particular focus on information that may be useful when bills are debated or considered by other Senate committees and to raise awareness about scrutiny principles (see Senate Standing Order 24).

For more detail and discussion of these matters and comments on additional bills look to the committee's [Scrutiny Digests](#). An index to all committee comments is available [here](#).

Key scrutiny issues ([Scrutiny Digest No. 9 of 2017](#))

● Australian Border Force Amendment (Protected Information) Bill 2017

- ❖ *Broad scope of offence*: The bill proposes introducing a new definition of information which, if recorded or disclosed, would make a person liable to prosecution. The new definition includes any information that has a security classification. The committee is seeking advice as to the appropriateness of this provision, in circumstances where there is no definition of 'security classification' and there is no defence available if the classification was inappropriately applied.

● Product Emissions Standards Bill 2017 and related bills

- ❖ *Significant matters in delegated legislation*: The committee is seeking advice as to why core elements of a new emissions standards scheme are to be included in delegated legislation rather than in primary legislation; and why the amount of a charge is to be imposed in regulations, without any guidance in the bill as to how the charge is to be determined or without a maximum charge being specified.
- ❖ *Reversal of the evidential burden of proof*: The committee is also seeking advice in relation to a provision which reverses the evidential burden of proof.

Other bills commented on ([Scrutiny Digest No. 9 of 2017](#))

- **Australian Education Amendment Bill 2017**: The committee received advice from the Minister in relation to the inclusion of significant matters in delegated legislation, section 96 grants to the States and a broad delegation of administrative power.
- **Commercial Broadcasting (Tax) Bill 2017**: The committee leaves to the Senate as a whole the appropriateness of amending the bill to increase parliamentary scrutiny of ministerial determinations setting a rate of tax and a provision which modifies the usual disallowance procedure.
- **Defence Legislation Amendment (2017 Measures No. 1) Bill 2017**: The committee welcomed the Minister's undertaking to seek to move a complaints and mediation scheme from the regulations into primary legislation.
- **Education Services for Overseas Students (TPS Levies) Amendment Bill 2017**: The committee is seeking advice from the Minister in relation to increasing parliamentary oversight of the proposed ministerial power to alter the rate of the TPS levy.
- **International Monetary Agreements Amendment (New Arrangements to Borrow) Bill 2017**: The committee draws Senators' attention to a provision continuing in existence a standing appropriation.

- **Public Governance and Resource Legislation Amendment Bill (No. 1) 2017:** The committee received advice from the Minister that provisions which allow matters to apply retrospectively are unlikely to result in any adverse effect on an individual.

This document contains a very brief summary of some recent comments made by the Senate Scrutiny of Bills Committee (Chair: Senator Helen Polley and Deputy Chair: Senator John Williams).

For any comments or questions, please contact:

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