



Department of the Senate

Senate Scrutiny of Bills Committee

NEWS

14 September 2017 (drawing on material in the committee's [Scrutiny Digest No. 11 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.11 of 2017](#))

● Imported Food Control Amendment Bill 2017

- ❖ Broad discretionary power: The Minister advised that guidance to clarify the use of the Secretary's power to extend an imported food holding order will be included in the explanatory memorandum. While the committee welcomed this, it noted it may still be appropriate to amend the bill to ensure that decision-makers must consider relevant matters before extending a holding order and any extension decision is made by someone other than the original decision-maker.

● Treasury Law Amendment (2017 Measures No. 5) Bill 2017

- ❖ Significant matters in delegated legislation: The committee is seeking advice as to the appropriateness of leaving key details about how the new financial benchmark administrator licensee scheme is to operate, including the imposition of civil penalties, to delegated legislation.
- ❖ Procedural fairness: The committee is seeking advice as to why the bill does not require ASIC to give affected licensees the right to be heard before their licence is suspended or cancelled in certain circumstances.
- ❖ Immunity from liability: The committee is seeking advice as to the appropriateness of providing immunity from civil and criminal liability in certain circumstances.

Other bills commented on ([Scrutiny Digest No. 11 of 2017](#))

- **Commission of Inquiry (Coal Seam Gas) Bill 2017**: The committee leaves to the Senate as a whole the appropriateness of enabling the proposed Commission to exercise significant coercive powers.
- **Customs Amendment (Singapore-Australia Free Trade Agreement Amendment Implementation) Bill 2017**: The committee is seeking advice about a provision which would allow external material to be incorporated into law.
- **High Speed Rail Planning Authority Bill 2017**: The committee considers it would be appropriate for the rule-making power in this bill to include the standard safeguards which limit the scope of matters that may be included in rules (as opposed to regulations).
- **Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 and Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017**: The committee is seeking advice about the retrospective application of two measures in these bills and whether merits review will be available in relation to the Treasurer's decision to declare a charge over specified land.

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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