



20 September 2018

Introduction

This newsletter highlights key aspects of the work of the Senate Scrutiny of Bills Committee and the Senate Regulations and Ordinances Committee. It has a particular focus on information that may be useful while bills are under consideration and legislative instruments are subject to disallowance, and seeks to raise awareness about the committees' scrutiny principles (see Senate Standing Orders 23 and 24).

For more detail and discussion of these matters see the committees' [Scrutiny Digests](#) and [Delegated Legislation Monitors](#).

Key scrutiny issues: Bills (*Scrutiny Digest 11 of 2018*)

Aged Care Quality and Safety Commission Bill 2018 and Aged Care Quality and Safety Commission (Consequential Amendments and Transitional Provisions) Bill 2018

- Significant matters in delegated legislation: the committee is seeking advice on why it is necessary to leave the Commissioner's complaints and regulatory functions, including review rights, to be set out entirely in the rules.
- Privacy: the committee is seeking advice on why it is necessary to grant the Commissioner a broad discretionary power to share personal information and to allow the rules to specify additional circumstances in which personal information may be shared.
- Broad delegation of administrative powers: the committee considers it may be appropriate to amend both bills to limit delegations to persons with appropriate expertise.

Crimes Legislation Amendment (Police Powers at Airports) Bill 2018

- Trespass on personal rights and liberties: the committee is seeking advice on the circumstances in which proposed identification, stop and move-on directions powers may be used at major airports.

Key scrutiny issues: Legislative instruments (*Delegated Legislation Monitor 11 of 2018*)

Safety, Rehabilitation and Compensation (Catastrophic Injury) Rules 2018 and Seafarers Rehabilitation and Compensation (Catastrophic Injury) Rules 2018

- Privacy: the committee is seeking advice on how personal information relating to an injured person is collected during a medical assessment, how that information will be used and managed, and what safeguards are in place to protect individuals' privacy.

Higher Education Support (Maximum Payments for Indigenous Student Assistance Grants) Determination 2016 and Higher Education Support Amendment (Maximum Payments for Indigenous Student Assistance Grants) Determination 2017

- *Registration of incorrect version of instrument*: the committee draws to the attention of the Senate the registration, and subsequent corrections, of incorrect versions of the instruments more than 9 months after tabling.

Other bills commented on (*Scrutiny Digest 11 of 2018*)

- **Commonwealth Places and Services (Facial Recognition) Bill 2018**: the committee noted its scrutiny concerns relating to provisions that appear to restrict religious freedom and free expression.
- **Veterans' Entitlements Amendment Bill 2018**: the committee received advice regarding the retrospective application of the bill and that this would not detrimentally affect any person.

Other legislative instruments commented on (*Delegated Legislation Monitor 11 of 2018*)

- The Regulations and Ordinances committee commented on 9 legislative instruments registered on the Federal Register of Legislation between 23 and 29 August 2018. The committee sought further advice in relation to one instrument and concluded its interest in 9 instruments, on which the committee had previously commented.
- All legislative instruments subject to a notice of motion for disallowance in either House of Parliament are listed in the [Disallowance Alert](#).

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) and the Senate Regulations and Ordinances Committee (Chair: Senator John Williams and Deputy Chair: Senator Gavin Marshall).

For any comments or questions, please contact:
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