

SELECTION OF BILLS COMMITTEE

REPORT NO. 6 OF 2021

17 June 2021

MEMBERS OF THE COMMITTEE

Senator Dean Smith (Government Whip, Chair)

Senator Perin Davey (The Nationals Whip)

Senator Stirling Griff (Centre Alliance Whip)

Senator Pauline Hanson (Pauline Hanson's One Nation Whip)

Senator Rachel Siewert (Australian Greens Whip)

Senator Anne Urquhart (Opposition Whip)

Senator Raff Ciccone

Senator Katy Gallagher

Senator Jacqui Lambie

Senator the Hon James McGrath

Senator Rex Patrick

Senator the Hon Anne Ruston

Secretary: Tim Bryant
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SELECTION OF BILLS COMMITTEE

REPORT NO. 6 OF 2021

1. The committee met in private session on Wednesday, 16 June 2021 at 7.20 pm.
2. The committee recommends that—
 - (a) the Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 31 December 2021 (see appendix 1 for a statement of reasons for referral); and
 - (b) the *provisions* of the National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 22 July 2021 (see appendix 2 for a statement of reasons for referral).
3. The committee recommends that the following bills *not* be referred to committees:
 - Customs Amendment (Safer Cladding) Bill 2019
 - Higher Education Support Amendment (Extending the Student Loan Fee Exemption) Bill 2021
 - Sydney Harbour Federation Trust Amendment Bill 2021
 - Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Bill 2021
 - Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2021
 - Treasury Laws Amendment (COVID-19 Economic Response) Bill 2021
4. The committee deferred consideration of the following bills to its next meeting:
 - Air Services Amendment Bill 2018
 - Australian Organ and Tissue Donation and Transplantation Authority Amendment (Governance and Other Measures) Bill 2021
 - Biosecurity Amendment (No Crime to Return Home) Bill 2021
 - Biosecurity Amendment (Strengthening Penalties) Bill 2021
 - COVID-19 Disaster Payment (Funding Arrangements) Bill 2021
 - Customs Tariff Amendment (Incorporation of Proposals) Bill 2021
 - Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2020
 - Discrimination Free Schools Bill 2018
 - Electric Vehicles Accountability Bill 2021
 - Farm Household Support Amendment (Debt Waiver) Bill 2021
 - Financial Regulator Assessment Authority Bill 2021
 - Financial Regulator Assessment Authority (Consequential Amendments and Transitional Provisions) Bill 2021
 - Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019

- Great Australian Bight Environment Protection Bill 2019
 - Major Sporting Events (Indicia and Images) Protection and Other Legislation Amendment Bill 2021
 - Migration Amendment (New Maritime Crew Visas) Bill 2020
 - Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021
 - Narcotic Drugs Amendment (Medicinal Cannabis) Bill 2021
 - National Health Amendment (Decisions under the Continence Aids Payment Scheme) Bill 2021
 - National Health Amendment (Pharmaceutical Benefits Transparency and Cost Recovery) Bill 2021
 - Private Health Insurance Amendment (Income Thresholds) Bill 2021
 - Regional Forest Agreements Legislation (Repeal) Bill 2017
 - Royal Commissions Amendment (Protection of Information) Bill 2021
 - Snowy Hydro Corporatisation Amendment (No New Fossil Fuels) Bill 2021
 - Social Security Amendment (COVID-19 Supplement) Bill 2020
 - Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
 - Social Services Legislation Amendment (Payment Integrity) Bill 2019
 - Tertiary Education Quality and Standards Agency (Charges) Bill 2021
 - Tertiary Education Quality and Standards Agency Amendment (Cost Recovery) Bill 2021
 - Treasury Laws Amendment (2021 Measures No. 2) Bill 2021
 - Treasury Laws Amendment (2021 Measures No. 3) Bill 2021.
5. The committee considered the following bills but were unable to reach agreement:
- Fuel Security Bill 2021
 - Fuel Security (Consequential and Transitional Provisions) Bill 2021
 - Ministerial Suitability Commission of Inquiry Bill 2021
 - Water Legislation Amendment (Inspector-General of Water Compliance and Other Measures) Bill 2021

(Dean Smith)

Chair

17 June 2021

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

Name of bill: Constitutional Alteration (Freedom of Expression and Freedom of the Press) 2019

Reasons for referral/principal issues for consideration:

Renewed importance in the light of the judgement by Justice Steward regarding the freedom of expression in the High Court of Australia's decision in the matter of *LibertyWorks Inc v Commonwealth of Australia* [2021] HCA 18 of 16 June 2021 at 249.

Possible submissions or evidence from:

Media organisations, journalists, civil liberty groups, constitutional experts and legal organisations or bodies, persons concerned with the reduction of freedom of speech.

Committee to which bill is to be referred:

Senate Standing Committee on Legal and Constitutional Affairs

Possible hearing date(s): As decided by Committee

Possible reporting date: As decided by Committee, before 31 December 2021

(signed)


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Rex Patrick

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

Name of bill:

National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021

Reasons for referral/principal issues for consideration:

Need for consultation with the sector.

Possible submissions or evidence from:

- Australian Federation of Disability Organisations
- People With Disability Australia

Committee to which bill is to be referred:

Senate Community Affairs Legislation Committee

Possible hearing date(s):

To be determined by the Committee

Possible reporting date:

22
July 2021



Senator Anne Urquhart

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

Name of bill:

National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021

Reasons for referral/principal issues for consideration:

- We have significant concerns with provisions within this bill which we have raised with the government. Including:
 - A lack of consultation with the disability community and sector on significant safeguarding reforms. Particularly at a time where we have a Royal Commission and an inquiry in to the Quality and Safeguards Commission by the NDIS Joint Standing Committee, we think that reforms to Safeguarding must be consulted on to ensure they operate to better ensure the safety of participants. This legislation has not gone out to the disability sector for formal consultation and we have been consistently told by the sector that they hold concerns and would like the opportunity to make submissions to ensure that this bill does indeed promote the safety of participants.
 - Privacy of participant information is not sufficiently clear. We are very concerned about a lack of detail on what guidelines Commission and Agency staff (as well as training) are being provided to ensure that they do not mishandle highly sensitive personal information, or take actions that are inconsistent with enhancing safeguarding. The NDIA holds significant data on participants. Privacy experts should have the ability to go through this in conjunction with disabled persons organisations. This legislation proposes a two-way flow of information between the NDIA and the Quality and Safeguards Commission without providing any information on what data will be shared, what requirements there are to ensure participants/families/carers are informed about their information being shared, and what the practical implications are of sharing participant information for the purposes of safeguarding will mean for participants and their engagement with both the NDIA and the Quality and Safeguards Commission.
 - There are a number of issues with the proposed legislation that will impact on disabled people around the use of restrictive practices, safeguarding and workers, including potentially impacting on workers' rights. These need to go out for consultation for an appropriate timeframe with Disabled People's Organisations and unions.
 - This bill is applies its provisions retrospectively. We would like to better understand what this means for the Commission's work and how it will use these new provisions to enhance safeguarding for participants.
 - This bill proposes changes to the banning order function of the Quality and Safeguards Commission. We would like to better understand this change and what it means for participant safety. To date, we do not have enough information on this.
 - We hold concerns about the changes being proposed to who in the

Commission is able to review reviewable decisions. These changes need to be further scrutinised.

Possible submissions or evidence from:

- People with Disability Australia
- Australian Federation of Disability Organisations
- Children and Young People with Disability Australia
- Every Australian Counts
- Public Interest Advocacy Centre
- Disability Advocacy Network Australia
- Women with Disabilities Australia
- Melbourne Disability Institute
 - Professor Bruce Bonyhady
 - Kirsten Deane
- NDIS Quality and Safeguards Commission
- NDIA

Committee to which bill is to be referred:

Community Affairs

Possible hearing date(s):

July – August – September

- These are significant reforms, in the context of other inquiry processes seeking to reform the NDIS Quality and Safeguards Commission. We think this requires sufficient time to scrutinise and reach recommendations that are a product of thorough community consultation.

Possible reporting date:

August – September

- This is to allow the community sufficient time to engage with an inquiry process

(signed)



Print name:

Rachel Sweet

**SELECTION OF BILLS COMMITTEE—
PRESENTATION OF SIXTH REPORT OF 2021—
AMENDMENTS AGREED TO BY THE SENATE ON
17 JUNE 2021**

- (1) At the end of the motion, add “and the Ministerial Suitability Commission of Inquiry Bill 2021 not be referred to a committee”.
- (2) At the end of the motion, add “and the following bills not be referred to committees:
 - (a) Fuel Security Bill 2021
Fuel Security (Consequential and Transitional Provisions) Bill
2021; and
 - (b) Water Legislation Amendment (Inspector-General of Water Compliance and Other Measures) Bill 2021”.
- (3) At the end of the motion, add: “but, in respect of the provisions of the National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021, the Community Affairs Legislation Committee report by 12 August 2021.”