

SELECTION OF BILLS COMMITTEE

REPORT NO. 10 OF 2019

5 December 2019

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 Cory Bernardi

Senator Raff Ciccone

Senator Katy Gallagher

Senator the Hon James McGrath

Senator the Hon Anne Ruston

Secretary: Rachel Callinan
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SELECTION OF BILLS COMMITTEE

REPORT NO. 10 OF 2019

1. The committee met in private session on Wednesday, 4 December 2019 at 7.25pm.
2. The committee recommends that—
 - (a) the Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 February 2020 (see appendix 2 for a statement of reasons for referral);
 - (b) the *provisions* of the Export Control Bill 2019, the Export Control (Consequential Amendments and Transitional Provisions) Bill 2019, the Export Charges (Imposition—General) Amendment Bill 2019, the Export Charges (Imposition—Excise) Amendment Bill 2019 and the Export Charges (Imposition—Customs) Amendment Bill 2019 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 7 February 2020 (see appendix 3 for a statement of reasons for referral);
 - (c) the *provisions* of the Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Bill 2019 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 13 March 2020 (see appendix 4 for a statement of reasons for referral);
 - (d) contingent upon introduction in the House of Representatives, the *provisions* of the Federal Circuit and Family Court of Australia Bill 2019 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee **but was unable to reach agreement on a reporting date** (see appendix 5 for a statement of reasons for referral);
 - (e) the National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019 (No. 2) be *referred immediately* to the Economics Legislation Committee for inquiry and report by 6 April 2020 (see appendix 6 for a statement of reasons for referral);
 - (f) the National Integrity (Parliamentary Standards) Bill 2019 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 16 April 2020 (see appendix 7 for a statement of reasons for referral);
 - (g) the *provisions* of the Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles and Other Measures) Bill 2019 and the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Measures) Bill 2019 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 February 2020 (see appendix 8 for a statement of reasons for referral);
 - (h) the Saving Australian Dairy Bill 2019 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 20 March 2020 (see appendix 9 for a statement of reasons for referral);
 - (i) the *provisions* of the Student Identifiers Amendment (Enhanced Student Permissions) Bill 2019 be *referred immediately* to the Education and Employment

Legislation Committee for inquiry and report by 19 February 2020 (see appendix 10 for a statement of reasons for referral); and

- (j) the Transport Security Amendment (Testing and Training) Bill 2019 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 February 2020 (see appendix 11 for a statement of reasons for referral).
3. The committee recommends that the following bills *not* be referred to committees:
- Commonwealth Registers Bill 2019
Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019
Business Names Registration (Fees) Amendment (Registries Modernisation) Bill 2019
Corporations (Fees) Amendment (Registries Modernisation) Bill 2019
National Consumer Credit Protection (Fees) Amendment (Registries Modernisation) Bill 2019
 - Financial Sector Reform (Hayne Royal Commission Response—Protecting Consumers (2019 Measures)) Bill 2019
 - Financial Sector Reform (Hayne Royal Commission Response—Stronger Regulators (2019 Measures)) Bill 2019
 - Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019
 - Special Recreational Vessels Bill 2019
 - Telecommunications Amendment (Repairing Assistance and Access) Bill 2019
 - Trade Support Loans Amendment (Improving Administration) Bill 2019
 - Wine Australia Amendment (Label Directory) Bill 2019.
4. The committee deferred consideration of the following bills to its next meeting:
- Air Services Amendment Bill 2018
 - Australian Business Growth Fund Bill 2019
 - Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
 - Customs Amendment (Safer Cladding) Bill 2019
 - Discrimination Free Schools Bill 2018
 - Fair Work (Registered Organisations) Amendment (Ensuring Integrity No. 2) Bill 2019
 - Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019
 - Great Australian Bight Environment Protection Bill 2019
 - National Consumer Credit Protection Amendment (Mandatory Credit Reporting and Other Measures) Bill 2019
 - National Vocational Education and Training Regulator Amendment Bill 2019
 - Regional Forest Agreements Legislation (Repeal) Bill 2017
 - Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
 - Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018

- Social Services Legislation Amendment (Payment Integrity) Bill 2019
 - Student Identifiers Amendment (Higher Education) Bill 2019
 - Tertiary Education Quality and Standards Agency Amendment (Prohibiting Academic Cheating Services) Bill 2019
 - Treasury Laws Amendment (2019 Measures No. 3) Bill 2019
 - Treasury Laws Amendment (Research and Development Tax Incentive) Bill 2019.
5. The committee considered the following bill but was unable to reach agreement:
- Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019 (see appendix 1 for a statement of reasons for referral)

(Dean Smith)

Chair

5 December 2019

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

Name of bill: *Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019*

Reasons for referral/principal issues for consideration: Introduces retrospectivity of previously unlawful decisions and increasing of powers for a law enforcement agency that already has coercive powers similar to a Royal Commission - powers that impact on the liberties of Australians who, unlike people living in any other liberal democracy, are not protected by freedoms and rights that are enshrined either legislatively or constitutionally..

Possible submissions or evidence from: Legal and human rights experts such as the Law Council of Australia, Australian Lawyers Alliance, Human Rights Law Centre.

Committee to which bill is to be referred: Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s): 30-31 January 2019

Possible reporting date: 24 February 2020

(signed)



Print name:



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

Name of bill:

Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019

Reasons for referral/principal issues for consideration:

This Bill contains a range of measures ostensibly related to combatting corporate crime, some of which may in fact make it easier for corporate criminals to avoid prosecution, thereby reducing deterrence and *increasing* the incidence of corporate crime. It is important that stakeholders, including legal experts and those dealing with corporate criminals, have an opportunity to provide feedback on this bill.

Possible submissions or evidence from:

- Law Council of Australia
- ASIC
- ACIC
- Attorney-General's Department
- Professor Liz Campbell, Monash University
- Professor Fiona Haynes, Melbourne University
- Professor Jeremy Gans, Melbourne University
- Maurice Blackburn
- Gordon Legal
- Consumer Rights Law Centre
- Victims of crime groups

Committee to which bill is to be referred:

Senate Legal and Constitutional Affairs Legislation Committee

Possible hearing date(s):

To be determined by the Committee

Possible reporting date: 20 March 2020


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Senator Anne Urquhart

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

Name of bill:

Export Control Bill 2019

Export Control (Consequential Amendments and Transitional Provisions) Bill 2019

Export Charges (Imposition— General) Amendment Bill 2019

Export Charges (Imposition— Excise) Amendment Bill 2019

Export Charges (Imposition— Customs) Amendment Bill 2019 (Originated in the House of Representatives on Wednesday 4 December 2019)

Reasons for referral/principal issues for consideration:

Interrogation of the implications of new legislative framework on the affected industries; ensure the effectiveness of the proposed framework; seek wide public consultation on the framework; allow the senate to review the proposed framework

Possible submissions or evidence from:

Committee to which bill is to be referred:

Rural and Regional and Transport Legislation Committee

Possible hearing date(s):

2020

Possible reporting date:

2020

(signed)



Print name:

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Rachel Siewert

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

Name of bills:

Export Control
Export Control (Consequential Amendments and Transitional Provisions)
Export Charges (Imposition-Customs) Amendment
Export Charges (Imposition-Excise) Amendment
Export Charges (Imposition-General) Amendment

Reasons for referral/principal issues for consideration:

- To investigate the impact of the bills on the current export control requirements
- Any additional charges or savings associated with the amendments
- Any other related matters.

Possible submissions or evidence from:

National Farmers' Federation
Australian Dairy Industry
Department of Agriculture
Australian Meat Industry Council
Meat Livestock Australia – MLA
Red Meat Advisory Council
CPSU
Grain Growers
Grain Producers Australia
Australian Forest Products Association

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

Possible hearing date(s):

To be determined by the Committee

Possible reporting date: 20 February 2020

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Senator Anne Urquhart

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

Name of bill: **Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Bill 2019**

Reasons for referral/principal issues for consideration:

This bill deals with complex questions of family law, and should be subject to appropriate scrutiny to ensure that there are no unintended consequences arising from its two key purposes:

- To give effect to a West Australian referral of powers to the Commonwealth so as to ensure that de facto couples in Western Australia are treated the same as de facto couples in other jurisdictions in relation to superannuation splitting in family law matters.

- To extend the federal bankruptcy jurisdiction to the Family Court of Western Australia so that bankruptcy and family law matters involving de facto couples can be heard concurrently in a single court.

Possible submissions or evidence from:

- Law Council of Australia
- Attorney-General's Department
- Women's Legal Service WA

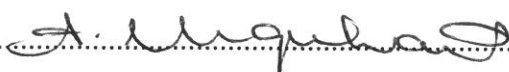
Committee to which bill is to be referred:

Senate Legal & Constitutional Affairs Legislation Committee

Possible hearing date(s):

To be determined by the Committee

Possible reporting date: 13 March 2020


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Senator Anne Urquhart

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

Name of bill:

- Federal Circuit and Family Court of Australia Bill 2019
- Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019

Reasons for referral/principal issues for consideration:

- To understand the impacts on families across Australia by the sweeping changes to the family courts that would be brought about by these bills, and which have not been the subject of any exposure draft or public consultation;
- To hear the views of court officers, legal experts, stakeholder groups, and members of the Australian public, including from regional areas, who may have used the family courts, about the merits of the government's proposed reforms.

Possible submissions or evidence from:

- The Law Council of Australia
- State and Territory Bar Associations
- Womens' groups
- Parents' groups
- The Attorney-General's Department
- Community Legal Services, including Women's Legal Services
- Family Violence Prevention Legal Services
- Members of the public who have experience with the family courts

Committee to which bill is to be referred:

Senate Legal & Constitutional Affairs Legislation Committee

Possible hearing date(s):

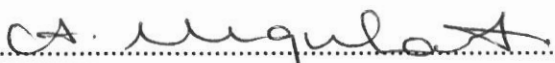
To be determined by the Committee

Possible reporting date: **20 November 2020**

In September 2019 the Morrison Government announced it would be supporting the creation of a Joint Select Committee on Australia's Family Law System, with extensive terms of reference to inquire into the operation of the Family Courts. This newly established Joint Select Committee will be consulting widely across Australia, including regional Australia, on the matters that are the subject of the measures in these bills, and is scheduled to report back to the Parliament on 7 October 2020.

Accordingly it is important that any recommendation of the Joint Select Committee be taken into account in assessing the efficacy of the radical changes to the family law system that are proposed in these bills, and which have not been developed with reference to the views of the Australian public or legal experts. Further, as a matter of basic respect for the hundreds – or likely thousands – of Australians who will be giving evidence to the Joint

Select Committee on Australia's Family Law System, we recommend that the Legal and Constitutional Affairs Committee defer substantive consideration of these bills until after the Joint Select Committee reports on 7 October 2020.


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Senator Anne Urquhart

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

Name of bill:

National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019

Reasons for referral/principal issues for consideration:

To strengthen legislation, ensure protection of vulnerable consumers and assess impact on stakeholders.

Possible submissions or evidence from:

Organisation
Afterpay
ASIC
Australia Finance Industry Association
Australian Bankers' Association Inc
Australian Council of Social Services
Australian Financial Counselling Association
Australian Financial Security Authority
CHOICE
Consumer Action Law Centre
Consumer Credit Legal Service
Consumer Household Equipment Rental Providers Association (CHERPA)
Credit Corp Group
Credit Providers Association
Finance Sector Union of Australia
Financial and Consumer Rights Council
Financial Complaints Authority
Financial Counselling Australia
Financial Rights Legal Centre
Good Shepherd Microfinance
Law Council of Australia
Lead Market Australia Pty Ltd
Moneybox Loans Pty Ltd
National Credit Providers Association
Nimble Australia Pty Ltd
NSW Financial Inclusion Network
Rural Financial Counselling Services
Salvation Army – MoneyCare Program
Stop the Debt Trap Alliance

Committee to which bill is to be referred:

Economics Legislation Committee

Possible hearing date(s):

Between 6 – 20 March 2020

Possible reporting date:

Monday 6 April 2020

(signed)

A handwritten signature in blue ink is written over a horizontal dotted line. The signature is stylized and appears to be 'S. Stirling Griff'.

Print name: Senator Stirling Griff

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

Name of bill:

National Integrity (Parliamentary Standards) Bill 2019

Reasons for referral/principal issues for consideration:

Previous attempts to introduce a parliamentary Code of Conduct have been referred to committee for analysis of the terms, administration and enforceability of the proposed code. Referral would allow these matters to be discussed in the context of this detailed Bill.

The Bill also proposes to give statutory effect to the Senators' Register of Interests and Prime Minister's Statement of Ministerial Standards

Possible submissions or evidence from:

Each of the political parties and cross-bench Senators and members

PMO

Clerks of the Senate and House of Representatives

NGOs with an interest in democracy issues (Human Rights Law Centre, The Australia Institute, Transparency International)

Academics (e.g Crawford School of Governance)

Committee to which bill is to be referred:

Senate Standing Committees on Finance and Public Administration

Possible hearing date(s):

February 2020

Possible reporting date:

April 2020

(signed)

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Print name: _____

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

Name of bill: Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-Boundary Greenhouse Gas Titles and other Measures) Bill 2091

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Measures) Bill 2019

Reasons for referral/principal issues for consideration:

- To investigate the impact of the bill on current greenhouse gas storage requirements
- To investigate the impact of a greenhouse gas storage regime extending across state and Commonwealth jurisdictions
- The impact on levies raised by the bill
- Any other related matters

Possible submissions or evidence from:

- NOPSEMA
- Department of Industry, Innovation and Science
- ACTU
- Australian Manufacturing Workers Union

Committee to which bill is to be referred:

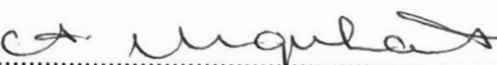
Senate Economics Legislation Committee

Possible hearing date(s):

To be determined by the Committee

Possible reporting date:

7 February 2020


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Senator Anne Urquhart

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

Name of bill:

Offshore Petroleum and Greenhouse Gas Storage Amendment (Cross-boundary Greenhouse Gas Titles) & Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Measures).

Reasons for referral/principal issues for consideration:

The bill makes significant changes to legislation to allow for Carbon Capture and Storage.

Possible submissions or evidence from:

- Climate and Environment organisations
- Oil and gas industry
- Department of Environment

Committee to which bill is to be referred:

Senate Economics Legislation Committee

Possible hearing date(s):

Possible reporting date:

(signed)


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Print name:



SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill: Saving Australian Dairy Bill 2019

Reasons for referral/principal issues for consideration:

To seek community input into this legislation which aims to ensure the ongoing viability of Australia's dairy industry by introducing three measures, viz

- a regional base price for milk and milk products;
- a mandatory code to replace the voluntary Food and Grocery Code of Conduct; and
- make a referral to the Productivity Commission.

Possible submissions or evidence from:

Individual dairy farmers from different regions
Consumers and consumer organisations
Processing organisations

Committee to which bill is to be referred:

Economics

Possible hearing date(s):

To be decided

Possible reporting date:

To be decided



(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:

Student Identifiers Amendment (Enhanced Student Permissions) Bill 2019

Reasons for referral/principal issues for consideration:

There is a risk that the proposed amendments will remove people's ability to make a "fresh start". For instance, a student who failed a training course after finishing high school because of personal issues but successfully completed a diploma some years later may not have the option of only presenting their diploma transcript when applying for work.

Referring the Bill to a short Senate Inquiry will provide the opportunity to ensure that adequate privacy protections are in place and that students aren't unreasonably disadvantaged by the proposed changes.

Possible submissions or evidence from:

ACTU, unions (ETU), NUS, employer groups.

Committee to which bill is to be referred:

Senate Education and Employment Legislation Committee

Possible hearing date(s):

To be determined by the Committee.

Possible reporting date:

21 February 2020



Senator Anne Urquhart

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

Name of bill: **Transport Security (Testing and Training) Bill 2019**

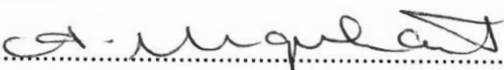
Reasons for referral/principal issues for consideration: **Understand implications of the bill**

Possible submissions or evidence from: **Unions; Airports; Airlines**

Committee to which bill is to be referred: **Senate Legal and Constitutional Affairs
Legislation Committee**

Possible hearing date(s):
To be determined by the Committee

Possible reporting date:
19 March 2020



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Senator Anne Urquhart

**SELECTION OF BILLS COMMITTEE—
PRESENTATION OF 10TH REPORT OF 2019—
AMENDMENT AGREED TO BY THE SENATE ON THURSDAY,
5 DECEMBER 2019**

At the end of the motion, add:

- (a) in respect of the Australian Crime Commission Amendment (Special Operations and Special Investigations) Bill 2019, the bill not be referred to a committee; and
- (b) in respect of the provisions of the Federal Circuit and Family Court of Australia Bill 2019 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019, the Legal and Constitutional Affairs Legislation Committee report by 20 November 2020.