

The Parliament of the Commonwealth of Australia

**PARLIAMENTARY JOINT COMMITTEE  
ON LAW ENFORCEMENT**

Regulatory Powers (Standard Provisions) Bill 2012

November 2012

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# THE COMMITTEE

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# **INQUIRY INTO THE REGULATORY POWERS (STANDARD PROVISIONS) BILL 2012 REPORT**

## **Referral of the bill**

1.1 On 11 October 2012, the House of Representatives referred the Regulatory Powers (Standard Provisions) Bill 2012 (the bill) to the Parliamentary Joint Committee on Law Enforcement (the committee) for inquiry and report.

1.2 Both the Senate Scrutiny of Bills Committee and the Parliamentary Joint Committee on Human Rights have considered and reported on the bill.

1.3 The provisions of the bill were also referred to the Senate Legal and Constitutional Affairs Legislation Committee on 11 October 2012. On 23 October 2012 that committee reported to the Senate that it had determined not to call for submissions or conduct its own inquiry in relation to the bill.

## **Conduct of the inquiry**

1.4 The committee advertised the inquiry through its webpage, and invited submissions by 7 November 2012. The committee also wrote to policy departments with regulatory agencies within their portfolio and to key policing agencies, inviting their submissions.

1.5 The committee received additional information and ten submissions. These are listed at Appendix 1. Additional information and submissions were placed on the committee's website.

1.6 A public hearing to hear evidence from the Attorney-General's Department was held in Canberra on 20 November 2012. The Hansard transcript of the evidence is available on the internet at:

[http://aph.gov.au/Parliamentary\\_Business/Committees/Senate\\_Committees?url=le\\_ctt/e/regulatory\\_powers/index.htm](http://aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=le_ctt/e/regulatory_powers/index.htm).

## **Acknowledgement**

1.7 The committee thanks those organisations which made submissions to this inquiry.

## **Overall assessment of the bill**

### *Committee view*

1.8 As a result of its inquiry, the committee formed the view that there were matters requiring further and closer consideration, potentially including constitutionality. The committee concluded that these matters would be best considered by the Senate Legal and Constitutional Affairs Legislation Committee.

**Recommendation 1**

**1.9** The committee considers that the Regulatory Powers (Standard Provisions) Bill 2012 raises issues, potentiality including constitutionality, which merit close consideration.

**1.10** The committee therefore recommends that the Regulatory Powers (Standard Provisions) Bill 2012 be referred to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry.

*Committee view*

1.11 Noting the evidence and submissions taken in its inquiry, the committee considered that it would be useful for the Senate Legal and Constitutional Affairs Legislation Committee to have the power to consider and use evidence taken.

**Recommendation 2**

**1.12** The committee recommends that in conducting any inquiry, the Senate Legal and Constitutional Affairs Committee have the power to consider and use the evidence submitted to the Parliamentary Joint Committee on Law Enforcement relating to its inquiry on the bill.

**Chris Hayes MP**

**Chair**



# Appendix 1

## Submissions Received

<b>Submission Number</b>	<b>Submitter</b>
1	Australian Law Reform Commission
2	Confidential
3	Fair Work Ombudsman
4	Australian Maritime Safety Authority
5	Department of Infrastructure and Transport
6	Law Council of Australia
7	Department of Finance and Deregulation
8	Department of Foreign Affairs and Trade
9	Comcare
10	Australian Federal Police



## **Appendix 2**

### **Witnesses who appeared before the committee**

**Tuesday, 20 November 2012 – Canberra ACT**

**Attorney-General's Department**

Mr Richard Glenn, Assistant Secretary

Ms Quentin O'Keefe, Principal Legal Officer

