

HOUSE OF REPRESENTATIVES

SELECTION COMMITTEE

REPORT NO. 3

21 October 2010

MEMBERS OF THE COMMITTEE

Chair Mr H A Jenkins MP, Speaker

Members Mr A P Bandt MP
 Mr M M Coulton MP, Nationals Whip
 Hon W G Entsch MP, Chief Opposition Whip
 Hon J L Fitzgibbon MP, Chief Government Whip
 Ms J G Hall MP
 Mr C P Hayes MP
 Ms N B Marino MP
 Mr R J M Oakeshott MP
 Ms J A Saffin MP
 Mr P D Secker MP

Secretary Ms Robyn McClelland

HOUSE OF REPRESENTATIVES

SELECTION COMMITTEE

This report is in four parts:

PART 1

Report relating to the consideration of bills introduced 28 September – 21 October 2010

1. The committee met in private session on Wednesday, 20 October 2010 and Thursday, 21 October 2010.
2. The committee determined—That—
 - the Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010 be referred to the Standing Committee on Education and Employment for report by the end of the Autumn period of sittings in 2011; and
 - the National Radioactive Waste Management Bill 2010 be referred to the Standing Committee on Climate Change, Environment and the Arts for report by the end of the Autumn period of sittings in 2011.
3. The committee determined that the following bills not be referred to committees:
 - Australian Civilian Corps Bill 2010
 - Australian National Preventive Health Agency Bill 2010
 - Autonomous Sanctions Bill 2010
 - Carer Recognition Bill 2010
 - Commission of Inquiry into the Building the Education Revolution Program Bill 2010^P
 - Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010
 - Corporations Amendment (No. 1) Bill 2010

- Corporations Amendment (Sons of Gwalia) Bill 2010
- Defence Legislation Amendment (Security of Defence Premises) Bill 2010
- Evidence Amendment (Journalists' Privilege) Bill 2010^P
- Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010
- Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010
- Financial Framework Legislation Amendment Bill 2010
- Fisheries Legislation Amendment Bill (No. 2) 2010
- Health Insurance Amendment (Pathology Requests) Bill 2010
- Higher Education Support Amendment (2010 Budget Measures) Bill 2010
- Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010
- Human Rights (Parliamentary Scrutiny) Bill 2010
- Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010
- Income Tax Rates Amendment (Research and Development) Bill 2010
- National Broadcasting Legislation Amendment Bill 2010
- National Health and Hospitals Network Bill 2010
- Radiocommunications Amendment Bill 2010
- Sex and Age Discrimination Legislation Amendment Bill 2010
- Social Security Legislation Amendment (Connecting People with Jobs) Bill 2010
- Tax Laws Amendment (2010 Measures No. 4) Bill 2010
- Tax Laws Amendment (Research and Development) Bill 2010
- Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010
- Territories Law Reform Bill 2010
- Therapeutic Goods Amendment (2010 Measures No. 1) Bill 2010
- Veterans' Affairs Legislation Amendment (Weekly Payments) Bill 2010
- Veterans' Entitlements Amendment (Claims for Travel Expenses) Bill 2010

4. The committee was not able to make a determination to refer the following bills which, at the time of the committee's meetings, had passed the House or on which debate on the motion for the second reading had resumed:

- Airports Amendment Bill 2010
- Civil Dispute Resolution Bill 2010
- Food Standards Australia New Zealand Amendment Bill 2010
- International Tax Agreements Amendment Bill (No. 2) 2010
- National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010
- National Security Legislation Amendment Bill 2010
- Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Bill 2010
- Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2010
- Ozone Protection and Synthetic Greenhouse Gas Management Amendment Bill 2010
- Parliamentary Joint Committee on Law Enforcement Bill 2010
- Primary Industries (Excise) Levies Amendment Bill 2010
- Protection of the Sea Legislation Amendment Bill 2010
- Superannuation Legislation Amendment Bill 2010
- Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010
- Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010
- Tradex Scheme Amendment Bill 2010
- Veterans' Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2010.

5. The committee reports to the House that it has deliberated upon and adopted a process for its consideration of bills for referral to committees. The process is aimed at ensuring that the committee has the necessary information to enable it to judge whether committee scrutiny of a bill is warranted, and to be aware of any programming considerations. To support its considerations, the committee requests that private Members, when presenting bills to the House, also present an outline of the bill in, or as, an explanatory memorandum to the bill.

PART 2

Amendment of Selection Committee Report No. 2

6. At the committee's meeting on Wednesday, 20 October 2010, there was further discussion in relation to its determinations reported to the House earlier that day (Committee Report No. 2).
7. The committee determined that its determinations in respect of committee and delegation business and private Members' business for Monday 25 October 2010, be amended to the effect that:
 - i. the second reading and debate on:
 1. the Commission of Inquiry into the Building the Education Revolution Program Bill 2010 take place in the Chamber at the commencement of private Members' business after 8 pm for one hour; and
 2. the Evidence Amendment (Journalists' Privilege) Amendment Bill 2010, take place in the Chamber at approximately 10.15 am for one hour; and
 - ii. debate on the motions in relation to:
 1. Pensions and the Cost of Living (notice given by Mr Adams on 18 October 2010), take place in the Main Committee commencing at approximately 11 am for one hour; and
 2. the Joint Select Committee on Broadband (notice given by Mr Turnbull on 19 October 2010), take place in the Main Committee commencing at approximately 12 noon for one hour.
8. The committee reports that, in setting times for the second reading and debate on the two private Members' bills, the committee was constrained, by standing order 222 (a) (iv) and standing order 1, from setting speaking times of 10 minutes per speaker for all speakers on the bill, including the mover and the Member representing the Prime Minister. The committee notes, however, that, under standing order 222 (c), the committee may determine the times allotted for each member speaking in private Members' business debates.

9. The committee suggests that the Procedure Committee, in monitoring and reviewing the procedural reforms implemented for the 43rd Parliament, consider proposing amendment of the standing orders to enable the Selection Committee the flexibility to set lesser speaking times for the mover of the second reading and the lead speaker for the Government or the Opposition, for private Members' bills.

PART 3

Recommendation of items of private Members' business to be voted on

10. Pursuant to standing order 222, the committee recommends that the following items of private Members' business be voted on:

Orders of the Day

Australia's Future Tax System Review (resumption of debate, from 18 October 2010, on the motion of Mr Hockey)

Criteria for Independent Youth Allowance (resumption of debate, from 18 October 2010, on the motion of Ms Marino)

Afghan Asylum Seekers (resumption of debate, from 18 October 2010, on the motion of Mr Morrison).

PART 4

General Principles Relating to the Selection of Private Members' business

11. The Committee reports to the House that it has endorsed general principles relating to the selection of Private Members' Business, as attached. The principles reflect those applied by Selection Committees in the 41st and earlier Parliaments and by the Whips in the 42nd Parliament. The Committee recommends that the general principles be adopted by the House.

Harry Jenkins
Chair

21 October 2010

General principles relating to the selection of private Members' business.

1. In formulating the priority to be given to items of private Members' business the Selection Committee shall have regard to:
 - (a) the importance of the subject;
 - (b) the current level of interest in the subject;
 - (c) the extent of the current discussion on the subject both in the Parliament and elsewhere;
 - (d) the extent to which the subject comes within the responsibility of the Commonwealth Parliament;
 - (e) the probability of the subject being brought before the House by other means within a reasonable time; and
 - (f) whether the subject is the same, or substantially the same, as another item of business which has been debated or on which the House has already made a decision in the same period of sittings and, if so, whether new circumstances exist.
2. The Committee shall accord priority to private Members' business:
 - (a) with regard to the numbers of Members affiliated with each party in the House;
 - (b) in a way which ensures that a particular Member or the Members who comprise the Opposition Executive do not predominate as the movers of the items selected;
 - (c) in a way which seeks to ensure balance is achieved over each period of sittings;
 - (d) in a manner that ensures appropriate participation by non-aligned Members.
3. When a private Member has the responsibility for the carriage of a bill transmitted from the Senate for concurrence, the bill shall be accorded priority following the question for the second reading being put to the House in the same way as a private Member's bill originating in the House is accorded priority by standing order 41.
4. Priority shall not be accorded to any item of private Members' business if the matter should be dealt with by the House in another, more appropriate, form of proceeding.
5. The general principles set out above shall be observed by the Selection Committee but nothing in the general principles shall be taken to prevent the Selection Committee departing from those general principles in order to meet circumstances, which, in its opinion, are unusual or special.
6. These general principles shall continue in effect until altered by the House following a report from this or a future Selection Committee.