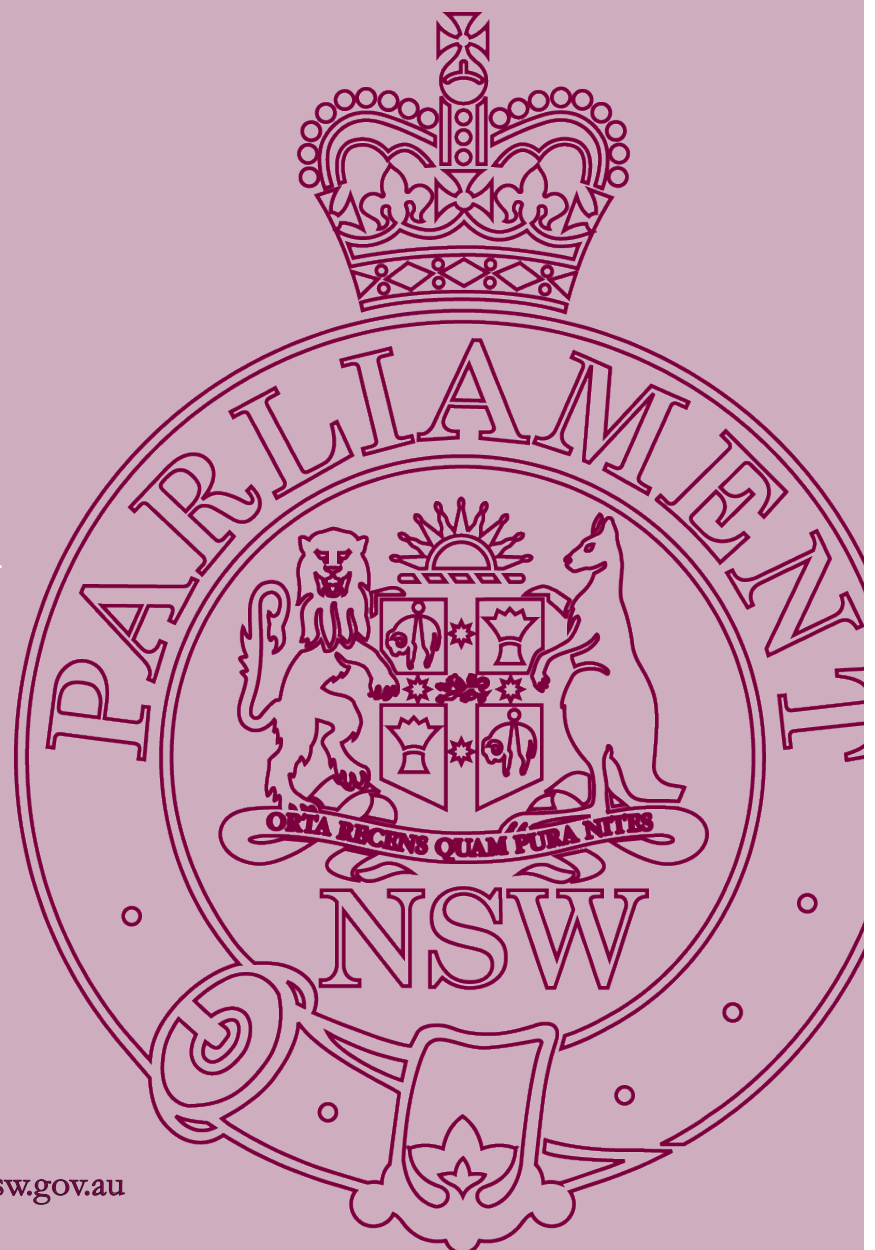




LEGISLATIVE COUNCIL

SELECTION OF BILLS COMMITTEE

Evaluation of the Selection of Bills Committee trial



Report 17

November 2018

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Selection of Bills Committee

Evaluation of the Selection of Bills Committee trial

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Terms of reference

These terms of reference were referred to the committee by the House on 23 November 2017.

1. The Selection of Bills Committee is to table a report evaluating the effectiveness of the trial by the last sitting day in November 2018.

Committee details

Committee members

The Hon Natasha Maclaren-Jones MLC	Liberal Party	<i>Chair</i>
The Hon Shaoquett Moselmane MLC	Australian Labor Party	<i>Deputy Chair</i>
The Hon Robert Brown MLC	Shooters, Fishers and Farmers Party	
The Hon Trevor Khan MLC	The Nationals	
Revd the Hon Fred Nile MLC	Christian Democratic Party	
The Hon Mark Pearson MLC	Animal Justice Party	
The Hon Dr Peter Phelps MLC	Liberal Party	
Mr David Shoebridge MLC	The Greens	
The Hon Lynda Voltz MLC	Australian Labor Party	

Contact details

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Chair's foreword

The Selection of Bills Committee was established in 2018 following a November 2016 recommendation by the Select Committee on the Legislative Council Committee System that Legislative Council committees should play a greater role in the scrutiny of bills. The Select Committee proposed that the Selection of Bills Committee be established on a trial basis, modelled on the Australian Senate's Selection of Bills Committee.

During the trial period, the Selection of Bills Committee, which included members from all political parties, worked collaboratively to consider all bills introduced into both Houses for possible referral to a subject standing committee.


A total of four bills were referred by the House for inquiry and report. By way of contrast, only 11 bills had been referred by the House to a committee during the period 1997-2016. While the four inquiries referred by the Selection of Bills Committee were conducted within short timeframes, they provided opportunities for members to examine the detail and purpose of proposed legislation and for the public to have their say.

The trial of the Selection of Bills Committee has been a considerable success. It has allowed members to harness the strength of the committee system to assist them in their role as legislators, thus fostering a respectful culture in the House in which legislative scrutiny is embraced. For this reason the committee supports establishing the Selection of Bills Committee as a standing committee at the commencement of the 57th Parliament in 2019.

Given the success of the trial this year, it is likely that an increased number of bills will be referred in future parliaments. Therefore the committee has also recommended that the Department of the Legislative Council be provided with additional resources to support this additional committee inquiry workload.

I thank my fellow committee members for their contributions throughout the trial. I also acknowledge the members of the State Development and Law and Justice Committees for their efforts in completing inquiries referred via the Selection of Bills Committee. My appreciation also goes to the Procedure Office staff who assisted the Selection of Bills Committee throughout the trial period.

I commend the report to the House.



The Hon Natasha Maclaren-Jones MLC
Committee Chair

Recommendations

Recommendation 1

5

That the Legislative Council, at the commencement of the 57th Parliament, establish the Selection of Bills Committee as a standing committee.

Recommendation 2

6

That, if the Selection of Bills Committee is established as a standing committee in the 57th Parliament, the President of the Legislative Council and the Clerk of the Parliaments make representations to NSW Treasury seeking appropriate resourcing for the increased inquiry workload.

Chapter 1 Experience of the trial committee

Origin of the Selection of Bills Committee

- 1.1 The Select Committee on the Legislative Council Committee System conducted an inquiry into the Legislative Council Committee System in 2015 and 2016. In its November 2016 report, the Select Committee considered that Legislative Council committees should play a greater role in the substantive review of bills.
- 1.2 In an effort to increase the scrutiny of bills, the Select Committee recommended that the Legislative Council establish a Selection of Bills Committee on a trial basis. The Select Committee recommended that the Selection of Bills Committee be tasked with recommending to the House:
- which bills should be referred to a committee and which of the three legislation and ministerial reference committees should examine the bill
 - the duration of the inquiry.¹
- 1.3 The Select Committee envisaged that the trial committee would work on a consensus basis, in the knowledge that any disagreements would eventually find their way to the House. The Select Committee indicated that it expected approximately 10 bills to be referred by the Selection of Bills Committee per year.²
- 1.4 The Select Committee proposed that the Selection of Bills Committee would meet at least once every sitting week and would consider all bills introduced into the Council or received from the Assembly. The Select Committee also proposed that during the trial bills should only be recommended for referral to the Legislative Council subject standing committees on Law and Justice, Social Issues, and State Development.³

Establishment of the trial

- 1.5 On 23 November 2017, the Legislative Council resolved to establish a Selection of Bills committee on a trial basis to commence on the first sitting day of 2018 and conclude on the last sitting day of 2018. The resolution also required that the Selection of Bills Committee table an evaluation report regarding the effectiveness of the trial by the last sitting day in November 2018.⁴

¹ Select Committee on the Legislative Council Committee System, *Legislative Council committee system* (2016), p 3.

² Select Committee on the Legislative Council Committee System, *Legislative Council committee system* (2016), p 2.

³ Select Committee on the Legislative Council Committee System, *Legislative Council committee system* (2016), p 2.

⁴ Minutes, NSW Legislative Council, 23 November 2017, p 2222.

- 1.6 The House resolved that the membership of the committee is to consist of three government members, two opposition members, and one member from each crossbench party, with the Chair being the Government Whip.⁵ The Opposition Whip was elected as the Deputy Chair.
- 1.7 The full text of the resolution establishing the Committee is available at Appendix 1.

Operation of the committee

- 1.8 During the trial period (to 12 November 2018), the committee met on every sitting Tuesday at 1.15 pm, before proceedings in the Legislative Council commenced.⁶
- 1.9 Prior to each meeting a list of all bills introduced into both Houses of Parliament since the previous meeting was circulated to committee members for consideration. A proforma document for the referral of a bill was also made available to committee members. This document was filled out by members proposing a bill referral and circulated to the committee prior to the meeting. The proforma listed:
- the name of the bill
 - the reasons for referral/principal issues for consideration
 - possible stakeholders to approach to obtain evidence
 - the committee to which the bill should be referred
 - the stage at which the bill should be referred
 - the proposed reporting date.⁷
- 1.10 At each Tuesday meeting members considered all bills introduced into the Parliament in the previous week, along with any proforma referral proposals submitted by members. The committee then resolved to recommend either to refer or not refer each bill.
- 1.11 Later on Tuesday during proceedings in the House the Chair then moved a motion in accordance with the recommendations made by the committee (that the House refer or not refer a bill for inquiry and report) for the House to consider.
- 1.12 As at 12 November 2018, the committee had considered 115 bills in total, and members had submitted 12 proforma referral forms concerning 10 bills. The committee recommended the referral of five bills for inquiry and the House resolved to refer four of the five bills for inquiry and report. A motion moved by the Chair in the House to refer the Fair Trading Amendment (Short-term Rental Accommodation) Bill 2018 for inquiry and report as a result of the committee's recommendation was not agreed to by the House.⁸ The decision by the committee

⁵ Minutes, NSW Legislative Council, 23 November 2017, p 2222.

⁶ The Committee also held its inaugural meeting on a Monday at 2:30 pm, its final meeting on a Monday at 2 pm and held a second meeting on one occasion during a sitting week on a Wednesday at 10 am (for a total of 17 meetings).

⁷ See Appendix Two for a copy of the proforma document for use by members.

⁸ Minutes, NSW Legislative Council, 19 June 2018, p 2729.

to recommend that the bill be referred for inquiry was decided on division, one of only four divisions taken during the committee's meetings.

- 1.13** Some members on the Selection of Bills Committee were concerned that a division had occurred as there was an expectation that the committee would operate, where possible, on a consensus basis. Some members expressed the view that an absolute majority of the committee should not be required for a recommendation to refer a bill as the House would make the final determination as to whether or not the bill would be referred.
- 1.14** On one occasion during the trial the committee met twice in one sitting week to consider a proforma referral proposal regarding the Criminal Legislation Amendment (Child Sexual Abuse) Bill 2018. At the Tuesday meeting the Committee deliberated on the possible referral and decided to informally seek further information from the relevant Minister regarding the specific issue that prompted the referral proposal and defer its decision to the next day. On the next day the Committee met again and on the basis of the advice from the Minister decided not to refer the bill for inquiry.⁹
- 1.15** The four bills referred for inquiry and report by the House on the recommendation of the Selection of Bills Committee during 2018 were the:
- Forestry Legislation Amendment Bill 2018
 - Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018
 - Water NSW Amendment (Warragamba Dam) Bill 2018
 - Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018.
- 1.16** Details of these inquiries are provided in Table 1.
- 1.17** The resolution provides that the committee can meet while the House is sitting. Although this provision was not exercised during the trial, we believe it is a useful measure and should remain as part of any future resolution to establish the committee.

The Selection of Bills Committee in the 57th Parliament

- 1.18** The committee considers that the Selection of Bills Committee is a positive and important additional mechanism to assist the scrutiny of proposed legislation in the Legislative Council.
- 1.19** The trial of the Selection of Bills Committee has demonstrated that inquiries into bills can be completed in a swift and effective manner that does not hinder timeframes for legislative debate. Inquiries referred as a result of a Selection of Bills Committee recommendation have enabled closer examination of the purpose and detail of the proposed legislation.
- 1.20** The composition of members on the committee, with members from each party represented, has worked effectively and all party views are able to be expressed when consideration is given to referring bills for inquiry.

⁹ Minutes no. 10 and no. 11, Selection of Bills Committee, 19 June 2018 and 20 June 2018.

Table 1 Inquiries resulting from Selection of Bills Committee recommendations

Bill	Committee referred to	Stage of referral for inquiry	Submissions received and hearings held	Recommendations made	Length of Inquiry	Outcome of the bill
Forestry Legislation Amendment Bill 2018	Standing Committee on State Development	The provisions of the bill were referred while the bill was in the Legislative Assembly.	52 submissions and a two hour, forty minute hearing	Two recommendations: That the NSW Government address the concerns of the NSW Apiarists' Association regarding the removal of commercial bee-keeping from forestry operations in the second reading debate of the Forestry Legislation Amendment Bill 2018. That the Legislative Council proceed to debate the Forestry Legislation Amendment Bill 2018, and that the NSW Government address the committee comments and recommendations contained in this report during Legislative Council's second reading debate.	14 days	Passed the Legislative Council with amendments
Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018	Standing Committee on Law and Justice	Referred on the conclusion of the second reading debate but before the question on the second reading was put.	Three submissions and a two hour hearing	One recommendation: That the Legislative Council proceed to consider the Road Transport Legislation Amendment (Penalties and Other Sanctions) Bill 2018 and consider amendments in the committee stage that address stakeholder concerns raised in this inquiry.	6 days	Passed the Legislative Council with amendments
Water NSW Amendment (Warragamba Dam) Bill 2018	Standing Committee on State Development	Referred on the conclusion of the second reading debate but before the question on the second reading was put.	110 submissions and a four hour, thirty minute hearing	Seven recommendations, including: That the Legislative Council proceed with debate on the Water NSW Amendment (Warragamba Dam) Bill 2018. That the NSW Government address the committee comments and recommendations contained in this report.	14 days	Passed the Legislative Council without amendment
Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018	Standing Committee on Law and Justice	The provisions of the bill were referred while the bill was in the Legislative Assembly and the bill itself was referred upon receipt of the message on the bill.	Seven submissions and a two hour hearing	One recommendation: That, when the Legislative Council proceeds to consider the Road Transport Amendment (National Facial Biometric Matching Capability) Bill 2018, stakeholder concerns raised in this inquiry be addressed by the government during debate on the bill in the Legislative Council.	20 days	Debate on the bill had not resumed at 12 November.

- 1.21** It is notable that two of the four bills referred for inquiry via the Selection of Bills Committee were later amended in the Legislative Council, and one report specifically recommended that the Council consider amendments in committee of the whole based on stakeholder concerns.
- 1.22** The four bills referred for inquiry during the trial received significant community and media attention, and provided more opportunities for the public to become aware of the proposed legislation and to have their say.¹⁰
- 1.23** The committee recommends that the Selection of Bills Committee be established as a standing committee in the 57th Parliament.

Recommendation 1

That the Legislative Council, at the commencement of the 57th Parliament, establish the Selection of Bills Committee as a standing committee.

Issues arising during the trial

- 1.24** During the trial period a small number of procedural and administrative issues regarding the operation of the Selection of Bills Committee and the conduct of the inquiries referred by the committee were identified. These are discussed below.

Referral of bills to other committees

- 1.25** The resolution establishing the Selection of Bills Committee specifies that the committee can consider whether any bill should be referred to either the Standing Committee on Law and Justice, Standing Committee on Social Issues, or Standing Committee on State Development for inquiry and report.¹¹ These committees have an equal number of Government and non Government members, but a Government chair who has a casting vote, therefore an effective Government majority.
- 1.26** The committee considered the potential benefits of being able to recommend that bills be referred to committees which do not have a Government majority.
- 1.27** The Selection of Bills Committee process does not preclude members from seeking to refer bills for inquiry and report in the House in the usual way under Standing Order 140. During the trial period members sought to refer eight bills to a committee by amending the second reading question in the House. Each of these amendments was negated.

¹⁰ For example Clarissa Bye, 'Experts slam DUI spot fines', *Daily Telegraph*, 25 September 2018, p 8, and Elizabeth Farrelly, 'Warning proves prescient over Sydney's hunger for housing', *Sydney Morning Herald*, 27 October 2018, <https://www.smh.com.au/politics/nsw/warning-proves-prescient-over-sydney-s-hunger-for-housing-20181025-p50bx1.html>.

¹¹ Minutes, NSW Legislative Council, 23 November 2017, p 2221.

- 1.28 On one occasion after a referred inquiry into a bill had been completed, a member sought to refer the same bill for an inquiry by Portfolio Committee No. 6 – Planning and Environment. The motion to amend the second reading question to refer the bill to the Portfolio Committee was negated.¹²

Resourcing

- 1.29 During the trial, the Selection of Bills Committee was supported by staff from the Legislative Council Procedure Office.¹³ Any inquiries arising as a result of a recommendation by the committee were supported by the Legislative Council Committee Office.
- 1.30 All of the inquiries referred via the Selection of Bills Committee were completed using existing Legislative Council Committee staff and resources. At a particularly busy period for committees during the trial period, staff attached to the Legislative Council Procedure Office assisted with two referred inquiries to ensure that the inquiries were completed by the specified reporting date.
- 1.31 Considering the success of the trial in 2018, there is potential for an increased number of bills to be referred for inquiry via the Selection of Bills Committee, which would have resource implications for the Department of the Legislative Council, particularly if these inquiries are conducted within a very tight timeframe.
- 1.32 It is recommended that, if the Selection of Bills Committee is established as a standing committee in the 57th Parliament, the President of the Legislative Council and the Clerk of the Parliaments make representations to NSW Treasury seeking appropriate resourcing for inquiries referred as a result of the committee's recommendations.

Recommendation 2

That, if the Selection of Bills Committee is established as a standing committee in the 57th Parliament, the President of the Legislative Council and the Clerk of the Parliaments make representations to NSW Treasury seeking appropriate resourcing for the increased inquiry workload.

Stage at which bills can be referred

- 1.33 The resolution establishing the Selection of Bills Committee provides that the committee should consider the stage in the consideration of the bill at which the bill should be referred. The resolution also specifies that when the inquiry report is tabled 'a motion may be moved without notice that the bill be restored to the Notice Paper at the stage it had reached prior to referral'.¹⁴

¹² Minutes, NSW Legislative Council, 16 October 2018, p 3011.

¹³ The Procedure Office also supports the Legislative Council Procedure Committee and the Legislative Council Privileges Committee.

¹⁴ Minutes, NSW Legislative Council, 23 November 2017, pp 2221-2222.

- 1.34** It is notable that two referrals occurred while bills were still in the Legislative Assembly; in these cases the 'provisions' of the bills were referred for inquiry. It is useful to be able to refer the 'provisions' of a bill in the Legislative Assembly for inquiry, as it allows the inquiry to commence without waiting for the bill to be received by the Legislative Council.
- 1.35** During the trial period two bills were referred at the conclusion of the second reading debate but before the second reading question was put. Concerns were raised by members about the inability of members to speak to the findings of referred bill inquiries during debate in the House when bills are referred at this stage.
- 1.36** In the case of the Water NSW Amendment (Warragamba Dam) Bill 2018, a conduct of business motion was moved after the inquiry report was tabled to enable the Shadow Minister to speak a second time and for the Minister to speak a second time in reply, for a maximum of 20 minutes each.¹⁵ In their following contributions both the Minister and the Shadow Minister reflected on the inquiry and the Minister responded to issues raised in the report.¹⁶
- 1.37** In its report on the Water NSW Amendment (Warragamba Dam) Bill 2018, the State Development Committee recommended that in future the Legislative Council should consider 'referring bills prior to the conclusion of the second reading debate reply'.¹⁷
- 1.38** The committee considers that it is important for members to have an opportunity to speak to the findings of an inquiry into a bill during debate on the relevant bill. This would be facilitated by the referral of bills at the conclusion of the Minister's second reading speech, rather than at the conclusion of the debate. This allows for all members to reflect on the inquiry's findings in their contributions during the second reading debate which is put on hold until the inquiry report is tabled.
- 1.39** However, the committee also believes that the committee and the House must have the flexibility to refer a bill at whatever stage they consider most appropriate. Therefore, should a bill be referred at the conclusion of the second reading debate but before the question is put, there should be a provision for members to speak to the inquiry's findings during debate.
- 1.40** Consequentially, the committee believes that in the future when a bill is referred at the conclusion of the second reading debate but before the question on the second reading is put, the resolution establishing the Selection of Bills Committee should provide for certain members to make a contribution or further contribution to the debate.

Timeframes for referred inquiries

- 1.41** The resolution establishing the Selection of Bills Committee provides that the committee should report on an intended reporting date when considering a bill for referral.¹⁸ It is clear that the four referred bill inquiries had significantly shorter timeframes compared to regular inquiries

¹⁵ Minutes, NSW Legislative Council, 16 October 2018, p 3009.

¹⁶ Hansard, NSW Legislative Council, 16 October 2018.

¹⁷ Standing Committee on State Development, *Water NSW Amendment (Warragamba Dam) Bill 2018*, October 2018, p 32.

¹⁸ Minutes, NSW Legislative Council, 23 November 2017, p 2221.

conducted by Legislative Council Committees.¹⁹ It was perhaps always considered that this would be the case considering the Government's legislative agenda. Notwithstanding that these inquiries were conducted within a short timeframe, the committee considers that they contributed to effective scrutiny of the proposed legislation.

Calling for submissions and holding public hearings

- 1.42** During the trial period the numbers of submissions received by referred bill inquiries varied, ranging from three to 110 submissions received.
- 1.43** In the 57th Parliament, committees conducting referred bill inquiries may wish to (when appropriate and when facing a tight timeframe) seek submissions by invitation only, rather than through a public call for submissions.²⁰ Not accepting submissions after the closing date may also assist with the conduct of an inquiry within a short timeframe.

Circulation of meeting papers

- 1.44** During the trial period meeting papers were circulated to committee members on Friday afternoons prior to a sitting week, with the committee meeting in the early afternoon on the following Tuesday.
- 1.45** At the end of the trial period members considered that it would be beneficial for meeting papers to be circulated to the committee earlier, in order to provide more time for consideration of the bills able to be referred for inquiry. The committee considers that in future meeting papers should be circulated after Question Time on Thursdays.

Debate on reports of the Selection of Bills Committee

- 1.46** The resolution establishing the Selection of Bills Committee provides that the Chair may move a motion without notice for the House to implement the recommendations of the committee's report. The resolution provides that 'a member shall not speak for more than 5 minutes on the motion, and at the expiration of 30 minutes, if the debate is not sooner concluded, the President shall put the question on the motion and any amendments'.²¹
- 1.47** The committee believes that the resolution establishing the committee in the 57th Parliament should provide for debate to be interrupted to allow the mover of the motion to speak in reply.

Government responses to referred inquiry recommendations

- 1.48** Standing Order 233 provides that within six months of a committee report that recommends that action be taken by the Government being tabled, the Leader of the Government must

¹⁹ See Table 1 for the timeframes for each inquiry referred via the Selection of Bills Committee.

²⁰ Proforma referral documents submitted by committee members often identify who the member believes should provide evidence during the proposed inquiry.

²¹ Minutes, NSW Legislative Council, 23 November 2017, p 2222.

report to the House what action the Government proposes to take in relation to each recommendation.

- 1.49** With inquiries referred via the Selection of Bills Committee likely to be subject to short timeframes, and considering that the bills are likely to be debated soon after the inquiry report is tabled, any government response supplied six months later will probably be of limited use.
- 1.50** For example, the report into the Provisions of the Forestry Legislation Amendment Bill 2018 specifically recommended that Government address the committee comments and recommendations during the second reading debate.²²
- 1.51** The reports of the bill inquiries are designed above all else to assist the House in the consideration of the passage of the bill concerned. Most recommendations, whether directed to the House or to the Government, usually centre on how the bill should be dealt with in debate or committee of the whole. Given this, the committee believes that it is sensible that a government response under Standing Order 233 should not be required in all cases.
- 1.52** The committee believes that in the 57th Parliament provision should be made whereby on the tabling of a report on a bill, the Chair or another member of the committee may move that a Government response is not required.

Take note debates on referred bill inquiry reports

- 1.53** No members sought to move a take note debate for the referred bill inquiry reports tabled to 12 November 2018. During the trial period the inquiry reports were discussed by members during the relevant bill debate in the House, rather than in a take note debate for each report, which would be unlikely to commence until well after the bill had been passed.

Conclusion

- 1.54** The trial of the Selection of Bills Committee was intended to enhance the Legislative Council's role in scrutinising bills - a fundamental aspect of the role of an upper house.
- 1.55** The 2018 trial of the committee has been a considerable success. The selection of bills process has allowed members to harness the strength of the committee system to assist them in their role as legislators, thus fostering a respectful culture in the House in which legislative scrutiny is embraced.
- 1.56** For this reason the committee supports establishing the Selection of Bills Committee as a standing committee at the commencement of the 57th Parliament in 2019.

²² Standing Committee on State Development, *Provisions of the Forestry Legislation Amendment Bill 2018*, June 2018, p 16.

Appendix 1 Resolution establishing the committee

Selection of Bills Committee (Legislative Council Minutes 23 November 2017, pp 2221-2223.)

Mr Searle moved, according to notice:

1. That this House notes that on 28 November 2016, the Select Committee on the Legislative Council Committee System tabled its final report which:
 - (a) identified a general consensus among inquiry participants that Legislative Council committees should play a greater role in scrutinising bills, and
 - (b) recommended the establishment of a Selection of Bills Committee, on a trial basis, which would identify which bills should be referred to a committee for inquiry and report.
2. That this House notes that the Government provided its response to the report on 26 May 2017, indicating that consideration of the committee's recommendations is a matter for the Legislative Council, which has the power to implement the recommendations should it see fit to do so.
3. That, in accordance with recommendation 2 of the Select Committee on the Legislative Council Committee system, and notwithstanding anything to the contrary contained in the standing or sessional orders, this House adopt the following resolution:

Appointment

1. A Selection of Bills Committee be appointed, on a trial basis, to commence on the first sitting day in 2018 and conclude on the last sitting day in November 2018.

Functions

2. The Selection of Bills Committee is to consider all bills introduced into either House and to report on whether any bill should be referred to either the Standing Committee on Law and Justice, Standing Committee on Social Issues or Standing Committee on State Development for inquiry and report, and in particular:
 - (a) the committee to which the bill should be referred,
 - (b) the stage in the consideration of the bill at which it should be referred to the committee, and
 - (c) the reporting date.
3. The Selection of Bills Committee cannot consider bills which contain no provisions other than provisions appropriating revenue or moneys.

Motion to implement the recommendations of the report

4. (1) On the tabling of a report by the Selection of Bills Committee, the Chair of the committee, or a member of the committee on behalf of the Chair, may move without notice a motion to agree to the recommendations of the report, including:
 - (a) the standing committee to which the bill is to be referred,
 - (b) the stage in the consideration of the bill at which it is to be referred to the committee, and
 - (c) the reporting date.
- (2) Amendments may be moved to a motion moved under paragraph 4(1), including amendments to refer other bills to a standing committee.

- (3) A member shall not speak for more than 5 minutes on the motion, and at the expiration of 30 minutes, if the debate is not sooner concluded, the President shall put the question on the motion and any amendments.
 - (4) A motion to take note of a report under standing order 232 may not be moved to a report of the Selection of Bills Committee.
5. A bill referred to a committee under this resolution may not be further considered by the House until the committee has reported.

Further consideration of the bill by the House

6. On the tabling of the report by the specified standing committee, a motion may be moved without notice that the bill be restored to the Notice Paper at the stage it had reached prior to referral.

Membership

7. The Selection of Bills Committee is to consist of the following members:
- (a) three government members, one of which is the Government Whip,
 - (b) two opposition members, and
 - (c) one member from each crossbench party.

Chair

8. The Government Whip is to be the Chair.

Quorum

9. The quorum of the Selection of Bills Committee is three members, of whom two must be government members and one non-government member.

Committee may sit while the House is sitting

10. The Selection of Bills Committee may sit while the House is sitting.

Substitute members

11. (1) Members may be appointed to the Selection of Bills Committee as substitute members for any matter before the committee, by notice in writing to the Committee Clerk.
- (2) Nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whip or Deputy Whip, as applicable.
- (3) Nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.

Evaluation

12. The Selection of Bills Committee is to table a report evaluating the effectiveness of the trial by the last sitting day in November 2018.

Question put and passed.

Appendix 2 Proforma bill referral document

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Reasons for referral/principal issues for consideration:

Possible submissions or evidence from:

Committee to which bill is to be referred:

- Standing Committee on Law and Justice
- Standing Committee on Social Issues
- Standing Committee on State Development

Stage which the bill should be referred:

Reporting date:

Signed:
Selection of Bills Committee member

Date:

Appendix 3 Minutes

Draft minutes no. 17

Monday 12 November 2018
 Selection of Bills Committee
 Room 1136, Parliament House, 2.05 pm

1. Members present

Mrs Maclaren-Jones, *Chair*
 Mr Moselmane *Deputy Chair*
 Mr Martin
 Revd Mr Nile
 Dr Phelps
 Mr Shoebridge
 Ms Voltz

2. Apologies

Mr Brown
 Mr Pearson

3. Substitutions

Mr Martin for Mr Khan

4. Draft minutes

Resolved, on the motion of Mr Moselmane: That draft minutes No 16, be confirmed.

5. Bills for consideration *(previously circulated)*

The Chair noted the proposal circulated by Ms Voltz to refer the Children and Young Persons (Care and Protection) Amendment Bill 2018 to the Standing Committee on Law and Justice for inquiry and report.

Ms Voltz moved: That:

- (a) the Children and Young Persons (Care and Protection) Amendment Bill 2018 be referred to the Standing Committee on Law and Justice for inquiry and report,
- (b) the bill be referred to the committee prior to the second reading debate, and
- (c) the committee report by 20 or 21 November 2018.

The committee divided.

Ayes: Mr Moselmane, Mr Shoebridge, Ms Voltz.

Noes: Mrs Maclaren-Jones, Mr Martin, Revd Mr Nile, Dr Phelps.

Question resolved in the negative.

The Chair noted the proposal circulated by Mr Moselmane to refer the Public Works and Procurement Amendment (Enforcement) Bill 2018 to the Standing Committee on Law and Justice for inquiry and report.

Mr Moselmane moved: That:

- (a) the Public Works and Procurement Amendment (Enforcement) Bill 2018 be referred to the Standing Committee on Law and Justice for inquiry and report, and
- (b) the bill be referred to the committee prior to the second reading debate.

The committee divided.

Ayes: Mr Moselmane, Mr Shoebridge, Ms Voltz.

Noes: Mrs Maclaren-Jones, Mr Martin, Revd Mr Nile, Dr Phelps.

Question resolved in the negative.

Resolved, on the motion of Revd Mr Nile: That the following bills not be referred to a standing committee for inquiry and report, this day:

- Children and Young Persons (Care and Protection) Amendment Bill 2018
Cognate with:
 - National Disability Insurance Scheme (Worker Checks) Bill 2018
- Health Legislation Amendment Bill (No 3) 2018
- Justice Legislation Amendment Bill (No 3) 2018
Cognate with:
 - Crimes Legislation Amendment (Victims) Bill 2018
 - Government Information (Public Access) Amendment Bill 2018
- Public Works and Procurement Amendment (Enforcement) Bill 2018
- Retirement Villages Amendment Bill 2018
Cognate with:
 - Building and Construction Industry Security of Payment Amendment Bill 2018
 - Fair Trading Legislation Amendment (Miscellaneous) Bill 2018
 - Protection of the Environment Operations Amendment (Asbestos Waste) Bill 2018
- Saint Paul's College Bill 2018
- Snowy Hydro Corporatisation Amendment (Snowy 2.0) Bill 2018
- Workers Compensation Legislation Amendment (Firefighters) Bill 2018
- Exhibited Animals Protection Amendment (Prohibitions on Exhibition) Bill 2018
- Justice Legislation Amendment (Walama Court) Bill 2018
- Liquor Legislation Amendment (Repeal of Lock-out Laws) Bill 2018

6. Evaluation report

The Chair submitted her draft report entitled, 'Evaluation of the Selection of Bills Committee trial' which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Shoebridge: That a conclusion paragraph be inserted after paragraph 1.53 noting the success of the trial in creating a culture of scrutiny in the Legislative Council (to be drafted by the secretariat and circulated to the committee for approval).

Resolved, on the motion of Mr Moselmane: That the following sentence be inserted at the end of paragraph 1.6:

"The Opposition Whip was elected as the Deputy Chair."

Resolved, on the motion of Revd Mr Nile:

- (a) That the draft report as amended be the report of the committee and that the committee present the report to the House,
- (b) That the minutes of proceedings relating to the evaluation be tabled in the House with the report,
- (c) That dissenting statements be provided to the secretariat by 11am Tuesday 13 November 2018,

- (d) That the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling,
- (e) That the committee secretariat update the report to reflect the consideration of additional proformas at deliberative meeting no. 17, and
- (f) That the report be tabled on 21 November 2018.

Resolved, on the motion of Mr Moselmane: That the committee not meet again for the remainder of 2018.

Resolved, on the motion of Mr Moselmane: That the committee notes its appreciation for the work of the secretariat during the trial.

7. Next meeting

The committee adjourned at 2.31 pm, *sine die*.

Beverly Duffy
Clerk to the Committee

