

Legislative Council—No 27A

As reported with amendments and an amended title, report adopted, Standing Orders suspended and passed remaining stages, 4 December 2014

South Australia

Parliamentary Committees (Electoral Laws and Practices Committee) Amendment Bill 2014

A BILL FOR

An Act to amend the *Parliamentary Committees Act 1991* to provide for the establishment of the Electoral Laws and Practices Committee.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Parliamentary Committees (Electoral Laws and Practices Committee) Amendment Act 2014*.

5 2—Commencement

- (1) This Act will come into operation on a day to be fixed by proclamation (which may not be a day that falls before the prescribed report has been presented to each House of Parliament).
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act or a provision of this Act.
- (3) In this section—

prescribed report means the report prepared by a commission of inquiry established by the Parliament to inquire into and report on electoral reform that would ensure that the political party (or coalition) that receives the majority of the State-wide vote at a general election of members of the House of Assembly is elected in sufficient numbers to enable that party (or coalition) to form a government.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Parliamentary Committees Act 1991*

3A—Amendment of section 15E—Membership of Committee

Section 15E—after subsection (2) insert:

- 5 (2a) A Minister of the Crown is not eligible for appointment to the Committee.

3B—Amendment of section 15H—Membership of Committee

Section 15H—after subsection (1) insert:

- 10 (1a) A Minister of the Crown is not eligible for appointment to the Committee.

4—Insertion of Part 5F

After Part 5E insert:

Part 5F—Electoral Laws and Practices Committee

Division 1—Establishment and membership of Committee

15P—Establishment of Committee

15 The *Electoral Laws and Practices Committee* is established as a committee of the Parliament.

15Q—Membership of Committee

- (1) The Committee is to consist of 8 members of whom—

- 20 (a) 4 must be members of the House of Assembly appointed by the House of Assembly, of whom—

(i) at least 1 must be appointed from the group led by the Leader of the Opposition; and

(ii) at least 1 must be appointed from the group led by the Leader of the Government; and

25 (iii) at least 1 must be a member who does not belong to the group led by the Leader of the Opposition or the group led by the Leader of the Government (unless there is no such member or no such member consents to appointment to the Committee); and

- 30 (b) 4 must be members of the Legislative Council appointed by the Legislative Council, of whom—

(i) at least 1 must be appointed from the group led by the Leader of the Opposition; and

35 (ii) at least 1 must be appointed from the group led by the Leader of the Government; and

(iii) at least 1 must be a member who does not belong to the group led by the Leader of the Opposition or the group led by the Leader of the Government (unless there is no such member or no such member consents to appointment to the Committee).

- (2) A Minister of the Crown is not eligible for appointment to the Committee.
- (2a) The members of the Committee are not entitled to remuneration for their work as members of the Committee.
- (3) The Committee must from time to time appoint 1 of its House of Assembly members to be the Presiding Member of the Committee but if the members are at any time unable to come to a decision on who is to be the Presiding Member, or on who is to preside at a meeting of the Committee in the absence of the Presiding Member, the matter is referred by force of this subsection to the House of Assembly and that House will determine the matter.

Division 2—Functions of Committee

15R—Functions of Committee

The functions of the Committee are—

- (a) to inquire into, consider and report on—
- (i) the conduct of parliamentary elections and referendums in South Australia; and
 - (ii) the administration and operation of, and practices associated with, the *Electoral Act 1985* and any other law relating to electoral matters; and
 - (iii) any other matter referred to the Committee by resolution of either House of Parliament; and
- (b) to perform other functions assigned to the Committee under this or any other Act.

4A—Transitional provision

A member of either or both of the following Committees under the *Parliamentary Committees Act 1991* who is a Minister of the Crown ceases to hold office as a member of the Committee or Committees on the commencement of this section:

- (a) the *Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation*;
- (b) the *Statutory Officers Committee*.