

Legislative Council—No 151

As introduced and read a first time, 6 March 2024

South Australia

Parliamentary Committees Bill 2024

A BILL FOR

An Act to provide for the establishment of various Parliamentary committees, to define the powers and duties of those committees, to make related amendments to various Acts, to repeal the *Parliamentary Committees Act 1991* and for other purposes.

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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 Act 2024*.

5 2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act—

appointing House or Houses means—

- 10 (a) in relation to a Committee established under Part 2—the House of Assembly;
or
(b) in relation to a Committee established under Part 3—the Legislative Council;
or
(c) in relation to any other Committee—both Houses,

15 and ***appointing House***, in relation to a member of a Committee, means the House that appointed the member to the Committee;

Committee means a Committee established under this Act;

construction includes—

- 20 (a) the making of any repairs or improvements or other physical changes to any building, structure or land; and
(b) the acquisition and installation of fixtures, plant or equipment when carried out as part of, or in conjunction with, the construction of a work;

Crossbench member means a member of Parliament who is neither a Government member nor an Opposition member;

Government member means a member of Parliament who forms part of the group led by the Leader of the Government;

5 **House** means—

- (a) the House of Assembly; or
- (b) the Legislative Council;

land includes an area covered by the sea or other water;

10 **legislative instruments** means regulations as defined in the *Legislative Instruments Act 1978* and any other enactment of a legislative character to which section 10A of that Act applies;

natural resources includes—

- (a) soil; and
- (b) water resources; and
- 15 (c) geological features and landscapes; and
- (d) native vegetation, native animals and other native organisms; and
- (e) ecosystems;

Opposition member means a member of Parliament who forms part of the group led by the Leader of the Opposition;

20 **Portfolio Committee** means a Committee established under Part 3 Division 2;

Presiding Member, in relation to a Committee, means the person appointed to be the Presiding Member of the Committee;

Presiding Officer, in relation to a House, means the Speaker of the House of Assembly or the President of the Legislative Council;

25 **publicly funded body** means any body that is financed wholly or partly out of public funds;

public officer means a person holding or acting in a public office or position established by or under an Act or otherwise by the Government of the State, but does not include—

- 30 (a) a member or officer of the Parliament; or
- (b) a member or officer of a court or tribunal; or
- (c) a member or officer of a council or other local government body;

public sector operations means all operations and activities carried on by public officers or State instrumentalities;

35 **public work** means any work that is proposed to be constructed where—

- (a) the whole or a part of the cost of construction of the work is to be met from money provided or to be provided by Parliament or a State instrumentality; or
- (b) the work is to be constructed by or on behalf of the Crown or a State instrumentality; or

(c) the work is to be constructed on land of the Crown or a State instrumentality;

regulation means any form of prohibition, restriction or control imposed by legislation or by or on behalf of the State;

State instrumentality means an agency or instrumentality of the Crown and includes—

- (a) an administrative unit of the Public Service; and
- (b) a statutory authority,

but does not include—

- (c) a body wholly comprised of members of Parliament; or
- (d) a court or tribunal; or
- (e) a council or other local government body;

statutory authority means a body corporate that is established by an Act and—

- (a) is comprised of or includes, or has a governing body comprised of or including, persons or a person appointed by the Governor, a Minister or an agency or instrumentality of the Crown; or
- (b) is subject to control or direction by a Minister; or
- (c) is financed wholly or partly out of public funds,

and includes a company or other body corporate that is a subsidiary of, or controlled by, such a body corporate, but does not include—

- (d) a body wholly comprised of members of Parliament; or
- (e) a council or other local government authority;

work means any building or structure or any repairs or improvements or other physical changes to any building, structure or land.

Part 2—House of Assembly Committees

Division 1—Economic and Finance Committee

4—Establishment of Committee

The *Economic and Finance Committee* is established as a committee of Parliament.

5—Membership of Committee

- (1) The Committee is to consist of 7 members of the House of Assembly appointed by the House of Assembly.
- (2) A Minister of the Crown is not eligible for appointment to the Committee.
- (3) The Committee must from time to time appoint 1 of its 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.

6—Functions of Committee

The functions of the Economic and Finance Committee are—

- (a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:
 - 5 (i) any matter concerned with finance or economic development;
 - (ii) any matter concerned with the structure, organisation and efficiency of any area of public sector operations or the ways in which efficiency and service delivery might be enhanced in any area of public sector operations;
 - 10 (iii) any matter concerned with the functions or operations of a particular public officer or a particular State instrumentality or publicly funded body (other than a statutory authority) or whether a particular public office or particular State instrumentality (other than a statutory authority) should continue to exist or whether changes should be made to improve efficiency and effectiveness in the area;
 - 15 (iv) any matter concerned with regulation of business or other economic or financial activity or whether such regulation should be retained or modified in any area; and
- 20 (b) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

Division 2—Public Works Committee

7—Establishment of Committee

The *Public Works Committee* is established as a committee of the Parliament.

8—Membership of Committee

- 25 (1) The Committee is to consist of 5 members of the House of Assembly appointed by the House of Assembly.
- (2) A Minister of the Crown is not eligible for appointment to the Committee.
- (3) The Committee must from time to time appoint 1 of its 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.
- 30

9—Functions of Committee

The functions of the Public Works Committee are—

- 35 (a) to inquire into, consider and report on any public work referred to it by or under this Act, including—
 - (i) the stated purpose of the work; and
 - (ii) the necessity or advisability of constructing it; and

- 5
- (iii) where the work purports to be of a revenue-producing character, the revenue that it might reasonably be expected to produce; and
- (iv) the present and prospective public value of the work; and
- (v) the recurrent or whole-of-life costs associated with the work, including costs arising out of financial arrangements; and
- (vi) the estimated net effect on the Consolidated Account or the funds of a statutory authority of the construction and proposed use of the work; and
- 10 (vii) the efficiency and progress of construction of the work and the reasons for any expenditure beyond the estimated costs of its construction; and
- (b) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

Part 3—Legislative Council Committees

15 **Division 1—Budget and Finance Committee**

10—Establishment of Committee

The *Budget and Finance Committee* is established as a committee of the Parliament.

11—Membership of Committee

- 20 (1) The Committee is to consist of 5 members of the Legislative Council appointed by the Legislative Council.
- (2) A Minister of the Crown is not eligible for appointment to the Committee.
- (3) The Committee must from time to time appoint an Opposition member 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 Legislative Council and that House will determine the matter.
- 25

12—Functions of Committee

The functions of the Budget and Finance Committee are—

- 30 (a) to inquire into, consider and report on any statutory authority referred to it under this Act, including—
- (i) the need for the authority to continue in existence; and
- (ii) the functions of the authority and the need for the authority to continue to perform those functions; and
- 35 (iii) the net effect of the authority and its operations on the finances of the State; and
- (iv) whether the authority and its operations provide the most effective, efficient and economical means for achieving the purposes for which the authority was established; and

(v) whether the structure of the authority is appropriate to its functions;
and

(vi) whether the functions or operations of the statutory authority
duplicate or overlap in any respect the functions or operations of
another authority, body or person; and

(b) to perform such other functions as are imposed on the Committee under this
or any other Act or by resolution of both Houses.

Division 2—Portfolio Committees

13—Establishment of Committees

Portfolio Committee A and *Portfolio Committee B* are established as committees of the
Parliament.

14—Membership of Portfolio Committees

(1) The Portfolio Committees are to each consist of 5 members of the Legislative Council
appointed by the Legislative Council.

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

(3) Each Portfolio Committee must, from time to time, appoint 1 of its members to be the
Presiding Member of the Committee, being—

(a) in the case of Portfolio Committee A—a Crossbench member; and

(b) in the case of Portfolio Committee B—a Government member,

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 Legislative Council and that House will determine the matter.

15—Functions of Portfolio Committees

(1) As soon as practicable after the commencement of the first session of each new
Parliament, the Legislative Council will determine the portfolios that are to be
assigned to Portfolio Committee A and to Portfolio Committee B.

(2) The functions of the Portfolio Committees are—

(a) to inquire into, consider and report on such of the following matters as are
referred to it under this Act:

(i) the policies sought to be implemented by any Bill before the
Parliament that falls within any of the portfolios assigned to the
Committee;

(ii) any public works that fall within any of the portfolios assigned to the
Committee, including—

(A) the stated purpose of the work;

(B) the necessity or advisability of constructing it;

- (C) where the work purports to be of a revenue-producing character, the revenue that it might reasonably be expected to produce;
- (D) the present and prospective public value of the work;
- (E) the recurrent or whole-of-life costs associated with the work, including costs arising out of financial arrangements;
- (F) the estimated net effect on the Consolidated Account or the funds of a statutory authority of the construction and proposed use of the work;
- (G) the efficiency and progress of construction of the work and the reasons for any expenditure beyond the estimated costs of its construction;

(iii) any other matter relating to any of the portfolios assigned to the Committee; and

- (b) to inquire into, consider and report on petitions referred to it under section 33; and
- (c) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

Part 4—Joint Parliamentary Committees

Division 1—Social Development Committee

16—Establishment of Committee

The *Social Development Committee* is established as a committee of Parliament.

17—Membership of Committee

- (1) The Committee is to consist of 6 members.
- (2) 3 members of the Committee must be members of the House of Assembly appointed by the House of Assembly and 3 must be members of the Legislative Council appointed by the Legislative Council.
- (3) A Minister of the Crown is not eligible for appointment to the Committee.
- (4) The Committee must from time to time appoint 1 of its Legislative Council 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 Legislative Council and that House will determine the matter.

18—Functions of Committee

The functions of the Social Development Committee are—

- (a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:

- 5
- (i) any matter concerned with the health, welfare or education of the people of the State;
 - (ii) any matter concerned with occupational safety or industrial relations;
 - (iii) any matter concerned with the arts, recreation or sport or the cultural or physical development of the people of the State;
 - (iv) any matter concerned with the quality of life of communities, families or individuals in the State or how that quality of life might be improved;
- 10 (b) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

Division 2—Environment and Natural Resources Committee

19—Establishment of Committee

The *Environment and Natural Resources Committee* is established as a committee of Parliament.

15 **20—Membership of Committee**

- (1) The Committee is to consist of 6 members.
 - (2) 3 members of the Committee must be members of the House of Assembly appointed by the House of Assembly and 3 must be members of the Legislative Council appointed by the Legislative Council.
 - 20 (3) A Minister of the Crown is not eligible for appointment to the Committee.
 - (4) 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.
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21—Functions of Committee

The functions of the Environment and Natural Resources Committee are—

- 30 (a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:
- (i) any matter concerned with the environment or how the quality of the environment might be protected or improved;
 - (ii) any matter concerned with the resources of the State or how they might be better conserved or utilised;
 - 35 (iii) any matter concerned with planning, land use or transportation;
 - (iv) any matter concerned with the general development of the State; and
- (b) to take an interest in and keep under review—
- (i) the protection, improvement and enhancement of the natural resources of the State; and

- 5
- (ii) the extent to which it is possible to adopt an integrated approach to the use and management of the natural resources of the State that accords with principles of ecologically sustainable use, development and protection; and
- (iii) the operation of any Act that is relevant to the use, protection, management or enhancement of the natural resources of the State; and
- 10 (iv) without limiting the operation of a preceding subparagraph—the extent to which the objects of the *Landscape South Australia Act 2019* are being achieved; and
- (c) without limiting the operation of paragraph (b), with respect to the River Murray—
- (i) to consider the extent to which the *Objectives for a Healthy River Murray* are being achieved under the *River Murray Act 2003*; and
- 15 (ii) to consider and report on each review of the *River Murray Act 2003* undertaken under section 11 of that Act by the Minister to whom the administration of that Act has been committed; and
- (iii) to consider the interaction between the *River Murray Act 2003* and other Acts and, in particular, to consider the report in each annual report under that Act on the referral of matters under related operational Acts to the Minister under that Act; and
- 20 (d) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

Division 3—Legal, Justice and Industrial Issues Committee

22—Establishment of Committee

The *Legal, Justice and Industrial Issues Committee* is established as a committee of the Parliament.

23—Membership of Committee

- (1) The Committee consists of 6 members of whom—
- 30 (a) 3 must be members of the House of Assembly appointed by the House of Assembly (of whom at least 1 must be an Opposition member and at least 1 must be a Government member); and
- (b) 3 must be members of the Legislative Council appointed by the Legislative Council (of whom at least 1 must be an Opposition member and at least
- 35 1 must be a Government member).
- (2) A Minister of the Crown is not eligible for appointment to the Committee.
- (3) The Committee must from time to time appoint 1 of its Legislative Council 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
- 40 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 Legislative Council and that House will determine the matter.

24—Functions of Committee

(1) The functions of the Legal, Justice and Industrial Issues Committee are—

(a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:

5 (i) any matter concerned with legal, constitutional or parliamentary reform or with the administration of justice but excluding any matter concerned with the Joint Standing Orders of Parliament or the Standing Orders or rules of practice of either House;

10 (ii) any Act or legislative instrument, or part of any Act or legislative instrument, in respect of which provision has been made for its expiry at some future time and whether it should be allowed to expire or continue in force with or without modification or be replaced by new provisions;

(iii) any matter concerned with intergovernmental relations;

15 (iv) any matter concerning laws relating to, or connected with, serious crime or criminal organisations;

(v) any matter concerning laws relating to, or connected with, corruption or public integrity, including the exercise of functions and powers by any integrity bodies established under such laws; and

20 **Note—**

For example, the *Independent Commission Against Corruption Act 2012* and the *Ombudsman Act 1972*.

25 (b) to examine each report laid before both Houses under the *Police Act 1998*, the *Serious and Organised Crime (Control) Act 2008* or the *Serious and Organised Crime (Unexplained Wealth) Act 2009*, the *Independent Commission Against Corruption Act 2012* and the *Ombudsman Act 1972*; and

(c) to report to both Houses on any matter of public policy arising out of an examination of a report or an inquiry (including any recommendation for change) as the Committee considers appropriate; and

30 (d) to keep the administration and operation of the *Work Health and Safety Act 2012*, the *Return to Work Act 2014*, and other legislation affecting occupational health, safety or welfare, or occupational rehabilitation or compensation, under continuous review; and

35 (e) to examine and make recommendations to the Executive and to Parliament about proposed regulations under any of the legislation mentioned in paragraph (d), and in particular regulations that may allow for the performance of statutory functions by private bodies or persons; and

(f) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

- (2) Without limiting subsection (1)(a)(v), the Committee must, at least once every 5 years, inquire into and consider the operation of the *Independent Commission Against Corruption Act 2012* and, in particular—
- (i) the performance of functions and exercise of powers by the Independent Commission Against Corruption, the Office for Public Integrity and the Inspector appointed under that Act; and
 - (ii) whether the operation of the Act has adversely affected persons not involved in corruption to an unreasonable extent.
- (3) The Independent Commission Against Corruption must not disclose to the Legal, Justice and Industrial Issues Committee information that identifies, or could tend to identify, a person or body (whether incorporated or unincorporated) who is, or has been, the subject of a complaint, report, assessment, investigation or referral under the *Independent Commission Against Corruption Act 2012* or has provided information or other evidence under that Act, unless the information disclosed to the Committee is already a matter of public knowledge or the Committee require disclosure of the information in accordance with subsection (5).
- (4) Except as provided in subsection (5), nothing in this section authorises the Legal, Justice and Industrial Issues Committee—
- (a) to investigate a matter relating to particular conduct; or
 - (b) to obtain—
 - (i) information classified as criminal intelligence under an Act; or
 - (ii) information the release of which—
 - (A) may, in the opinion of the Commissioner of Police, prejudice a South Australia Police investigation; or
 - (B) may, in the opinion of a person in charge of an investigation being carried out by another body established for law enforcement purposes, prejudice the investigation; or
 - (c) to reconsider a decision of the Independent Commission Against Corruption or any other person or body in relation to a particular matter.
- (5) The Legal, Justice and Industrial Issues Committee may inquire into the processes, procedures or practices applied by the Commission or the Inspector under the *Independent Commission Against Corruption Act 2012* and the Committee may require the disclosure of any information it thinks necessary for that purpose.

Division 4—Scrutiny of Bills and Legislative Instruments Committee

25—Establishment of Committee

The *Scrutiny of Bills and Legislative Instruments Committee* is established as a committee of Parliament.

26—Membership of Committee

- (1) The Committee is to consist of 6 members.

- (2) 3 members of the Committee must be members of the House of Assembly appointed by the House of Assembly and 3 must be members of the Legislative Council appointed by the Legislative Council.
- (3) A Minister of the Crown is not eligible for appointment to the Committee.
- 5 (4) The Committee must from time to time appoint 1 of its Legislative Council 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 Legislative Council and that House
- 10 will determine that matter.

27—Functions of Committee

- (1) The functions of the Scrutiny of Bills and Legislative Instruments Committee are—
- 15 (a) to inquire into, consider and report on any Bill before the Parliament that is referred to it under this Act; and
- (b) to inquire into, consider and report on legislative instruments referred to it under the *Legislative Instruments Act 1978*; and
- (c) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.
- 20 (2) In performing functions under subsection (1)(a) or (b), the Committee is to consider the following matters:
- (a) whether the Bill or legislative instrument is sufficiently clear;
- (b) whether the Bill or legislative instrument is proportionate;
- (c) whether the Bill or legislative instrument unduly trespasses on rights and liberties;
- 25 (d) whether the Bill or legislative instrument includes administrative powers that are defined with sufficient precision;
- (e) whether the Bill or legislative instrument has adequate safeguards and adequate provision for review of decisions made under the Bill;
- (f) whether any delegation of legislative powers is appropriate;
- 30 (g) whether the exercise of legislative powers is subject to sufficient parliamentary scrutiny.

Division 5—Statutory Officers Committee

28—Establishment of Committee

The *Statutory Officers Committee* is established as a committee of the Parliament.

29—Membership of Committee

- (1) The Committee consists of 6 members of whom—
- (a) 3 must be members of the House of Assembly appointed by the House of Assembly, of whom—
- (i) at least 1 must be an Opposition member; and

- (ii) at least 1 must be a Government member; and
- (iii) at least 1 must be a Crossbench member (unless there is no such member or no such member consents to appointment to the Committee); and

5 (b) 3 must be members of the Legislative Council appointed by the Legislative Council, of whom—

- (i) at least 1 must be an Opposition member; and
- (ii) at least 1 must be a Government member; and
- (iii) at least 1 must be a Crossbench member (unless there is no such member or no such member consents to appointment to the Committee).

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

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(3) The Committee must from time to time appoint 1 of its Legislative Council 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 Legislative Council and that House will determine the matter.

30—Functions of Committee

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(1) The functions of the Statutory Officers Committee are—

(a) to inquire into, consider and report—

- (i) on a suitable person for appointment to an office under an Act vacancies in which are to be filled by appointment on the recommendation of both Houses; and
- (ii) on other matters relating to the performance of the functions of that office (unless another Committee has the function of inquiring into, considering and reporting on the performance of those functions); and
- (iii) on any other matter referred to the Committee by the Minister responsible for the administration of any such Act; and

25

30

(b) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

35

(2) Matters disclosed to or considered by the Committee for the purposes of determining a suitable person for appointment to a statutory office must not be made the subject of public disclosure or comment.

(3) In considering matters relating to the performance of functions of a statutory office, the Committee must not engage in a review of any particular decision of a person occupying the office.

Part 5—References, reports and Ministerial response

31—References to Committee

- (1) Any matter that is relevant to the functions of a Committee may be referred to the Committee—
- 5 (a) by resolution of the Committee's appointing House or Houses, or either of the Committee's appointing Houses; or
- (b) by the Governor, by notice published in the Gazette; or
- (c) of the Committee's own motion.
- (2) Subsection (1) is in addition to and does not derogate from a provision of this or any other Act by or under which a matter is or may be referred to a Committee.
- 10

32—Certain public works referred to Public Works Committee

- (1) Subject to subsection (3), a public work is referred to the Public Works Committee by force of this section if the total amount to be applied for the construction of the work will, when all stages of construction are complete, exceed \$4 000 000.
- 15 (2) No amount may be applied for the actual construction of a public work referred to in subsection (1) unless the work has first been inquired into by the Public Works Committee under this Act and the final report of that Committee on the work has been presented to its appointing House or published under section 34(7).
- (3) The Minister may exempt a public work from the operation of subsection (1) if—
- 20 (a) the whole or a part of the cost of construction of the work is to be met from money provided by the Superannuation Funds Management Corporation of South Australia; or
- (b) the work is to be constructed by or on behalf of the Superannuation Funds Management Corporation of South Australia,
- 25 (whether or not the work is to be constructed on land of the Crown or the Superannuation Funds Management Corporation of South Australia).

33—Certain petitions referred to a Portfolio Committee

- (1) Each eligible petition is, on being presented to the House of Assembly or the Legislative Council by a member of the relevant House, referred to the relevant Portfolio Committee by force of this section.
- 30 (2) In this section—
- eligible petition* means a petition of not less than 10 000 signatures that complies with any relevant requirements of the Standing Orders of the House in which it is presented or the Joint Standing Orders (as the case may require);
- 35 *relevant Portfolio Committee*, in relation to an eligible petition, means the Portfolio Committee that the House in which the petition is presented considers most relevant to the matter to which the petition relates.

34—Reports on matters referred

- (1) A Committee must, after inquiring into and considering any matter referred to it by or under this or any other Act, report on the matter to its appointing House or Houses.
- (2) A Committee's appointing House or Houses may, when referring a matter to the Committee, fix a period within which the Committee is required to present a final report to the House or Houses on that matter.
- (3) A Committee must in carrying out its functions—
- (a) give priority, so far as it is practicable to do so—
 - (i) firstly, to the matters referred to it by this Act or by or under any other Act; and
 - (ii) secondly, to the matters referred to it by its appointing House or Houses,and then deal with any other matters before the Committee in such order as it thinks fit; and
 - (b) comply with any limitation of time fixed under subsection (2).
- (4) A Committee may, if it thinks fit, at any time prior to making a final report on a matter referred to it—
- (a) make 1 or more interim reports on the matter to its appointing House or Houses; and
 - (b) publish a document relating to the matter.
- (5) A Committee may include in a report a draft Bill to give effect to any recommendation of the Committee.
- (6) If requested to do so by a member of the Committee, a Committee must include in a report a minority report on behalf of that member.
- (7) If more than 14 days would elapse from the day on which a report of a Committee (whether a final report or interim report) is adopted by the Committee until the next sitting day of the Committee's appointing House or Houses—
- (a) the Committee may present the report to the Presiding Officer or Officers of the Committee's appointing House or Houses; and
 - (b) the Presiding Officer or Officers may, after consultation with the Committee, authorise the publication of the report prior to its presentation to the Committee's appointing House or Houses.
- (8) A report of a Committee or other document that is published under this section will be taken for the purposes of any other Act or law to be a report or paper of Parliament published under the authority of the Committee's appointing House or Houses.

35—Matters may be remitted to Committee for further consideration

On a report being presented by a Committee to its appointing House or Houses, the House or Houses may, by resolution, remit the matter or any of the matters to which the report relates to the Committee for its further consideration and report and, in that event, the Committee must consider the matter and report on it accordingly.

36—Reference of Committee report to Minister for response

- 5
- (1) Subject to subsection (2), on a report being presented by a Committee to its appointing House or Houses, the report or a part of the report is, if the report contains a recommendation to that effect, referred by force of this section to the Minister with responsibility in the area concerned for that Minister's response.
- (2) In the case of a report relating to a petition referred to a Portfolio Committee under section 33, the report is referred by force of this section to the Minister with primary responsibility in the area to which the petition relates for that Minister's response.
- 10
- (3) If a report, or part of a report, is referred to the responsible Minister under this section, the Minister must, within 4 months, respond to the report or part of the report and include in the response statements as to—
- (a) which (if any) recommendations of the Committee will be carried out and the manner in which they will be carried out; and
- (b) which (if any) recommendations will not be carried out and the reasons for not carrying them out.
- 15
- (4) The following provisions apply in relation to the response of a Minister to a Committee report:
- (a) in the case of a response relating to a petition referred to a Portfolio Committee under section 33—the prescribed Minister in each House must, within 6 sitting days after the response is made—
- 20
- (i) address the House and explain what, if any, action is to be taken in relation to the petition (whether by the prescribed Minister or otherwise); and
- (ii) if no action is to be taken in relation to the petition (whether by the prescribed Minister or otherwise), the reasons for that fact;
- 25
- (b) in any other case—the Minister must cause a copy of the response to be laid before the Committee's appointing House or Houses within 6 sitting days after it is made.
- (5) In this section—
- 30
- prescribed Minister***, in relation to a response referred to in subsection (4)(a), means—
- (a) in the House in which the Minister to whom the report of the Portfolio Committee is referred under subsection (2) sits—that Minister; or
- (b) in the other House—the Premier or the leader of Government business in the Legislative Council (as the case requires).

Part 6—Term of office, proceedings and powers of Committees

37—Term of office of members

- 35
- (1) The members of each Committee must be appointed as soon as practicable after the commencement of the first session of each new Parliament.
- (2) Subject to this Act, a member of a Committee holds office until the first sitting day of the member's appointing House following the next general election of members of the House of Assembly.
- 40

38—Removal from and vacancies of office

- (1) A member of a Committee may be removed from office by the member's appointing House.
- (2) A person ceases to be a member of a Committee if the person—
- (a) dies; or
 - (b) resigns from the Committee by notice in writing to the Presiding Officer of their appointing House; or
 - (c) completes a term of office and is not reappointed; or
 - (d) ceases to be a member of their appointing House; or
 - (e) is a Minister of the Crown; or
 - (f) is removed from office by their appointing House.
- (3) On the office of a member of a Committee becoming vacant otherwise than on the expiration of their term of office, the member's appointing House must, as soon as practicable, appoint 1 of its members to the Committee.
- (4) Subject to this Act, a member of a Committee is eligible for reappointment to the Committee on the expiration of their term of office.

39—Validity of acts of Committee despite vacancy

An act or proceeding of a Committee is not invalid by reason of a vacancy in its membership.

40—Procedure at meetings

- (1) The Presiding Member of a Committee must preside at meetings of the Committee or, in the absence of the Presiding Member from a meeting, the members present must decide who is to preside at the meeting.
- (2) The number of members of a Committee that constitute a quorum of the Committee is—
- (a) if the Committee consists of 5 members—3 members (at least 1 of whom must be an Opposition member in the Committee's appointing House); and
 - (b) if the Committee consists of 6 or 7 members—4 members.
- (3) No business may be transacted at a meeting of a Committee unless a quorum is present.
- (4) A decision carried by a majority of the votes of the members present at a meeting of a Committee is a decision of the Committee.
- (5) The Presiding Member or any other member presiding at a meeting of the Committee has, in addition to a deliberative vote, a casting vote in the event of an equality of votes.
- (6) Subject to this Act and any other Act, the Committee is to conduct its business—
- (a) to the extent that the Standing Orders of its appointing House or Joint Standing Orders (as the case may be) apply—in accordance with those Orders; and

- (b) otherwise in such manner as the Committee thinks fit.

41—Meetings may be held remotely

Despite any other provision of this Act—

- 5 (a) a requirement for a Committee to hold any meeting will be taken to be satisfied if the meeting is held remotely using 1 or more of (including a combination of) the following means of communication:
- (i) audio visual;
 - (ii) audio; and
- 10 (b) a requirement for members of a Committee to attend or be present at any meeting will be taken to be satisfied if—
- (i) each participating member is able to communicate contemporaneously with each other participating member when making any deliberation, or taking part in any vote, during the meeting; and
 - 15 (ii) when a witness gives oral evidence to the Committee, the members of the Committee constituting a quorum are able to hear the witness contemporaneously and question the witness within the hearing of each other Committee member constituting the quorum.

42—Sittings of Committee

- 20 (1) A Committee may sit and transact business during any recess or adjournment of Parliament and during an interval between Parliaments but may not sit while the appointing House or either of the appointing Houses for the Committee is sitting except by the leave of that House.
- 25 (2) Subject to subsection (1), a Committee may sit at any time and at any place and may adjourn its meetings from time to time and from place to place.

43—Participating members

- (1) Members of Parliament who are not appointed as members of a Committee (*participating members*) may attend and participate in proceedings of the Committee in accordance with—
- 30 (a) the Standing Orders of the Committee's appointing House or Houses; or
- (b) if no such Standing Orders are made in relation to the Committee—a determination of the Committee.
- (2) Standing Orders, or a determination of the Committee, made for the purposes of this section may specify—
- 35 (a) the number, or maximum number, of participating members for the Committee or for a particular inquiry or class of inquiry by the Committee; and
- (b) the manner in which participating members will be appointed; and
- 40 (c) subject to subsection (3)—the manner in which participating members may participate in the Committee; and

(d) any other matter relevant to participating members.

(3) A participating member—

(a) is not to be allowed any voting rights in proceedings of a Committee; and

(b) is not to be counted for the purposes of determining whether a quorum is present at proceedings of the Committee.

44—Admission of public

Except if the Committee otherwise determines, members of the public may be present at meetings of a Committee while the Committee is examining witnesses but may not be present while the Committee is deliberating.

45—Minutes

A Committee must ensure that full and accurate minutes are kept of its proceedings.

46—Privileges, immunities and powers

(1) All privileges, immunities and powers that attach to or in relation to a committee established by either House attach to and in relation to each Committee established by this Act.

(2) Without limiting the effect of subsection (1), the powers of each Committee include power to send for persons, papers and records.

(3) Any breach of privilege or contempt committed or alleged to have been committed in relation to a Committee or its proceedings may be dealt with in such manner as is resolved by the Committee's appointing House or Houses.

47—Members not to take part in certain Committee proceedings

A member of a Committee must not take part in any proceedings of the Committee relating to a matter in which the member has a direct pecuniary interest that is not shared in common with the rest of the subjects of the Crown.

48—Committee may continue references made to previously constituted Committee

If the composition of a Committee changes before it completes its inquiry, consideration or report in respect of a matter referred to it by or under this or any other Act, the newly constituted Committee may continue and complete the proceedings and may consider and report on the matter as if all evidence given in respect of the matter had been given before the Committee as newly constituted.

49—Immunity from judicial review

The proceedings of a Committee or any report or recommendation of, or document published by, a Committee may not give rise to any cause of action or be made the subject of, or in any way be called into question in, any proceedings before a court.

Part 7—Miscellaneous

50—Coordination of Committees

- (1) The Presiding Officers of both Houses are responsible for—
- (a) avoiding duplication by 1 Committee of the work of another Committee; and
 - 5 (b) arranging for each Committee adequate staff and facilities for the performance of its functions; and
 - (c) ensuring the efficient functioning of the Committees generally.
- (2) The Presiding Officers of both Houses must, in discharging their responsibilities under subsection (1), consult with the Presiding Members of the Committees.

10 51—Other assistance and facilities

- (1) A Committee may, with the prior authorisation of the Presiding Officer or Presiding Officers of the Committee's appointing House or Houses, with the approval of the Minister administering an administrative unit of the Public Service and on terms mutually arranged, make use of employees or facilities of that administrative unit.
- 15 (2) A Committee may, with the prior authorisation of the Presiding Officer or Presiding Officers of the Committee's appointing House or Houses, commission any person to investigate and report to the Committee on any aspect of any matter referred to the Committee.

20 52—Office of Committee member not office of profit

The office of a member of a Committee (including the office of Presiding Member) is not an office of profit under the Crown.

53—Financial provision

The money required for the purposes of this Act is to be paid out of money appropriated by Parliament for the purpose.

25 54—Powers of Parliament to establish other committees

This Act does not limit or derogate from the power of either House or both Houses to establish committees in addition to the Committees established by this Act.

55—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- 30 (2) The regulations may—
- (a) be of general or limited application; and
 - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
 - 35 (c) make provisions of a saving or transitional nature consequent on the enactment of this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and

- (d) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other specified person or body.

Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Amendment of *Independent Commission Against Corruption Act 2012*

1—Amendment of section 8—Commissioner

- (1) Section 8—delete "*Parliamentary Committees Act 1991*" wherever occurring and substitute in each case:

Parliamentary Committees Act 2024

- (2) Section 8(6)—delete "section 15I(2)" and substitute:
section 30(2)

2—Amendment of section 25—Public statements

Section 25(5)(a)—delete "Crime and Public Integrity Policy" and substitute:
Legal, Justice and Industrial Issues

3—Substitution of section 47

Section 47—delete the section and substitute:

47—Legal, Justice and Industrial Issues Committee

The Commission must ensure that a copy of each annual report and other public report prepared by the Commission under this Act is promptly delivered to the Legal, Justice and Industrial Issues Committee established under the *Parliamentary Committees Act 2024*.

4—Amendment of Schedule 4—Reviews

Schedule 4, clause 1, definition of *Committee*—delete the definition and substitute:

Committee means the Legal, Justice and Industrial Issues Committee established under the *Parliamentary Committees Act 2024*;

Part 2—Amendment of *Legislative Instruments Act 1978*

5—Amendment of section 10—Making of regulations

Section 10—delete "Legislative Review" wherever occurring and substitute in each case:

Scrutiny of Bills and Legislative Instruments

6—Amendment of section 10A—Regulations to be referred to Legislative Review Committee

Section 10A(1) and heading—delete "Legislative Review" and substitute:

Scrutiny of Bills and Legislative Instruments

Part 3—Amendment of *Ombudsman Act 1972*

7—Amendment of section 3—Interpretation

Section 3(1), definition of *Statutory Officers Committee*—delete " *Parliamentary Committees Act 1991*" and substitute:

Parliamentary Committees Act 2024

8—Amendment of section 29—Reviews

- (1) Section 29(1)(c)—delete "Crime and Public Integrity Policy Committee established under the *Parliamentary Committees Act 1991*" and substitute:

Legal, Justice and Industrial Issues Committee established under the *Parliamentary Committees Act 2024*

- (2) Section 29(7)—delete "Crime and Public Integrity Policy" and substitute:

Legal, Justice and Industrial Issues

Part 4—Amendment of *Parliamentary Remuneration Act 1990*

~~9—Amendment of Schedule—Offices attracting additional salary~~

~~Delete the last 8 rows of the table in the Schedule (relating to the Presiding Members of various parliamentary committees) and substitute:~~

Presiding Member of Economic and Finance Committee	17
Presiding Member of Public Works Committee	14
Presiding Member of Budget and Finance Committee	14
Presiding Member of Portfolio Committee A	14
Presiding Member of Portfolio Committee B	14
Presiding Member of Social Development Committee	14
Presiding Member of Environment and Natural Resources Committee	17
Presiding Member of Legal, Justice and Industrial Issues Committee	14
Presiding Member of Scrutiny of Bills and Legislative Instruments Committee	14
Presiding Member of Statutory Officers Committee	14

Part 5—Repeal of Act

10—Repeal of *Parliamentary Committees Act 1991*

The *Parliamentary Committees Act 1991* is repealed.

Part 6—Transitional provisions

11—Interpretation

In this Part—

appointing House or Houses, in relation to a former committee, has the same meaning as in the Act under which the former committee was established;

former committee means a committee established under the *Parliamentary Committees Act 1991*.

12—Referral of current inquiries

- (1) A matter that was the subject of inquiry by a former committee may, if that Committee had not completed its inquiry or reported on the matter before the commencement of this Act, be referred to a Committee under this Act by resolution of the Committee's appointing House or Houses.
- (2) If a matter is referred to a Committee as referred to in subclause (1), the Committee may continue and complete the proceedings and consider and report on the matter under this Act as if all the evidence given in respect of the matter before the former committee had been given before the Committee under this Act.

13—References to former committees

Subject to the regulations, a reference in an Act or a legislative instrument to a former committee listed in a row in the first column of the table below will be taken to be a reference to the current parliamentary committee listed in the same row in the second column of the table.

Former committee	Current committee
Crime and Public Integrity Policy Committee	Legal, Justice and Industrial Issues Committee
Economic and Finance Committee	Economic and Finance Committee
Environment, Resources and Development Committee	Environment and Natural Resources Committee
Legislative Review Committee	Legal, Justice and Industrial Issues Committee
Natural Resources Committee	Environment and Natural Resources Committee
Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation	Legal, Justice and Industrial Issues Committee
Public Works Committee	Public Works Committee
Social Development Committee	Social Development Committee
Statutory Authorities Review Committee	Budget and Finance Committee
Statutory Officers Committee	Statutory Officers Committee