

South Australia

# Aboriginal Lands Parliamentary Standing Committee Act 2003

An Act to provide for the establishment of the Aboriginal Lands Parliamentary Standing Committee; to define the functions, powers and duties of that Committee; 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 *Aboriginal Lands Parliamentary Standing Committee Act 2003*.

#### 3—Interpretation

In this Act—

***appointing House*** means the House that appointed the member to the Committee;

***Committee*** means the Aboriginal Lands Parliamentary Standing Committee established under this Act;

***House*** means—

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

***the lands*** means—

- (a) the lands vested in the Aboriginal Lands Trust under *Aboriginal Lands Trust Act 1966* or the *Aboriginal Lands Trust Act 2013*; and
- (b) the lands described in Schedule 1 of the *Maralinga Tjarutja Land Rights Act 1984*; and
- (c) the lands described in Schedule 1 of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; and
- (d) any other lands brought within the ambit of this definition by the regulations;

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

## Part 2—Aboriginal Lands Parliamentary Standing Committee

### Division 1—Establishment and membership of Committee

#### 4—Establishment of Committee

The *Aboriginal Lands Parliamentary Standing Committee* of Parliament is established.

#### 5—Membership of Committee

- (1) The Committee consists of 6 members, of whom—
  - (b) 3 must be members appointed by the House of Assembly, of whom—
    - (i) 2 must be members nominated by the Minister; and
    - (ii) 1 must be a member nominated by the Leader of the Opposition in the House of Assembly; and
  - (c) 3 must be members appointed by the Legislative Council, of whom—
    - (i) 1 must be a member nominated by the Minister; and
    - (ii) 1 must be a member nominated by the Leader of the Opposition in the Legislative Council; and
    - (iii) 1 must be a member who is neither a member of the Government nor of the Opposition, or, if no such member exists, a member nominated by the Leader of the Opposition in the Legislative Council.
- (2) A Minister of the Crown is not eligible for appointment to the Committee.

### Division 2—Functions of Committee

#### 6—Functions of Committee

The functions of the Committee are—

- (a) to review the operation of the *Aboriginal Lands Trust Act 2013*, the *Maralinga Tjarutja Land Rights Act 1984* and the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; and
- (b) to inquire into matters affecting the interests of the traditional owners of the lands; and
- (c) to inquire into the manner in which the lands are being managed, used and controlled; and
- (d) to inquire into matters concerning the health, housing, education, economic development, employment or training of Aboriginal people, or any other matter concerning the welfare of Aboriginal people; and
- (e) to consider any other matter referred to the Committee by the Minister; and
- (f) to perform any other functions imposed on the Committee under this or any other Act or by resolution of both Houses of Parliament.

## **Division 3—Procedures, terms and powers of Committee**

### **7—Presiding Member**

- (1) The Committee must from time to time appoint 1 of its Legislative Council Members to be the Presiding Member of the Committee.
- (1a) The Presiding Member 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.
- (1b) 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 the Legislative Council will determine the matter.
- (2) 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.

### **8—Quorum**

- (1) Subject to subsection (2), 4 members constitute a quorum of the Committee.
- (2) When the Committee meets for the consideration of a proposed report to Parliament, the quorum must consist of at least 5 members.

### **9—Term of office of members**

- (1) The appointment of members to the Committee must be made as soon as practicable after the commencement of the first session of each new Parliament.
- (2) Subject to this Act, a member of the 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.

### **10—Removal from and vacancies of office**

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

- (4) Subject to this Act, a member of the Committee is eligible for reappointment to the Committee on the expiration of his or her term of office.

### **11—Validity of acts of Committee despite vacancy**

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

### **12—Procedure at meetings**

- (1) No business may be transacted at a meeting of the Committee unless a quorum is present.
- (2) A decision carried by a majority of the votes of the members present at a meeting of the Committee is a decision of the Committee.
- (3) Subject to this Act and any other Act, the Committee is to conduct its business—
- (a) to the extent that the Joint Standing Orders apply—in accordance with those Orders; and
  - (b) otherwise in such manner as the Committee thinks fit.

### **12A—Meetings may be held remotely**

Despite any other provision of this Act—

- (a) a requirement for the Committee to hold any meeting will be taken to be satisfied if the meeting is held remotely using 1 or more (including a combination) of the following means of communication:
- (i) audio visual;
  - (ii) audio; and
- (b) a requirement for members of the 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
  - (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.

### **13—Sittings of Committee**

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

## **14—Admission of public**

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

## **15—Minutes**

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

## **16—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 the Committee established by this Act.
- (2) Without limiting the effect of subsection (1), the powers of the 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 the Committee or its proceedings may be dealt with in such manner as is resolved by the Houses.

## **17—Members not to take part in certain Committee proceedings**

A member of the 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.

## **18—Committee may continue references made to previously constituted Committee**

Where the composition of the 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.

## **19—Immunity from judicial review**

The proceedings of the Committee or any report or recommendation of, or document published by, the 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.

## **Division 4—References, reports and Ministerial response**

### **20—Reports on matters referred**

- (1) The Committee must, after inquiring into and considering any matter referred to it by the Minister or by resolution of both Houses of Parliament, report on the matter to its appointing Houses.
- (2) The Committee may, if it thinks fit, at any time prior to making a final report on a matter referred to it—
  - (a) make one or more interim reports on the matter to its appointing Houses; or
  - (b) publish a document relating to the matter.

- (3) If more than 14 days would elapse from the day on which a report of the Committee (whether a final report or interim report) is adopted by the Committee until the next sitting day of the Committee's appointing Houses—
  - (a) the Committee may present the report to the Presiding Officers; and
  - (b) the Presiding Officers may, after consultation with the Committee, authorise the publication of the report prior to its presentation to the Committee's appointing Houses.
- (4) A report of the 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 Houses.

## **21—Minority reports**

If requested to do so by a member of the Committee, the Committee must include in a report a minority report on behalf of that member.

## **22—Matters may be remitted to Committee for further consideration**

On a report being presented by the Committee to its appointing Houses, the 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.

## **23—Reference of Committee report to Minister for response**

- (1) On a report being presented by the Committee to its appointing 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) Where a report, or part of a report, is referred to the responsible Minister under subsection (1), the Minister must, within four 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.
- (3) The Minister must cause a copy of the Minister's response to the Committee report to be laid before the Committee's appointing Houses within 6 sitting days after it is made.

## **Part 3—Miscellaneous**

### **24—Other assistance and facilities**

- (1) The Presiding Officers may appoint an officer of the Parliament as secretary to the Committee and such other officers of the Committee as are required for the performance of its functions.

- (2) The Committee may, with the prior authorisation of the Presiding Officers, 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.
- (3) The Committee may, with the prior authorisation of the Presiding Officers, commission any person to investigate and report to the Committee on any aspect of any matter referred to the Committee.

## **25—Annual report**

- (1) The Committee must, on or before 31 December in each year, present to the Presiding Officers a report on the work of the Committee during the previous financial year.
- (2) The Presiding Officers must cause copies of the report to be laid before their respective Houses as soon as practicable after it is received.

## **26—Financial provision**

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

## **27—Office of Committee member not office of profit**

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

## **28—Regulations**

The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

## **Schedule—Transitional provision**

### **Part 4—Transitional provision**

#### **6—Transitional provision**

The appointment of the first members to the Committee must be made as soon as practicable after the commencement of this clause.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation amended by principal Act

The *Aboriginal Lands Parliamentary Standing Committee Act 2003* amended the following:

*Aboriginal Lands Trust Act 1966*

*Parliamentary Remuneration Act 1990*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2003	24	<i>Aboriginal Lands Parliamentary Standing Committee Act 2003</i>	24.7.2003	18.9.2003 ( <i>Gazette 18.9.2003 p3599</i> )
2013	56	<i>Aboriginal Lands Parliamentary Standing Committee (Presiding Member) Amendment Act 2013</i>	7.11.2013	Pt 2 (ss 4—10)—7.12.2013: s 2
2013	81	<i>Aboriginal Lands Trust Act 2013</i>	5.12.2013	Sch 1 (cll 3 & 4)—1.7.2014 ( <i>Gazette 6.2.2014 p546</i> )
<b>2021</b>	<b>25</b>	<b><i>Statutes Amendment (COVID-19 Permanent Measures) Act 2021</i></b>	<b>17.6.2021</b>	<b>Pt 2 (s 4)—9.9.2021 (<i>Gazette 18.8.2021 p3099</i>)</b>

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3		
appointed member	<i>deleted by 56/2013 s 4(1)</i>	7.12.2013
the lands	amended by 56/2013 s 4(2)	7.12.2013

	amended by 81/2013 Sch 1 cl 3	1.7.2014
Pt 2		
s 5		
s 5(1)	amended by 56/2013 s 5(1) (a) deleted by 56/2013 s 5(2)	7.12.2013 7.12.2013
s 5(2)	amended by 56/2013 s 5(3)	7.12.2013
s 5(3)	<i>deleted by 56/2013 s 5(4)</i>	<i>7.12.2013</i>
s 6	amended by 56/2013 s 6 amended by 81/2013 Sch 1 cl 4	7.12.2013 1.7.2014
s 7		
s 7(1)	substituted by 56/2013 s 7(1)	7.12.2013
s 7(1a) and (1b)	inserted by 56/2013 s 7(1)	7.12.2013
s 7(2)	amended by 56/2013 s 7(2)	7.12.2013
s 8		
s 8(2)	amended by 56/2013 s 8	7.12.2013
s 9		
s 9(2)	amended by 56/2013 s 9	7.12.2013
s 10		
s 10(1) and (2)	amended by 56/2013 s 10(1)	7.12.2013
s 10(3) and (4)	amended by 56/2013 s 10(2)	7.12.2013
<b>s 12A</b>	<b>inserted by 25/2021 s 4</b>	<b>9.9.2021</b>
Sch		
<i>Pts 1—3</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	

## Historical versions

7.12.2013

1.7.2014