

(Reprint No. 1)

SOUTH AUSTRALIA

PARLIAMENTARY COMMITTEES ACT 1991

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 3 December 1992.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

PART I

PRELIMINARY

Section

1. Short title
2. Commencement
3. Interpretation

PART II

ECONOMIC AND FINANCE COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

4. Establishment of Committee
5. Membership of Committee

DIVISION II—FUNCTIONS OF ECONOMIC AND FINANCE COMMITTEE

6. Functions of Committee

PART III

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

7. Establishment of Committee
8. Membership of Committee

DIVISION II—FUNCTIONS OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

9. Functions of Committee

PART IV

LEGISLATIVE REVIEW COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

10. Establishment of Committee
11. Membership of Committee

DIVISION II—FUNCTIONS OF LEGISLATIVE REVIEW COMMITTEE

12. Functions of Committee

PART V

SOCIAL DEVELOPMENT COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

13. Establishment of Committee
14. Membership of Committee

DIVISION II—FUNCTIONS OF SOCIAL DEVELOPMENT COMMITTEE

15. Functions of Committee

PART VI

GENERAL PROVISIONS

DIVISION I—REFERENCES, REPORTS AND MINISTERIAL RESPONSE

16. References to Committee
17. Reports on matters referred
18. Matters may be remitted to Committee for further consideration
19. Reference of Committee report to Minister for response

DIVISION II—TERM OF OFFICE, PROCEEDINGS AND POWERS OF COMMITTEES

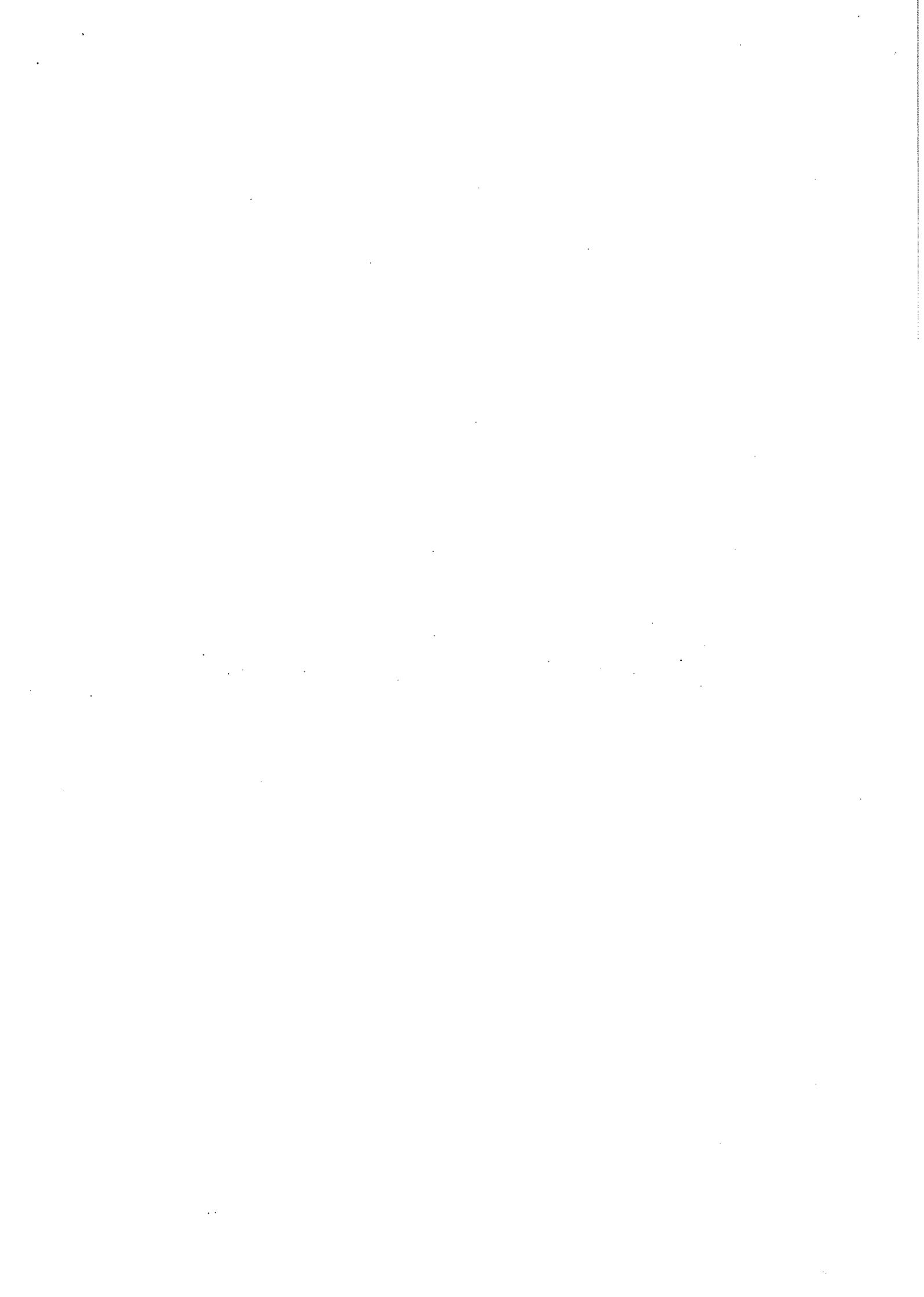
20. Term of office of members
21. Removal from and vacancies of office
22. Validity of acts of Committee despite vacancy
23. Presiding Member
24. Procedure at meetings
25. Sittings of Committee

-
26. Admission of public
 27. Minutes
 28. Privileges, immunities and powers
 29. Members not to take part in certain Committee proceedings
 30. Committee may continue references made to previously constituted Committee
 31. Immunity from judicial review

DIVISION III—MISCELLANEOUS

32. Co-ordination of Committees
33. Other assistance and facilities
34. Office of Committee member not office of profit
35. Financial provision
36. Powers of Parliament to establish other committees

SCHEDULE



PARLIAMENTARY COMMITTEES ACT 1991

being

Parliamentary Committees Act 1991 No. 50 of 1991 [Assented to 21 November 1991]¹

as amended by

Parliamentary Committees (Publication of Reports) Amendment Act 1992 No. 79 of 1992 [Assented to 3 December 1992]

An Act to provide for the establishment of various Parliamentary committees; to define the functions, powers and duties of those committees; to repeal the Public Accounts Committee Act 1972 and the Public Works Standing Committee Act 1927; to amend the Constitution Act 1934, the Industries Development Act 1941, the Parliamentary Remuneration Act 1990, the Planning Act 1982, and the Subordinate Legislation Act 1978; and for other purposes.

The Parliament of South Australia enacts as follows:

PART I PRELIMINARY

Short title

1. This Act may be cited as the *Parliamentary Committees Act 1991*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. In this Act, unless the contrary intention appears—

“appointing House or Houses” means—

- (a) in relation to the Economic and Finance Committee—the House of Assembly;
- (b) in relation to any other Committee—both Houses,

and “appointing House”, in relation to a member of a Committee, means the House that appointed the member to the Committee:

¹Came into operation 11 February 1992: *Gaz.* 5 December 1991, p. 1668.

Note: 1. Asterisks indicate repeal or deletion of text.

2. For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

“Committee” means—

- (a) the Economic and Finance Committee;
 - (b) the Environment, Resources and Development Committee;
 - (c) the Legislative Review Committee;
- or
- (d) the Social Development Committee,

established by this Act:

“House” means—

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

“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:

“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—

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

and “public office” has a corresponding meaning:

“public sector operations” means all operations and activities carried on by public officers or State instrumentalities:

“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;
 - (d) a court or tribunal;
- or
- (e) a council or other local government body:

“statutory authority” means a body (whether incorporated or not) that is established by or under 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:

“subordinate legislation” means regulations as defined in the *Subordinate Legislation Act 1978* and any other enactment of a legislative character to which section 10a of that Act applies.

PART II

ECONOMIC AND FINANCE COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

Establishment of Committee

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

Membership of Committee

5. (1) The Committee is to consist of seven 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.

DIVISION II—FUNCTIONS OF ECONOMIC AND FINANCE COMMITTEE

Functions of Committee

6. 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:
- (i) any matter concerned with finance or economic development;
 - (ii) any matter concerned with the structure, organization 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;
 - (iii) any matter concerned with the functions or operations of a particular public officer, State instrumentality or publicly funded body or whether a particular public office or State instrumentality should continue to exist or whether changes should be made to improve efficiency and effectiveness in the area;
 - (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;
- (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 III

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

Establishment of Committee

7. The *Environment, Resources and Development Committee* is established as a committee of Parliament.

Membership of Committee

8. (1) The Committee is to consist of six members.

(2) Three members of the Committee must be members of the House of Assembly appointed by the House of Assembly and three 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.

DIVISION II—FUNCTIONS OF ENVIRONMENT, RESOURCES AND
DEVELOPMENT COMMITTEE**Functions of Committee**

9. The functions of the Environment, Resources and Development Committee are—

(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 utilized;
- (iii) any matter concerned with planning, land use or transportation;
- (iv) any matter concerned with the general development of the State;

(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 IV

LEGISLATIVE REVIEW COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

Establishment of Committee

10. The *Legislative Review Committee* is established as a committee of Parliament.

Membership of Committee

11. (1) The Committee is to consist of six members.

(2) Three members of the Committee must be members of the House of Assembly appointed by the House of Assembly and three 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.

DIVISION II—FUNCTIONS OF LEGISLATIVE REVIEW COMMITTEE

Functions of Committee

12. The functions of the Legislative Review Committee are—

(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 legal, constitutional or parliamentary reform or with the administration of justice but excluding any matter concerned with joint standing orders of Parliament or the standing orders or rules of practice of either House;

(ii) any Act or subordinate legislation, or part of any Act or subordinate legislation, 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 inter-governmental relations;

(b) to inquire into, consider and report on subordinate legislation referred to it under the *Subordinate Legislation Act 1978*;

(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 V

SOCIAL DEVELOPMENT COMMITTEE

DIVISION I—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEE

Establishment of Committee

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

Membership of Committee

14. (1) The Committee is to consist of six members.

(2) Three members of the Committee must be members of the House of Assembly appointed by the House of Assembly and three 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.

DIVISION II—FUNCTIONS OF SOCIAL DEVELOPMENT COMMITTEE

Functions of Committee

15. 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:

- (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;

(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 VI

GENERAL PROVISIONS

DIVISION I—REFERENCES, REPORTS AND MINISTERIAL RESPONSE

References to Committee

16. (1) Any matter that is relevant to the functions of a Committee may be referred to the Committee—

(a) by resolution of the Committee's appointing House or Houses, or either of the Committee's appointing Houses;

(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 the provisions of any other Act under which a matter may be referred to a Committee.

Reports on matters referred

17. (1) A Committee must, after inquiring into and considering any matter referred to it 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 under any other Act;

(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 one or more interim reports on the matter to its appointing House or Houses;

(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.

Matters may be remitted to Committee for further consideration

18. 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.

Reference of Committee report to Minister for response

19. (1) 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) 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 a Committee report to be laid before the Committee's appointing House or Houses within 6 sitting days after it is made.

DIVISION II—TERM OF OFFICE, PROCEEDINGS AND POWERS OF COMMITTEES

Term of office of members

20. (1) The first members of each Committee must be appointed as soon as practicable after the commencement of this Act.

(2) Subject to subsection (1), the members of each Committee must be appointed as soon as practicable after the commencement of the first session of each new Parliament.

(3) 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.

Removal from and vacancies of office

21. (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;

- (b) resigns from the Committee by notice in writing to the Presiding Officer of his or her appointing House;
 - (c) completes a term of office and is not reappointed;
 - (d) ceases to be a member of his or her appointing House;
 - (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 a 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 a Committee is eligible for reappointment to the Committee on the expiration of his or her term of office.

Validity of acts of Committee despite vacancy

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

Presiding Member

23. Each Committee must from time to time appoint one of its members to be the Presiding Member of the Committee.

Procedure at meetings

24. (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) Four members of a Committee constitute a quorum of the Committee and no business may be transacted at a meeting of the Committee unless a quorum is present.

(3) 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.

(4) 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.

(5) Subject to this Act or any other Act, the Committee may conduct its business in such manner as it thinks fit.

Sittings of Committee

25. (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.

(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.

Admission of public

26. Except where 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.

Minutes

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

Privileges, immunities and powers

28. (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.

Members not to take part in certain Committee proceedings

29. 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.

Committee may continue references made to previously constituted Committee

30. Where the composition of a Committee changes before it completes its inquiry, consideration or report in respect of a matter referred to it 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.

Immunity from judicial review

31. 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.

DIVISION III—MISCELLANEOUS**Co-ordination of Committees**

32. (1) The Presiding Officers of both Houses are responsible for—

- (a) avoiding duplication by one Committee of the work of another Committee;
- (b) arranging for each Committee adequate staff and facilities for the performance of its functions;
- (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.

Other assistance and facilities

33. (1) A Committee may, with the prior authorization 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.

(2) A Committee may, with the prior authorization 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.

Office of Committee member not office of profit

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

Financial provision

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

Powers of Parliament to establish other committees

36. 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.

SCHEDULE

*Repeals and Consequential Amendments*PART I
ACTS REPEALED

The following Acts are repealed:

- (a) the *Public Accounts Committee Act 1972*;
(b) the *Public Works Standing Committee Act 1927*.

PART II
ACTS AMENDED

Provision Amended	How Amended
<i>Constitution Act 1934</i>	
Section 55(1)(g)	Strike out this paragraph.
Section 55(3) and (5)	Strike out these subsections.
<i>Industries Development Act 1941</i>	
Section 2	After the definition of "the Committee" insert— "the Economic and Finance Committee" means the Committee of that name established by the <i>Parliamentary Committees Act 1991</i> ;
Section 3(2) and (3)	Strike out these subsections.
Section 4	Strike out this section and substitute— Members of Committee 4. (1) The Committee is to consist of five members of whom— (a) four are to be members of the Economic and Finance Committee nominated from time to time by that Committee; and (b) one is to be a person nominated from time to time by the Treasurer. (2) Of the members nominated by the Economic and Finance Committee, two must be members of the group in the House of Assembly led by the Premier and two must be members of the group in that House led by the Leader of the Opposition. (3) A Minister of the Crown cannot be a member of the Committee.
Sections 5, 6 and 7	Strike out these sections.
Section 8	After subsection (2) insert new subsection as follows: (2a) The members present at a meeting of the Committee must elect one of their number to preside at the meeting.
Section 8(3)	Strike out "the chairman or acting chairman" and substitute "the member presiding".
Section 9(2)	Strike out "appointment" and substitute "nomination".
Sections 12 and 12a	Strike out "appointed" and substitute "nominated". Strike out these sections and substitute— Membership does not affect seat in Parliament 12. The seat of a member of the House of Assembly is not liable to be vacated and the member is not liable to any forfeiture, fine or disability by reason that the member is a member of the Committee.
<i>Parliamentary Remuneration Act 1990</i>	
Schedule	Strike out the items— Chairman of the Joint Committee on Subordinate Legislation 14 Other members of the Joint Committee on Subordinate Legislation 10 Chairman of the Public Accounts Committee 17 Other members of the Public Accounts Committee 12 Chairman of the Public Works Standing Committee 17 Other members of the Public Works Standing Committee 12

	Chairman of the Industries Development Committee	14
	Other members of the Industries Development Committee	10
	and substitute the items—	
	Presiding Member of the Economic and Finance Committee	17
	Other members of the Economic and Finance Committee	12
	Presiding Member of the Environment, Resources and Development Committee	17
	Other members of the Environment, Resources and Development Committee	12
	Presiding Member of the Legislative Review Committee	14
	Other members of the Legislative Review Committee	10
	Presiding Member of the Social Development Committee	14
	Other members of the Social Development Committee	10
<i>Planning Act 1982</i>		
Section 41(12)	Strike out "Joint Committee on Subordinate Legislation" and insert "Environment, Resources and Development Committee of the Parliament".	
Section 41(18)	Strike out "Joint Committee on Subordinate Legislation" and insert "Environment, Resources and Development Committee".	
Section 43(3)(d)(ii)	Strike out "Joint Committee on Subordinate Legislation" and insert "Environment, Resources and Development Committee of the Parliament".	
<i>Subordinate Legislation Act 1978</i>		
New section 10a	After section 10 insert section as follows:	
	Regulations to be referred to Legislative Review Committee	
	10a. (1) Every regulation that is required to be laid before Parliament is, when made, referred by force of this section to the Legislative Review Committee of the Parliament.	
	(2) The Committee must inquire into and consider all regulations referred to it.	
	(3) The Committee must consider all regulations as soon as conveniently practicable after they are referred to the Committee and, if Parliament is then in session, must do so before the end of the period within which any motion for disallowance of the regulations may be moved in either House of Parliament.	
	(4) If the Committee forms the opinion that any regulations ought to be disallowed—	
	(a) it must report the opinion and the grounds for the opinion to both Houses of Parliament before the end of the period within which any motion for disallowance of the regulations may be moved in either House;	
	and	
	(b) if Parliament is not in session, it may, before reporting to Parliament, report the opinion and the grounds for the opinion to the authority by which the regulations were made.	
PART III		
TRANSITIONAL PROVISIONS		
	(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.	
	(2) Where 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.	
	(3) In subclauses (1) and (2)—	
	"former committee" means—	
	(a) the Joint Committee on Subordinate Legislation;	
	(b) the Public Accounts Committee;	
	(c) the Parliamentary Standing Committee on Public Works.	

APPENDIX

LEGISLATIVE HISTORY

Section 17(7) and (8):

inserted by 79, 1992, s. 2