

South Australia

PARLIAMENTARY COMMITTEES ACT 1991

An Act to provide for the establishment of various Parliamentary committees; to define the functions, powers and duties of those committees; and for other purposes.

*This Act is published under the Legislation Revision and Publication Act 2002 and incorporates all amendments in force as at **24 November 2003**.*

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.

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]
Parliamentary Committees (Miscellaneous) Amendment Act 1994 No. 18 of 1994 [Assented to 12 May 1994]²
Statutes Amendment (Attorney-General's Portfolio) Act 1995 No. 27 of 1995 [Assented to 27 April 1995]³
Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Act 1995 No. 35 of 1995 [Assented to 27 April 1995]⁴
Superannuation Funds Management Corporation of South Australia Act 1995 No. 38 of 1995 [Assented to 27 April 1995]⁵
Electoral (Miscellaneous) Amendment Act 1997 No. 22 of 1997 [Assented to 27 March 1997]⁶
Parliamentary Committees (Presiding Members) Amendment Act 2002 No. 27 of 2002 [Assented to 7 November 2002]
River Murray Act 2003 No. 35 of 2003 [Assented to 31 July 2003]⁷

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

² Came into operation (except s. 9) 12 May 1994: *Gaz.* 12 May 1994, p. 1188; s. 9 came into operation 1 December 1994: *Gaz.* 8 September 1994, p. 728.

³ Came into operation 4 May 1995: *Gaz.* 4 May 1995, p. 1705.

⁴ Came into operation 25 May 1995: *Gaz.* 25 May 1995, p. 2200.

⁵ Came into operation 1 July 1995: *Gaz.* 25 May 1995, p. 2199.

⁶ Came into operation 28 August 1997: *Gaz.* 28 August 1997, p. 456.

⁷ **Schedule (cl. 17) came into operation 24 November 2003: *Gaz.* 20 November 2003, p. 4203.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

SUMMARY OF PROVISIONS

Part 1—Preliminary

1. Short title
3. Interpretation

Part 2—Economic and Finance Committee

Division 1—Establishment and membership of Committee

4. Establishment of Committee
5. Membership of Committee

Division 2—Functions of Economic and Finance Committee

6. Functions of Committee

Part 3—Environment, Resources and Development Committee

Division 1—Establishment and membership of Committee

7. Establishment of Committee
8. Membership of Committee

Division 2—Functions of Environment, Resources and Development Committee

9. Functions of Committee

Part 4—Legislative Review Committee

Division 1—Establishment and membership of Committee

10. Establishment of Committee
11. Membership of Committee

Division 2—Functions of Legislative Review Committee

12. Functions of Committee

Part 4A—Public Works Committee

Division 1—Establishment and membership of Committee

- 12A. Establishment of Committee
- 12B. Membership of Committee

Division 2—Functions of Public Works Committee

- 12C. Functions of Committee

Part 5—Social Development Committee

Division 1—Establishment and membership of Committee

- 13. Establishment of Committee
- 14. Membership of Committee

Division 2—Functions of Social Development Committee

- 15. Functions of Committee

Part 5A—Statutory Authorities Review Committee

Division 1—Establishment and membership of Committee

- 15A. Establishment of Committee
- 15B. Membership of Committee

Division 2—Functions of Statutory Authorities Review Committee

- 15C. Functions of Committee

Part 5B—Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation

Division 1—Establishment and membership of Committee

- 15D. Establishment of Committee
- 15E. Membership of Committee

Division 2—Functions of Committee

- 15F. Functions of the Committee

Part 5C—Statutory Officers Committee

Division 1—Establishment and membership of Committee

- 15G. Establishment of Committee
- 15H. Membership of Committee

Division 2—Functions of Statutory Officers Committee

- 15I. Functions of Committee

Part 5D—Natural Resources Committee

Division 1—Establishment and membership of Committee

- 15J. Establishment of Committee
- 15K. Membership of Committee

Division 2—Functions of Committee

- 15L. Functions of Committee

Part 6—General provisions

Division 1—References, reports and Ministerial response

- 16. References to Committee
- 16A. Certain public works referred to Public Works 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 2—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
- 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 3—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

APPENDIX LEGISLATIVE HISTORY

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

Short title

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

* * * * *

Interpretation

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

"**appointing House or Houses**" means—

- (a) in relation to the Economic and Finance Committee or the Public Works Committee—the House of Assembly;
- (ab) in relation to the Statutory Authorities Review Committee—the Legislative Council;
- (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;

"**Committee**" means—

- (a) the Economic and Finance Committee; or
- (b) the Environment, Resources and Development Committee; or
- (c) the Legislative Review Committee; or
- (d) the Public Works Committee; or
- (e) the Social Development Committee; or
- (f) the Statutory Authorities Review Committee; or
- (g) the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation; or
- (h) the Statutory Officers Committee; or
- (i) the Natural Resources Committee;

"**construction**" includes—

- (a) the making of any repairs or improvements or other physical changes to any building, structure or land; and

Parliamentary Committees Act 1991

- (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,

and "**construct**" has a corresponding meaning;

"**House**" means—

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

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

"**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; 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,

and "**public office**" has a corresponding meaning;

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

"**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;

"**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;

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

Parliamentary Committees Act 1991

Part 2—Economic and Finance Committee

Division 1—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.

(3) The Committee must from time to time appoint one 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.

Division 2—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, 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;
 - (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;
 - (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 3—Environment, Resources and Development Committee

Division 1—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.

(4) The Committee must from time to time appoint one of its House of Assembly members to be the Presiding Member of the Committee but if the members are at any time unable to come to a decision on who is to be the Presiding Member, or on who is to preside at a meeting of the Committee in the absence of the Presiding Member, the matter is referred by force of this subsection to the House of Assembly and that House will determine the matter.

Division 2—Functions of 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 utilised;
 - (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 4—Legislative Review Committee

Division 1—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.

(4) The Committee must from time to time appoint one 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 that matter.

Division 2—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 by 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 4A—Public Works Committee

Division 1—Establishment and membership of Committee

Establishment of Committee

12A. The *Public Works Committee* is established as a committee of the Parliament.

Membership of Committee

12B. (1) Subject to subsection (1a), the Committee is to consist of six members of the House of Assembly appointed by the House of Assembly.

(1a) On and from the first sitting day of the House of Assembly following the next general election of members of the House of Assembly after the commencement of this subsection the Committee is to consist of five 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 one 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.

Division 2—Functions of Public Works Committee

Functions of Committee

12C. The functions of the Public Works Committee are—

- (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;
 - (ii) the necessity or advisability of constructing it;
 - (iii) where the work purports to be of a revenue-producing character, the revenue that it might reasonably be expected to produce;
 - (iv) the present and prospective public value of the work;
 - (v) the recurrent or whole-of-life costs associated with the work, including costs arising out of financial arrangements;
 - (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;
 - (vii) the efficiency and progress of construction of the work and the reasons for any expenditure beyond the estimated costs of its construction;
- (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 5—Social Development Committee

Division 1—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.

(4) The Committee must from time to time appoint one 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.

Division 2—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 5A—Statutory Authorities Review Committee

Division 1—Establishment and membership of Committee

Establishment of Committee

15A. The *Statutory Authorities Review Committee* is established as a committee of the Parliament.

Membership of Committee

15B. (1) The Committee is to consist of five 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 one 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 Legislative Council and that House will determine the matter.

Division 2—Functions of Statutory Authorities Review Committee

Functions of Committee

15C. The functions of the Statutory Authorities Review Committee are—

- (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;
 - (ii) the functions of the authority and the need for the authority to continue to perform those functions;
 - (iii) the net effect of the authority and its operations on the finances of the State;
 - (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;
 - (v) whether the structure of the authority is appropriate to its functions;
 - (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;
- (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 5B—Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation

Division 1—Establishment and membership of Committee

Establishment of Committee

15D. The *Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation* is established as a Parliamentary committee.

Membership of Committee

15E. (1) The Committee consists 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) The members of the Committee are not entitled to remuneration for their work as members of the Committee.

(4) The Committee must from time to time appoint one of its House of Assembly members to be the Presiding Member of the Committee but if the members are at any time unable to come to a decision on who is to be the Presiding Member, or on who is to preside at a meeting of the Committee in the absence of the Presiding Member, the matter is referred by force of this subsection to the House of Assembly and that House will determine the matter.

Division 2—Functions of Committee

Functions of the Committee

15F. The functions of the Committee are—

- (a) to keep the administration and operation of the *Occupational Health, Safety and Welfare Act 1986*, the *Workers Rehabilitation and Compensation Act 1986*, and other legislation affecting occupational health, safety or welfare, or occupational rehabilitation or compensation, under continuous review; and
- (b) to examine and make recommendations to the Executive and to Parliament about proposed regulations under any of the legislation mentioned in paragraph (a), and in particular regulations that may allow for the performance of statutory functions by private bodies or persons; and
- (c) to perform other functions assigned to the Committee under this or any other Act or by resolution of either House of Parliament.

Part 5C—Statutory Officers Committee

Division 1—Establishment and membership of Committee

Establishment of Committee

15G. The *Statutory Officers Committee* is established as a committee of the Parliament.

Membership of Committee

15H. (1) The Committee consists of six members of whom—

- (a) three must be members of the House of Assembly appointed by the House of Assembly (of whom at least one must be appointed from the group led by the Leader of the Opposition and at least one must be appointed from the group led by the Leader of the Government); and
- (b) three must be members of the Legislative Council appointed by the Legislative Council (of whom at least one must be appointed from the group led by the Leader of the Opposition and at least one must be appointed from the group led by the Leader of the Government).

(2) The members of the Committee are not entitled to remuneration for their work as members of the Committee.

(3) The Committee must from time to time appoint one 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.

Division 2—Functions of Statutory Officers Committee

Functions of Committee

15I. (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; and
 - (iii) on any other matter referred to the Committee by the Minister responsible for the administration of any such Act; and
- (b) to perform other functions assigned to the Committee under this or any other Act or by resolution of both Houses.

(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.

Parliamentary Committees Act 1991

(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 5D—Natural Resources Committee

Division 1—Establishment and membership of Committee

Establishment of Committee

15J. The *Natural Resources Committee* is established as a committee of the Parliament.

Membership of Committee

15K. (1) The Committee is to consist of seven members.

(2) Four 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 eligible to be a member of the Committee, and section 21(2)(e) does not apply in relation to the members of the Committee.

(4) The Committee must from time to time appoint one of its House of Assembly members to be the Presiding Member of the Committee but if the members are at any time unable to come to a decision on who is to be the Presiding Member, or on who is to preside at a meeting of the Committee in the absence of the Presiding Member, the matter is referred by force of this subsection to the House of Assembly and that House will determine the matter.

Division 2—Functions of Committee

Functions of Committee

15L. (1) The functions of the Committee are—

- (a) to take an interest in and keep under review—
 - (i) the protection, improvement and enhancement of the natural resources of the State; and
 - (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
- (b) without limiting the operation of paragraph (a), 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
 - (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

Parliamentary Committees Act 1991

- (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
- (iv) at the end of the second year of operation of the *River Murray Act 2003*, to inquire into and report on—
 - (A) the operation of subsection (5) of section 22 of that Act, insofar as it has applied with respect to any Plan Amendment Report under the *Development Act 1993* referred to the Governor under that subsection; and
 - (B) the operation of section 24(3) of the *Development Act 1993*; 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.

(2) In this section—

"**natural resources**" includes—

- (a) soil, geological features, water, vegetation, animals and other organisms, and ecosystems; and
- (b) the natural amenity value of an area.

Part 6—General provisions

Division 1—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; 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.

Certain public works referred to Public Works Committee

16A. (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.

(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 17(7).

(3) The Minister may exempt a public work from the operation of subsection (1) if—

- (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,

(whether or not the work is to be constructed on land of the Crown or the Superannuation Funds Management Corporation of South Australia).

Reports on matters referred

17. (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;

Parliamentary Committees Act 1991

(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 2—Term of office, proceedings and powers of Committees

Term of office of members

20. * * * * *

(2) 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; 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 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.

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Parliamentary Committees Act 1991

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) The number of members of a Committee that constitute a quorum of the Committee is—

(a) if the Committee consists of five members—three members (at least one of whom must have been appointed to the Committee from the group led by the Leader of the Opposition in the Committee's appointing House); and

(b) if the Committee consists of six or seven members—four members.

(2a) No business may be transacted at a meeting of a 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 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.

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 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.

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 3—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 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.

(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.

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.

Parliamentary Committees Act 1991

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

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Part 3—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.

Parliamentary Committees Act 1991

APPENDIX

LEGISLATIVE HISTORY

Repeals

The *Parliamentary Committees Act 1991* repealed the following:

Public Accounts Committee Act 1972
Public Works Standing Committee Act 1927

Amendments

The *Parliamentary Committees Act 1991* amended the following:

Constitution Act 1934
Industries Development Act 1941
Parliamentary Remuneration Act 1990
Planning Act 1982
Subordinate Legislation Act 1978

Transitional Provisions

(Transitional provision from Parliamentary Committees (Miscellaneous) Amendment Act 1994, s. 14)

14. The first members of the Public Works Committee and of the Statutory Authorities Review Committee must be appointed as soon as practicable after the commencement of this Act.

(Transitional provision from Parliamentary Committees (Presiding Members) Amendment Act 2002, s. 11)

11. If, immediately before the commencement of this Act, a person who is holding office as the Presiding Member of a Committee established under the principal Act is not a member of the House from which the Presiding Member of the Committee must be appointed under a provision inserted into the principal Act by this Act, the position of Presiding Member of the Committee immediately becomes vacant and a new Presiding Member must be appointed under the principal Act as amended by this Act (but otherwise this Act does not affect the appointment of a Presiding Member before the commencement of this Act).

Legislative History

(entries in bold type indicate amendments incorporated since the last reprint)

Long title:	amended under <i>Legislation Revision and Publication Act 2002</i> 24.11.03
Section 2:	omitted under <i>Legislation Revision and Publication Act 2002</i> 24.11.03
Section 3:	definition of "appointing House or Houses" amended by 18, 1994, s. 3(a), (b) definition of "Committee" amended by 18, 1994, s. 3(c); substituted by 35, 1995, Sched. 1(a); amended by 22, 1997, Sched. 3 cl. 3(a); 35, 2003, Sched. cl. 17(a) definition of "construction" inserted by 18, 1994, s. 3(d) definition of "land" inserted by 18, 1994, s. 3(e) definition of "public work" inserted by 18, 1994, s. 3(f) definition of "statutory authority" substituted by 18, 1994, s. 3(g) definition of "work" inserted by 18, 1994, s. 3(h)
Section 5(3):	inserted by 27, 2002, s. 2
Section 6:	amended by 18, 1994, s. 4
Section 8(4):	inserted by 27, 2002, s. 3
Section 11(4):	inserted by 27, 2002, s. 4
Section 12:	amended by 18, 1994, s. 5

Part 4A comprising ss. 12A - 12C and headings inserted by 18, 1994, s.

Section 12B(1):	amended by 27, 1995, s. 18(a)
Section 12B(1a):	inserted by 27, 1995, s. 18(b)
Section 12B(3):	inserted by 27, 2002, s. 5
Section 14(4):	inserted by 27, 2002, s. 6
	Part 5A comprising ss. 15A - 15C and headings inserted by 18, 1994, s. 7
Section 15B(3):	inserted by 27, 2002, s. 7
	Part 5B comprising ss. 15D - 15F and headings inserted by 35, 1995, Sched. 1(b)
Section 15E(4):	inserted by 27, 2002, s. 8
	Part 5C comprising ss. 15G - 15I and headings inserted by 22, 1997, Sched. 3 cl. 3(b)
Section 15H(3):	inserted by 27, 2002, s. 9
	Part 5D comprising ss. 15J - 15L and headings inserted by 35, 2003, Sched. cl. 17(b)
Section 16(2):	substituted by 18, 1994, s. 8
Section 16A:	inserted by 18, 1994, s. 9
Section 16A(1):	amended by 38, 1995, Sched. 2
Section 16A(3):	inserted by 38, 1995, Sched. 2
Section 17(1):	amended by 18, 1994, s. 10(a)
Section 17(3):	amended by 18, 1994, s. 10(b)
Section 17(7) and (8):	inserted by 79, 1992, s. 2
Section 20(1):	repealed by 18, 1994, s. 11(a)
Section 20(2):	amended by 18, 1994, s. 11(b)
Section 23:	repealed by 27, 2002, s. 10
Section 24(2):	substituted by 27, 1995, s. 19
Section 24(2a):	inserted by 27, 1995, s. 19
Section 24(5):	substituted by 18, 1994, s. 12
Section 30:	amended by 18, 1994, s. 13
Schedule	
Parts 1 and 2:	omitted under <i>Legislation Revision and Publication Act 2002</i> 24.11.03