

PARLIAMENTARY COMMITTEES LEGISLATION AMENDMENT BILL 1996

REPLACEMENT EXPLANATORY NOTE

Short title of the Bill

Parliamentary Committees Amendment Bill 1996.

Objectives of the Bill

The objectives of the bill are:

- to amend the *Parliamentary Committees Act 1995* to introduce reforms to enhance the effectiveness of the committee system
- to amend the *Criminal Justice Act 1989* to re-establish the Criminal Justice Committee
- to amend the *Electoral Act 1992* to require consultation with the Leader of each political party in the Legislative Assembly about the appointment of a person as a member of the Electoral Commission or senior electoral officer (electoral Commissioner or deputy electoral commissioner).

Reasons for the objectives and how they will be achieved

The Bill implements reforms recommended by both the Electoral and Administrative Review Commission Report on Review of Parliamentary Committees and the Parliamentary Committee Electoral and Administrative Review (PCEAR) Report on Review of Parliamentary Committees.

These reforms will enhance the operations, efficiency and effectiveness of the parliamentary committee system in the Legislative Assembly. The parliamentary committee system is one of the “core functions” of the Parliament.

The Bill also re-establishes the Criminal Justice Committee to oversee the workings of the Criminal Justice Commission. The previous government had given this task to the overburdened Legal, Constitutional and Administrative Review Committee. The Criminal Justice Commission requires a specialist committee; not one that has an agenda ranging from freedom of information to law reform to constitutional matters. PCEAR recommended that the Criminal Justice Committee should be retained.

In addition, the Bill includes in the areas of responsibility of the Public Works Committee major government owned corporations works if the committee decides to consider the work.

An amendment to the *Electoral Act 1992* made in September last year omitted a provision under which party leaders were required to be consulted about the appointment of a person as a member of the Electoral Commission or senior electoral officer. Amendments made by this Bill restores the legislation to the former position and requires consultation about proposed appointments with the party leaders in the Legislative Assembly.

Administrative Cost

There will be an additional cost for the Parliamentary Criminal Justice Committee.

Fundamental legislative principles

The Bill is consistent with fundamental legislative principles.

Consultation

The amendments made by the Bill are based on amendments of the *Parliamentary Committees Bill 1995* moved by the Honourable the Premier when Leader of the Opposition. No additional consultation has, therefore, been carried out in relation to the Bill.

Notes on Clauses**Part 1—PRELIMINARY**

Clause 1 Sets out the short title of the Bill.

**Part 2—AMENDMENT OF PARLIAMENTARY
COMMITTEES ACT 1995**

Clause 2 Provides for the amendment of the *Parliamentary Committees Act 1995* by the part.

Clause 3 inserts new section 4A and 4B. Proposed section 4A deals with the membership of statutory committees of the Legislative Assembly. It provides that a statutory committee must consist of an equal number of members nominated by the Leader of the House and the Leader of the Opposition. The chairperson of the statutory committee is the member of the committee nominated by the Leader of the House.

Proposed Section 4B deals with quorum and voting at meetings of statutory committees. A quorum consists of half the number of members appointed to the committee plus 1. A question is decided by a majority of the votes of the members of the committee present and voting. Each member has a vote on each question and the chairperson has a casting vote where the votes are equal.

Clause 4 This clause replaces section 6(3) consequentially on the re-establishment of the Criminal Justice Committee. Existing subsection 6 (3) provides that the Act applied to the Legal Constitutional and Administrative Review Committee subject to the *Criminal Justice Act 1989*. The replacement subsection provides the Act does not apply to the Criminal Justice Committee.

Clause 5 This clause revises section 20(1)(b) by removing a restriction limiting the major GOC works that the committee may consider. Currently under the Act, the Public Works Committee can consider a major GOC work only if the work is referred to the Committee by the Legislative Assembly.

Clause 6 This clause revises section 25. The existing section requires a resolution of the Legislative Assembly for a committee, other than the Public Accounts and Public Works Committees to call for persons, documents and other things. Under the replacement section, all statutory committees are authorised by the section to call for persons, documents and other things.

Clause 7 This clause is also consequential on the re-establishment of the Criminal Justice Committee under proposed section 37. The Criminal Justice Committee may deal with unfinished matters falling within its area of responsibility.

PART 3—AMENDMENT OF CRIMINAL JUSTICE ACT 1989

Clause 8 Provides for the amendment of the *Criminal Justice Act 1989* by the part.

Clause 9 This clause replaces the definition of the parliamentary committee. Under the revised definition the parliamentary committee is the Criminal Justice Committee instead of the Legal Constitutional and Administrative Review Committee.

Clause 10 This clause re-establishes the Criminal Justice Committee and deals with membership, quorum and voting at meetings of the committee.

The provision for membership, quorum and voting are identical to the provisions applying to statutory committees of the Legislative Assembly.

PART 4—AMENDMENT OF ELECTORAL ACT 1992

Clause 11 Provides for the amendment of the *Electoral Act 1992* by the part.

Clause 12 This clause replaces section 7(7) to reinsert the requirement (omitted last year) that the Minister consult with the Leader of each political party in the Assembly about the proposed appointment of a person as chairperson or nonjudicial appointee to the electoral commission. The amendment does not affect the existing requirement for the Minister to consult with the parliamentary committee about the process of selection for appointment and the proposed appointment of a person as the chairperson or nonjudicial appointee.

Clause 13 This clause amends section 23(2) to reinstate the requirement (also omitted last year) that the Minister consult with the Leader of each political party in the Assembly about the proposed appointment of a person as senior electoral officer (the electoral commissioner or deputy electoral commissioner). The amendment does not affect the existing requirements—

- to advertise for applications from suitably qualified persons; and
- for the Minister to consult with the parliamentary committee about the process of selection for appointment and the proposed appointment of a person as senior electoral officer.