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Discussion Paper on Assembly Committee Reform

February 2015

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Executive Summary

A new structure of two super committees is proposed where:

- One committee deals with all matters regarding society and culture and the other all matters regarding the economy and environment;
- Bills may be referred for consideration prior to the second reading; and
- Wednesday morning of each sitting week is used for committee meetings

These committees would take on the functions of, and replace, the Public Accounts, Estimates, Legal and Constitutional Affairs and Energy Future committees.

Each super committee would have allocated to it the government agencies relating to their subject area. The functions of these committees would be to inquire and report on:

- Any matter referred by the Assembly or a Minister;
- The provisions of bills and subordinate legislation;
- The impact of bills and subordinate legislation on rights, liberties, regulatory burden and the institution of Parliament;
- Public accounts and Auditor-General's reports;
- Performance, operation and Annual Reports of Government Agencies; and
- The annual Appropriation Bill and Estimates.

1 Legislating in the 21st Century

- 1.1 Parliaments around the world are changing the way they do business. Increasingly they have been giving the people they represent opportunities to be involved in making laws and developing policies through their committees.
- 1.2 Committees enable Members of Parliament to have a conversation with interested people about an issue of importance in a public setting through receiving submissions, holding hearings and visiting places.
- 1.3 Committees can provide a public forum for discussing the pros and cons of a proposed law and work through possible implications before they are enacted. This assists the proponents of a bill to explain why it is needed, and those concerned with a proposal to test its merits, leading to improved public understanding of what the Government is doing, and better quality legislation.
- 1.4 They can also help address the difficult issues and wicked problems faced by governments by bringing together academic, professional, industry and community views in order to find innovative solutions.
- 1.5 This growing role of committees has led many parliaments to use much of their time during sitting weeks for committee meetings, so that when Members come together they devote part of their time to debating issues in the Chamber, and part of the time hearing evidence and working through the details in committees. Members get to tell the community what they think through the Parliament's debates, and to listen to what the community thinks at committee hearings.
- 1.6 This move towards increased time for committees has been particularly pronounced for many unicameral parliaments, such as Queensland, New Zealand, Scotland and Wales.
- 1.7 With 40 years since the granting of self-government, the Northern Territory is maturing into a strong and confident society. Part of that maturation process includes developing its democratic infrastructure and institutions. The Northern Territory Legislative Assembly has often used committees to help it address complex issues, such as euthanasia, substance abuse, Statehood and youth suicide. It is timely to consider how committees can better serve the Territory as the Assembly enters its fifth decade.
- 1.8 This discussion paper proposes a new system of two super committees whereby:
 - One committee deals with all matters regarding society and culture and the other all matters regarding the economy and environment;
 - Bills may be referred for consideration prior to the second reading; and
 - Wednesday morning of each sitting week is used for committee meetings.
- 1.9 These changes will make committees a more integral part of the legislative process. They will strengthen the Assembly's ability to have conversations with the people it represents and to give detailed consideration to vital public issues.

2 Functions of Committees

Domestic and Scrutiny Committees

2.1 The Assembly's Committees can be broadly divided into domestic and scrutiny committees.

Domestic Committees

2.2 Domestic committees assist the Assembly with its internal operation. They include the following:

- Committee of Privileges — the Assembly's disciplinary committee which meets only as required by the Assembly;
- Standing Orders Committee — considers the rules of the Assembly;
- Committee on Members' Interests — assigned by the Standing Orders to be comprised by Standing Orders Committee members; and
- House Committee — advises the Speaker on matters relating to Parliament House, the parliamentary precinct and services to Members.

2.3 While important for the proper operation of the Assembly, domestic committees are not normally involved in public engagement on the legislative or policy process. Reforms to domestic committees are therefore not being proposed in this discussion paper.

Scrutiny Committees

2.4 Scrutiny committees assist the Assembly perform its functions of making legislation and scrutinising the Government.

2.5 Scrutiny Committees include the Public Accounts Committee (PAC), Legal and Constitutional Affairs Committee (LCAC) (which also performs the functions of the Subordinate Legislation and Publications Committee), Committee on the Northern Territory's Energy Future (CONTEF), the Select Committee on Action to Prevent Foetal Alcohol Spectrum Disorder (FASD), the Fuel Price Disclosure Scrutiny Committee the Estimates Committee and the Government Owned Corporations Scrutiny Committee.

2.6 Key functions that are undertaken by scrutiny committees across Australia include:

- Inquiry into issues of concern and difficult policy issues;
- Consideration of the provisions of bills;
- Scrutiny of bills and regulations for their impact on rights, liberties and the institution of Parliament;
- Scrutiny of Budget Estimates;

- Examination of public accounts and Auditor-General reports; and
 - Scrutiny of agency performance.
- 2.7 Of these functions, scrutiny committees in the Northern Territory examine public accounts and Auditor-General's reports (PAC), scrutinise regulations (LCAC), examine Budget Estimates, and inquire into issues of concern or policy issues on an occasional basis (CONTEF, FASD).
- 2.8 In March 2014 the Assembly amended the Standing Orders to enable the Public Accounts Committee to inquire on its own initiative into any matter within the Territory's administration. This enables the PAC to perform any of the above functions. For example, the Committee used this new power to conduct an inquiry into bills for the structural separation of the Power and Water Corporation.
- 2.9 Currently, no Assembly committees routinely consider the provisions of bills, the impact of bills on rights, liberties or the institution of Parliament (known in Queensland as 'fundamental legislative principles'), or scrutinise agency performance.
- 2.10 Many parliaments also have committees to cover the range of policy issues that arise in Government. The Assembly currently has a committee for Legal and Constitutional Affairs, which may only consider matters specifically referred by the Attorney-General or the Assembly, a committee on the Northern Territory's Energy Future, and a committee examining Foetal Alcohol Spectrum Disorder. There are no committees for other policy areas.

3 Super Committees

- 3.1 It is proposed that the Assembly establish two 'super committees', one for 'Society and Culture' and one for 'the Economy and Environment' responsible for all committee functions within their subject areas.
- 3.2 The committees would also be allocated coverage of Government Agencies in line with their subject areas. For example, Society and Culture would include the Departments of Education and Health, while Economy and the Environment would include the Treasury, and Departments of Mines and Energy, and Parks and Wildlife.
- 3.3 Within these subject areas, each committee would perform all the functions of scrutiny committees, through the following terms of reference:

Any matter referred by the Assembly or a Minister—this would allow the Assembly or a Minister to refer any issues of concern or difficult policy issues for an inquiry.

The provisions of bills and subordinate legislation—this would allow the committees to seek public comment and departmental advice on referred bills and report to the Assembly on its deliberations, including recommending any amendments.

The impact of bills and subordinate legislation on rights, liberties, regulatory burden and the institution of Parliament—this gives each committee the formal 'rights and liberties' scrutiny function performed by the Subordinate Legislation and Publications Committee and expands that power to include consideration of bills. A similar function is performed by committees in the Federal, Queensland, New South Wales, Victorian and Australian Capital Territory Parliaments. As is current practice with subordinate legislation, this function could be exercised by the committees considering legal advice.

Public accounts and Auditor-General's reports—this would allow the committees to perform the functions of the Public Accounts Committee for agencies within their subject areas.

Performance, operation and Annual Reports of agencies—examining the performance and operation of agencies would be an expansion of the committees' Public Accounts role.

The annual Appropriation Bill and Estimates—Estimates hearings would be conducted in a similar manner as previously, except that the Agency responsible for each Budget output would be examined by the committee to which it is allocated.

- 3.4 Super committees would bring two big changes. Firstly, they would greatly increase the range of functions dealt with by committees; in particular, they

would enable greater committee involvement and public deliberation in the making of laws.

- 3.5 Secondly, they would change the way committees operate by reducing the number of committees and meetings but increasing the range of issues dealt with at each meeting. This consolidation of many functions into fewer committees will both strengthen each committee's knowledge and understanding of their policy area, and enable the committees to manage an expanded workload more efficiently.
- 3.6 The proposed functions for the super committees are discussed in more detail below, and draft amendments to Standing Orders to implement these changes are at Appendix D. The implications of these changes for the passage of bills and the work of members are discussed in the following chapters.

Any matter referred by the Assembly or a Minister

- 3.7 This function would give the committees the power to inquire into matters within their subject area referred by the Assembly or a Minister. It would allow the committee to conduct detailed inquiries into difficult policy issues or matters of concern.
- 3.8 Current references given by the Assembly or Ministers to committees include the Statehood reference to the LCAC, the Territory's energy future given to CONTEF and the Foetal Alcohol Spectrum Disorder reference given to the FASD committee. All of these references, and any future references, could be given to the relevant super committee.
- 3.9 While it would be possible to set up select committees to inquire into specific matters, the normal course would be to refer the matter for consideration to the relevant super committee rather than establish additional committees. This would enable committees to build up a greater understanding of their subject area and allow a more efficient use of Members' time by keeping the number of committees and committee meetings to a minimum.
- 3.10 A possible expansion of this function would be to also enable the committees to inquire into any matters within their subject area on their own initiative, as is now the case with the Public Accounts Committee. However, given the range of other functions proposed for the committees, it is proposed that each committee's general inquiry power be restricted to those priorities identified by the Assembly or a Minister. For comparison, it is noted that the Queensland Parliament restricts its committees' general reference power to matters referred by the Assembly, while the New Zealand Parliament empowers its committees to inquire into any matter it resolves to consider within its subject area.

The provisions of bills

- 3.11 Bills may be referred to the relevant super committee for consideration prior to their second reading in the Assembly. After a bill's introduction, the Assembly

will decide whether to send the bill to a committee and set the date for report, to continue to the second reading, or to treat the bill as urgent.

- 3.12 When a bill is referred to a committee, the committee would seek public submissions on the bill and, if warranted, hold hearings to discuss any issues of concern. This would allow interested members of the public to raise issues with the bill, the proponents of the bill to explain the need for and operation of the bill, and Members of the Assembly to obtain any information or clarification they require before voting on the bill.
- 3.13 This function is discussed further in Chapter 4.

The impact of bills and subordinate legislation on rights and liberties of individuals and the institution of Parliament

- 3.14 The first Legislative Assembly established a committee to examine all subordinate legislation for its impact on rights and liberties and other defined issues. This review does not look at the policy of the legislation but is a formal review usually done with the help of a legal advisor.
- 3.15 Many parliaments also scrutinise bills for their impact on rights. The purpose of this scrutiny is to bring to the attention of the Parliament, ways in which the bill could affect people's rights, so that the Parliament can give full consideration to this effect. This function has increasingly been seen as an effective means of protecting human rights without reducing parliamentary sovereignty.
- 3.16 As is currently the practice with subordinate legislation, committees would conduct this formal review of bills with the assistance of a legal advisor, who could highlight issues for the attention of parliament. This review is quite distinct from consideration of the policy of a bill.
- 3.17 It is proposed that the terms for this review be based on the 'fundamental legislative principles' set out in the Queensland *Legislative Standards Act* (see Appendix C).

Public accounts and Auditor-General's reports

- 3.18 Traditionally, a core committee scrutiny function has been the Public Accounts Committee working with the Auditor-General to ensure appropriate government accounting and expenditure and promote efficiency, effectiveness and economy of government agencies. This is done through the Public Accounts Committee examining the reports of the Auditor-General and following up on issues of concern.
- 3.19 It is proposed that each of the super committees would consider the public accounts and the Auditor-General's reports as they relate to the committees' subject areas. As a result, both committees would benefit from the Auditor-General's expertise. The committees would also be better placed to make effective use of the Auditor-General's reports due to having a greater awareness of the policy and administrative context of the issues involved.

Annual Reports of agencies

- 3.20 Annual reports are where agencies outline their purpose and performance. A standing referral of all agencies' annual reports to the committees will enable the committees to scrutinise the performance of those agencies and, on their own initiative, conduct inquiries into the performance and operation of the agencies. This is in effect an expansion of the public accounts scrutiny function to allow the committees to monitor agency performance more generally.

The annual Appropriation Bill and Budget Estimates

- 3.21 It is proposed to continue the estimates committee process in a similar manner to previous years, except that the Budget outputs would be referred to the relevant super committee for consideration rather than a single Estimates Committee. In all other respects, similar rules and practices would apply.

4 Passage of Bills

- 4.1 Routinely referring bills to the relevant committee will introduce a new level of public consultation and participation in the legislative process. It will give Members the opportunity to examine any questions they have regarding the legislation and provide the public an opportunity to raise any issues or concerns.
- 4.2 A key principle of the passage of legislation is that it must remain in the control of the Assembly. Sometimes, committee consultation may take longer than the one month minimum currently provided by Standing Orders, but this will be subject to the timeline set by the Assembly.
- 4.3 Where convenient, the typical passage of a bill would be:
 - Introduction and Minister's speech outlining the purpose of the bill;
 - Motion to determine whether to refer the bill to a committee for report by a specified date;
 - Committee calls for public submissions by a specified date, typically prior to the next sittings, by notification on the Assembly's website and a newspaper notice listing all bills currently before committees;
 - Committee considers any issues raised and, if needed, holds hearings during the first sittings following the introduction of the Bill;
 - Committee reports to the Assembly during second sittings following introduction of the bill, with any recommendations regarding passage or amendment;
 - The Assembly concludes second reading debate and, if agreed, the passage of the bill in the second sittings after the introduction of the bill.
- 4.4 The timeframe for each bill would be subject to the will of the Assembly. Urgent bills would not be referred to a committee, or the committee would be required to report by the sittings following introduction if a longer period of consideration would be inconvenient. For bills that do not merit committee consideration the Assembly may proceed to the second reading without reference to a committee.
- 4.5 Committees would adapt the consideration they gave to each bill according to the issues raised and the time allowed by the Assembly. A bill on which no issues were raised could be given a 'no issues' report without further investigation. For a complex bill, a committee may seek a detailed public briefing from the relevant agency, and for a controversial bill a committee may hold hearings to canvass and test a range of viewpoints.
- 4.6 In all cases, the committee will need to adapt its processes to meet the timetable set by the Assembly. Further time may be sought from the Assembly, but the Assembly would not be prevented from passing legislation because a committee had not reported. The committees will need to prioritise their work. It will not be possible to have exhaustive consideration of each bill coming before

the Assembly. The committee members' judgement and issues raised in submissions will inform the committees' decisions on how to spend the time available to them.

- 4.7 Both Queensland and New Zealand follow the practice of the Member introducing a bill giving their speech outlining the purpose of the bill before the first reading. There is no further debate allowed on the motion that the bill be now read a first time. It is proposed that the Assembly also adopt this practice as it allows the person introducing a bill to both outline its purpose before the bill is referred to a committee and to lead the debate on the bill's second reading after the committee has reported. It also prevents the referral to a committee of a bill which the Assembly is not willing to consider. The stages for the passage of bill would therefore be:
- Bill introduced, mover's explanatory speech and First Reading.
 - Assembly either refers the bill to a committee and sets the report date, agrees to proceed to the second reading, or declares the bill urgent.
 - Consideration by the committee and report tabled. On tabling the Assembly may resolve, without debate, to adopt as part of the bill, amendments proposed by the committee.
 - Second reading is moved and debated.
 - Assembly may go into the Committee of the Whole and consider any amendments.
 - Third reading of the bill is moved.
- 4.8 Draft amendments to Standing Orders to implement this proposal are at Appendix D.

5 Allocating Committee Time

- 5.1 It is proposed to allocate Wednesday morning of each sitting week to committee meetings to assist the committees to perform their increased functions.
- 5.2 Allocating time in sitting weeks to committees will assist Members manage their increased workload and further integrate committee proceedings as part of the legislative process. Having a regular time for committees would also assist government agencies, the public, media outlets and interested organisations to work in with and access committee proceedings.
- 5.3 This is a common practice of unicameral parliaments. For example, the Queensland Parliament dedicates Wednesday mornings of sitting weeks to committees and the New Zealand, Scottish and Welsh Parliaments have committee meetings on all sitting day mornings.
- 5.4 Dedicating a morning each sitting week for committees would allow up to five hours of hearings and deliberations (eg, meetings from 8.30 am to 1.30 pm) while reducing the time for Assembly sittings only by two hours, but would require moving Question Time to the afternoon that day. The alternative of allocating sitting time in the afternoons is not preferred because having a long interruption in the sitting would waste the time of Members and staff and evening sittings would limit the flexibility of committee meeting times.
- 5.5 The reduction of two hours in the Assembly's sitting time in the week will be largely offset by giving opportunity for members to seek detailed explanations of the provisions of bills in the super committees. This will reduce the time required for considering the details of a bill in the Committee of the Whole Assembly as currently occurs.
- 5.6 Including additional time for committee activity during the sitting weeks would also reduce the cost of travel to Darwin, that would otherwise be required to attend committee meetings.

6 Membership

- 6.1 Members of the super committees will have the opportunity to deal with a range of issues within their committee's subject area, engage with Territorians, industry, interest groups and agencies on those issues, and develop recommendations for change. This work will include public hearings, consideration of submissions and background papers, briefings and deliberative meetings.
- 6.2 The allocation of time during sittings will assist with this workload. In addition, the consolidation of a number of different functions within the super committees will increase efficiency by increasing the number of matters dealt with at each committee meeting.
- 6.3 Nevertheless, a challenge remains within a 25 Member Assembly of how best to spread the committee workload between those Members available.

Number constraints

- 6.4 The usual size for Assembly committees is five or six members. Party membership of committees is to reflect that of the Assembly, so a five member committee would comprise three Government and two non-Government members; and a six member committee would comprise three Government, two Opposition, and one cross-bench member. A Government Chair on the committee with a deliberative and casting vote maintains a Government majority in keeping with the Government majority in the Assembly.
- 6.5 Ministers are not usually members of scrutiny committees. It is also only in exceptional circumstances that the Speaker will be on a scrutiny committee, although the number pressures created by a small parliament sometimes create such exceptional circumstances.
- 6.6 This puts significant pressure on Government Members to serve on committees, as they need to provide the majority of committee members from a small number of backbench Members. Under the current proposal there would be six Government committee positions to be filled by five backbench members. This would normally require at least one Government Member to serve on two committees. If the number of committees was increased to three, the five Members would need to fill nine positions.
- 6.7 While there are currently four scrutiny committees, these committees are not all active at the same time, and are limited in the activity they can undertake due to the workload Members have from other committees. Also, because these committees must work around the demands of three other committees, it can be difficult to find times for meetings. Reducing the number of committees to two would greatly simplify the scheduling process.
- 6.8 Reducing the number of committees to one would put too great a burden on the one committee. In particular, it would put too great a burden on the Chair, who is

not only responsible for chairing the meetings but also for setting agendas and submitting briefing material and draft reports to the committee. Being in command of such a wide range of material would leave little time for the Member's electorate and party duties.

- 6.9 The proposal for two committees performing the range of committee scrutiny functions for their subject areas would create the greatest efficiencies through:
 - Minimising the number of meetings required while performing a wide range of functions;
 - Being the maximum number of highly active committees that can be supported from the number of Members available; and
 - Providing the minimum reasonable spread of workload.
- 6.10 While the suggested two super committees is considered to be the optimal model given the number constraints of the Assembly, the two committees will not be able to exhaustively fulfil all their functions. The committees will need to prioritise what issues they address within the available time and resources.
- 6.11 Nevertheless, by having the full range of scrutiny functions and the opportunity to consult on non-urgent bills, the super committees will provide new opportunities for the Assembly to engage with constituents and to be the kind of open and responsive legislature that befits a strong, confident and mature Territory.

7 Other Models

Queensland

- 7.1 The super committees model proposed in this paper is similar to the Queensland Parliament's committee system, except they have seven subject committees to perform the range of scrutiny functions rather than two.
- 7.2 Part 3 of the *Parliament of Queensland Act 2001* provides for the establishment of Portfolio Committees, each of which has a defined portfolio area, and every government department is covered by a committee (see Appendix B). Sections 92 – 96 give the committees similar roles to that proposed for the super committees, plus an additional role of reviewing public works by constructing authorities.
- 7.3 Under the Queensland Legislative Assembly Standing Orders, all bills, unless declared urgent, are referred to a portfolio committee prior to the second reading debate. The Member introducing the bill nominates the relevant portfolio committee for the bill and gives a speech explaining the bill prior to its first reading. If the first reading is passed the bill is referred to the committee, which must report to the Assembly within six months or any other time set by the Committee of the Legislative Assembly. In practice, most bills are reported on within around two months.
- 7.4 In addition to the review of the policy of bills, the portfolio committees conduct formal reviews of bills and regulations against the 'fundamental legislative principles' defined under the *Legislative Standards Act 1992* (Qld) (Appendix C).
- 7.5 The Parliament allocates Wednesday morning of sitting weeks for committee meetings.

New Zealand

- 7.6 The New Zealand Parliament has 13 subject committees, to which are referred all non-urgent bills and Estimates, and which can initiate their own inquiries within their subject area. It also has five specialist committees covering scrutiny of subordinate legislation, the appointment of and appropriations for parliamentary officers (Auditor-General, Ombudsman, Parliamentary Commissioner for the Environment) and domestic issues such as the House's business, standing orders and privileges.
- 7.7 The procedure for the referral of bills to subject committees is similar to that in Queensland. The Member introducing the bill gives a speech on the bill when moving the first reading and nominates the committee to which it is to be referred. On the passing of the first reading, the House also confirms what committee the bill is referred to, unless it considers the bill to be urgent. The committee has six months to report on the bill, or such other time determined by the House or the Business Committee. The committee can recommend whether to pass the bill and amendments to the bill. Amendments recommended by the

majority of the committee and agreed by the House, or amendments recommended unanimously by the committee, are adopted as part of the bill for its second reading. Following the report of the committee, the House debates the second reading of the bill.

- 7.8 The House does not sit before 2.00 pm on any sitting day so every morning is available for committee meetings.

Australian Capital Territory

- 7.9 The Australian Capital Territory Legislative Assembly has four subject committees that cover the range of government activity, a committee that scrutinises all bills and subordinate legislation for their impact on rights, a Public Accounts Committee, Estimates Committee and ad hoc select committees.
- 7.10 Each subject committee can initiate inquiries into any matter within their subject areas. Committees usually have four members.

Tasmania

- 7.11 The Tasmanian Parliament uses a variety of scrutiny committees. In the Lower House it has one standing committee on community development and frequently establishes select committees to examine specific matters. The Upper House has two 'Government Administration' committees which cover the various Ministerial portfolios and may be referred bills by the House and can inquire into the administration of government agencies. The Parliament also has joint committees into Public Accounts, Public Works, Subordinate Legislation, Integrity and Preventative Health Care.

Commonwealth

- 7.12 The Australian Parliament has scrutiny committees covering the range of government activity in both the House (by nine subject areas) and the Senate (by ministerial portfolio). Bills are frequently referred to committees in either the House or the Senate. Bills are also subject to formal rights review by both the Joint Human Rights Committee and the Senate Scrutiny of Bills Committee. Subordinate Legislation is also examined by a Senate committee.
- 7.13 The Senate's eight portfolio committees sit as both 'legislative' and 'general purpose' committees. As legislative committees they consider bills and also the Budget Estimates for their portfolio area. The general purpose committees conduct inquiries into own motion references and matters referred by the Senate.
- 7.14 The Australian Parliament also has a range of joint committees, including on Public Accounts and Audit.

United Kingdom

- 7.15 The House of Commons has 'select committees' covering each Government Department and legislation committees for the consideration of bills. It also has a Public Accounts Committee and a range of other specialist and domestic committees and joint committees with the House of Lords. Select committees can initiate their own inquiries within their subject area and examine expenditure, administration and policy.
- 7.16 The House of Commons sends all but urgent or trivial bills to a legislation committee established for that bill. Legislation committees have 15 to 20 members and typically hold their inquiries over 4 weeks. The committees take written and oral evidence and then consider the clauses of the bill and make any amendments. Any amendments made are incorporated into the bill, which is reprinted and reported to the House, which may make further amendments at the report stage. Legislation committees do not produce a written report.

Appendix A: Committee Systems of Other Jurisdictions

Table 1: Structure of Committee Systems in Certain Jurisdictions

Jurisdiction	Committees							
	Total + (joint)	Portfolio	Subject	Domestic	Public Accounts	Estimates	Rights review	Bills referred
House of Reps	15 (17)	Nil	9	6	Joint	Nil	Human Rights (Joint)	Many
Senate	16 (17)	8	Nil	6	Joint	By Portfolio C'ttees	Human Rights (Joint), Bills & Regulations	Many
NSW LA	11 (8)	5	3	2	Yes	Nil	Bills & Regulations (Joint)	Rare
NSW LC	13 (8)	5	3	2	Nil	By Portfolio C'ttees	Bills & Regulations (Joint)	Some
Queensland	10	7	Nil	3	Nil	By Portfolio C'ttees	By Portfolio Committees	All
WA LA	5 (3)	3	Nil	1	Yes	Nil	Regulations (Joint)	Some
WA LC	6 (3)	Nil	3	1	Estimates & Financial Operations	Estimates & Financial Operations	Regulations (Joint)	Many (not policy)
Tas LA	14 (7)	Nil	2	3	Joint	Nil	Regulations (Joint)	Some
Tas LC	12 (7)	2	Nil	2	Joint	Yes	Regulations (Joint)	Some
ACT LA	9	Nil	6	1	Yes	Yes	Bills and Regulations	Rare
New Zealand	18	Nil	13	4	Finance & Expenditure	By Subject Committee	Regulations	All
Scottish Parliament	18	Nil	7	1	Public Audit	By Subject Committee	Delegated Powers & Law Reform	All
NT	7	Nil	2	3	Yes	Yes	Regulations	Rare

Table 2: List of Committees in Certain Jurisdictions

Jurisdiction	House	Committee Structure
Australia	House of Representatives	<p><i>Standing - Subject</i></p> <ul style="list-style-type: none"> • Agriculture and Industry • Environment • Economics • Education and Employment • Health • Indigenous Affairs • Infrastructure and Communications • Social Policy and Legal Affairs • Tax and Revenue <p><i>Standing - Domestic</i></p> <ul style="list-style-type: none"> • Appropriations and Administration • Privileges and Members' Interests • Procedure • Selection • Publications • Petitions
	Senate	<p><i>Standing– Portfolio (Legislative and General Purpose)</i></p> <ul style="list-style-type: none"> • Community Affairs • Economics • Education and Employment • Environment and Communications • Finance and Public Administration • Foreign Affairs, Defence and Trade • Legal and Constitutional Affairs • Rural and Regional Affairs and Transport <p><i>Standing – Domestic</i></p> <ul style="list-style-type: none"> • Privileges • Appropriations and Staffing • Selection of Bills • Procedure • Senators' Interests • Publications <p><i>Standing – Rights review</i></p> <ul style="list-style-type: none"> • Regulations and Ordinances • Scrutiny of Bills
	Joint	<p><i>Joint Statutory</i></p> <ul style="list-style-type: none"> • Australian Commission for Law Enforcement Integrity • Law Enforcement • Broadcasting of Parliamentary Proceedings • Corporations and Financial Services • Intelligence and Security • Public Accounts and Audit • Public Works • Human Rights <p><i>Joint Standing</i></p> <ul style="list-style-type: none"> • Electoral Matters • Foreign Affairs, Defence and Trade • Migration • National Capital and External Territories

Jurisdiction	House	Committee Structure
		<ul style="list-style-type: none"> • Parliamentary Library • Treaties • National Disability Insurance Scheme
New South Wales	Legislative Assembly	<p><i>Standing Committees – Portfolio</i></p> <ul style="list-style-type: none"> • Community Services • Economic Development • Environment & Regulation • Law & Safety • Transport and Infrastructure <p><i>Standing Committees – Subject</i></p> <ul style="list-style-type: none"> • Legal Affairs • Social Policy • State and Regional Development <p><i>Standing Committees – Domestic/House</i></p> <ul style="list-style-type: none"> • Parliamentary Privilege and Ethics (LA) • Standing Orders and Procedures <p><i>Statutory Committees</i></p> <ul style="list-style-type: none"> • Public Accounts Committee <p><i>Select Committees</i></p> <ul style="list-style-type: none"> • Motor Vehicle Repair Industry
	Legislative Council	<p><i>Standing Committees – Portfolio</i></p> <ul style="list-style-type: none"> • General Purpose Standing Committee Nos. 1-5 (portfolio areas of each committee listed in Appendix 1) <p><i>Standing Committee - Subject</i></p> <ul style="list-style-type: none"> • Law and Justice • Social Issues • State Development <p><i>Standing Committees – Domestic/House</i></p> <ul style="list-style-type: none"> • Privileges • Legislative Council Procedures Committee <p><i>Select Committees</i></p> <ul style="list-style-type: none"> • Agistment of Horses at Yaralla Estate • Closure/Downsizing of Corrective Services NSW Facilities • Cronulla Fisheries • Currawong Property • Greyhound Racing in NSW • Home-schooling • Impact of Gambling • Ministerial Property in NSW • Newcastle Planning • Provocation • Social, Public and Affordable Housing

Jurisdiction	House	Committee Structure
	Joint	<p><i>Statutory Oversight</i></p> <ul style="list-style-type: none"> • Children and Young People • Health Care Complaints • ICAC Committee • Ombudsman, the Police Integrity Commission and the Crime Commission <p><i>Statutory Rights Review</i></p> <ul style="list-style-type: none"> • Legislation Review <p><i>Standing</i></p> <ul style="list-style-type: none"> • Electoral Matters • Staysafe (Road Safety) • Valuer-General <p><i>Select</i></p> <ul style="list-style-type: none"> • Asbestos Insulation • Child Sexual Offences Committee
Queensland	Legislative Assembly	<p><i>Statutory Committees – Portfolio</i></p> <ul style="list-style-type: none"> • Agriculture, Resources and Environment • Education and Innovation • Finance and Administration • Health and Community Services • Legal Affairs and Community Safety • State Development, Infrastructure and Industry • Transport, Housing and Local Government <p><i>Statutory Committees – Oversight</i></p> <ul style="list-style-type: none"> • Parliamentary Crime and Corruption <p><i>Statutory Committees – Domestic</i></p> <ul style="list-style-type: none"> • Committee of the Legislative Assembly • Ethics
Tasmania	House of Assembly	<p><i>Standing – Subject</i></p> <ul style="list-style-type: none"> • Community Development <p><i>Standing – Domestic</i></p> <ul style="list-style-type: none"> • Printing • Privileges • Standing Orders <p><i>Select</i></p> <ul style="list-style-type: none"> • Estimates Committees
	Legislative Council	<p><i>Standing – Portfolio</i></p> <ul style="list-style-type: none"> • Government Administration A; Legalised Medicinal Cannabis • Government Administration B <p><i>Standing – Domestic</i></p> <ul style="list-style-type: none"> • Privileges • Standing Orders <p><i>Select</i></p> <ul style="list-style-type: none"> • Estimates Committees 2014
	Joint	<p><i>Joint Standing</i></p> <ul style="list-style-type: none"> • Integrity

Jurisdiction	House	Committee Structure
		<ul style="list-style-type: none"> Public Accounts Public Works Subordinate Legislation <i>Joint Sessional</i> <ul style="list-style-type: none"> House Library <i>Joint Sessional</i> <ul style="list-style-type: none"> Preventative Health Care
Australian Capital Territory	Legislative Assembly	<i>Standing– Subject</i> <ul style="list-style-type: none"> Education, Training & Youth Affairs; Health, Ageing, Community and Social Services; Justice & Community Safety; Justice & Community Safety with legislative scrutiny role Planning, Environment & Territory and Municipal Services Public Accounts <i>Standing– Domestic</i> <ul style="list-style-type: none"> Administration and Procedure <i>Select</i> <ul style="list-style-type: none"> Amendments to the Electoral Act 1992 Estimates 2013-2014 Estimates 2014-2015 Regional Development
New Zealand	House of Representatives	<i>Subject</i> <ul style="list-style-type: none"> Commerce Education and Science Finance and Expenditure Foreign Affairs, Defence and Trade Government Administration Health Justice and Electoral Law and Order Local Government and Environment Maori Affairs Primary Production Social Services Transport and Industrial Relations <i>Other</i> <ul style="list-style-type: none"> Officers of Parliament Regulations Review <i>Domestic</i> <ul style="list-style-type: none"> Business Privileges Standing Orders

Jurisdiction	House	Committee Structure
Scotland	The Scottish Parliament	<p><i>Subject</i></p> <ul style="list-style-type: none"> • Economy, Energy and Tourism • Education and Culture • Health and Sport • Infrastructure and Capital Investment • Justice • Justice Sub-Committee on Policing • Local Government and Regeneration • Rural Affairs, Climate Change and Environment • Welfare Reform Committee <p><i>Mandatory</i></p> <ul style="list-style-type: none"> • Delegated Powers and Law Reform • Equal Opportunities • European and External Relations • Finance • Public Audit • Public Petitions • Standards, Procedures and Public Appointments <p><i>Ad hoc</i></p> <ul style="list-style-type: none"> • Referendum (Scotland) Bill
Northern Territory	Legislative Assembly	<p><i>Standing Subject</i></p> <ul style="list-style-type: none"> • Legal and Constitutional Affairs (Subordinate Legislation and Publications) <p><i>Standing Specialist</i></p> <ul style="list-style-type: none"> • Public Accounts <p><i>Sessional Subject</i></p> <ul style="list-style-type: none"> • Committee on the Northern Territory's Energy Future <p><i>Standing Domestic</i></p> <ul style="list-style-type: none"> • Standing Orders • Privileges • House <p><i>Select</i></p> <ul style="list-style-type: none"> • Foetal Alcohol Spectrum Disorder • Fuel Price Disclosure Bill Scrutiny

Appendix B: Queensland Portfolio Committees

Chapter 5, Part 3, Portfolio committees, *Parliament of Queensland Act 2001*

Part 3 Portfolio committees

Division 1

Establishment

88 Establishment

- (1) The Assembly must, by standing rules and orders, establish committees of the Assembly under this section (***portfolio committees***).
- (2) The standing rules and orders must state, for each portfolio committee—
 - (a) its name; and
 - (b) its primary area of responsibility (its ***portfolio area***).
- (3) Each department must be covered by a portfolio area, whether by allocating the whole department to the portfolio area of a committee or allocating parts of the department to the portfolio areas of different committees.
- (4) As soon as practicable after a change in the Administrative Arrangements, the Assembly must prepare and adopt any amendments of the standing rules and orders concerning the portfolio committees that are necessary to comply with this section.
- (5) As well as 1 or more departments or parts of departments, a committee's portfolio area may include other government entities and matters.

Division 2

Membership and operation

89 Explanation

This division provides for the membership and operation of portfolio committees according to the numbers of government members and non-government members making up the membership of the Assembly.

90 Definitions for div 2

In this division—

government member means a member of the Assembly who is a member of a political party recognised in the Assembly as being in government.

non-government member means a member of the Assembly other than a government member.

91 Membership and operation—less than 15% non-government membership of Assembly

- (1) This section applies to each portfolio committee during a period when the number of non-government members is less than 15% of the number of Assembly members provided for under the *Constitution of Queensland 2001*, section 11.

Note—

The *Constitution of Queensland 2001*, section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are up to 13 non-government members.

- (2) The committee comprises 8 members, being—

- (a) 6 members nominated by the Leader of the House; and
- (b) 2 members nominated by the Leader of the Opposition.
- (3) The chairperson is the member of the committee nominated as chairperson by the Leader of the House.
- (4) A quorum is 5 members including at least 1 non-government member.
- (5) A question is decided by a majority of the votes of the members present and voting.
- (6) Each member has a vote on each question to be decided.
- (7) If the votes on a question are equal, the question is decided in the negative but may be put again at any time.

91A Membership and operation—at least 15% but less than 25% non-government membership of Assembly

- (1) This section applies to each portfolio committee during a period when the number of non-government members is at least 15% but less than 25% of the number of Assembly members provided for under the *Constitution of Queensland 2001*, section 11.

Note—

The *Constitution of Queensland 2001*, section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are 14 to 22 non-government members.

- (2) The committee comprises 7 members, being—
 - (a) 5 members nominated by the Leader of the House; and
 - (b) 2 members nominated by the Leader of the Opposition. (3) The chairperson is the member of the committee nominated as chairperson by the Leader of the House.
- (4) A quorum is 4 members including at least 1 non-government member.
- (5) A question is decided by a majority of the votes of the members present and voting.
- (6) Each member has a vote on each question to be decided.
- (7) If the votes on a question are equal, the question is decided in the negative but may be put again at any time.

91B Membership and operation—at least 25% but less than 50% non-government membership of Assembly

- (1) This section applies to each portfolio committee during a period when the number of non-government members is at least 25% but less than 50% of the number of Assembly members provided for under the *Constitution of Queensland 2001*, section 11.

Note—

The *Constitution of Queensland 2001*, section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are 23 to 44 non-government members.

- (2) The committee comprises 6 members, being—
 - (a) 3 members nominated by the Leader of the House; and
 - (b) 3 members nominated by the Leader of the Opposition.
- (3) The chairperson is the member of the committee nominated as chairperson by the Leader of the House.

- (4) A quorum is 4 members.
- (5) A question is decided by a majority of the votes of the members present and voting.
- (6) Each member has a vote on each question to be decided.
- (7) If the votes on a question are equal, the chairperson has a casting vote.

91C Membership and operation—at least 50% non-government membership of Assembly

- (1) This section applies to each portfolio committee during a period when the number of non-government members is at least 50% of the number of Assembly members provided for under the *Constitution of Queensland 2001*, section 11.

Note—

The *Constitution of Queensland 2001*, section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are at least 45 non-government members.

- (2) The committee comprises 6 members, being—
 - (a) 3 members nominated by the Leader of the House; and
 - (b) 3 members nominated by the Leader of the Opposition.
- (3) The chairperson is the member of the committee nominated as chairperson by an order of the Assembly.
- (4) A quorum is 4 members.
- (5) A question is decided by a majority of the votes of the members present and voting.
- (6) Each member has a vote on each question to be decided.
- (7) If the votes on a question are equal, the question is decided in the negative but may be put again at any time.

Division 3 Role of portfolio committees

92 Role generally

- (1) In relation to its portfolio area, a committee may—
 - (a) consider Appropriation Bills; and
 - (b) consider other legislation and proposed legislation as provided in section 93; and
 - (c) perform its role in relation to public accounts and public works as provided in this division.
- (2) A committee is to also deal with an issue referred to it by the Assembly or under another Act, whether or not the issue is within its portfolio area.
- (3) A committee may deal with a matter under this section by—
 - (a) considering the matter; and
 - (b) reporting on the matter, and making recommendations about it, to the Assembly.

93 Legislation

- (1) A portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio area to consider—
 - (a) the policy to be given effect by the legislation; and
 - (b) the application of fundamental legislative principles to the legislation; and

Note—

Fundamental legislative principles are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law (*Legislative Standards Act 1992*, section 4(1)). The principles include requiring that legislation has sufficient regard to rights and liberties of individuals and the institution of Parliament.

- (c) for subordinate legislation—its lawfulness.
- (2) The committee's responsibility includes monitoring, in relation to legislation in its portfolio area, the operation of—
 - (a) the *Legislative Standards Act 1992*, section 4 and part 4; and
 - (b) the *Statutory Instruments Act 1992*, section 9 and parts 6 to 8 and 10; and
 - (c) for subordinate legislation—the guidelines, for a regulatory impact statement system, approved by the Treasurer.

94 Public accounts and public works

- (1) A portfolio committee has the following responsibilities to the extent they relate to the committee's portfolio area—
 - (a) the assessment of the integrity, economy, efficiency and effectiveness of government financial management by—
 - (i) examining government financial documents; and
 - (ii) considering the annual and other reports of the auditor-general;
 - (b) works (**public works**) undertaken by an entity that is a constructing authority for the works if the committee decides to consider the works;
 - (c) any major works if the committee decides to consider the works.
- (2) In deciding whether to consider public works, a portfolio committee may have regard to—
 - (a) the stated purpose of the works and the apparent suitability of the works for the purpose; and
 - (b) the necessity for, and the advisability of, the works; and
 - (c) value for money achieved, or likely to be achieved, by the works; and
 - (d) revenue produced by, and recurrent costs of, the works or estimates of revenue and costs for the works; and
 - (e) the present and prospective public value of the works, including, for example, consideration of the impact of the works on the community, economy and environment; and
 - (f) procurement methods for the works; and
 - (g) the balance of public and private sector involvement in the works; and
 - (h) the performance of—
 - (i) the constructing authority for the works; and
 - (ii) the consultants and contractors for the works; with particular regard to the time taken for finishing the works and the cost and quality of the works; and
 - (i) the actual suitability of the works in meeting the needs and in achieving the stated purpose of the works.

95 Reference of issues to auditor-general

A portfolio committee may refer issues within its portfolio area mentioned in section 94(1)(a) to the auditor-general for consideration.

96 Meaning of *constructing authority* for works

- (1) An entity is a ***constructing authority*** for works if the entity is the State or a department.
- (2) An entity is also a ***constructing authority*** for works if—
 - (a) the entity is established under an Act, or under State or local government authorisation, for a public, State or local government purpose; and
 - (b) the works are funded from—
 - (i) the consolidated fund; or
 - (ii) the proceeds of a financial arrangement within the meaning of the *Statutory Bodies Financial Arrangements Act 1982*.
- (3) In addition, a GOC or the Authority is a ***constructing authority*** for works if the works are undertaken specifically or substantially for a community service obligation of the GOC or the Authority.
- (4) Also, an entity (a ***commercial entity***) is a ***constructing authority*** for works if, under an agreement for the works—
 - (a) the State or another entity representing the State—
 - (i) has, or will or may have, a financial liability or interest; or
 - (ii) has granted, or will or may grant land, or an interest in land or another right, privilege, monopoly, concession, franchise or interest; or
 - (iii) has contributed, or will or may contribute, resources of any kind; and
 - (b) the works have become, or will or may become, the absolute property of the State or another entity representing the State.
- (5) A GOC or the Authority is a ***constructing authority*** for major works referred to a portfolio committee by the Assembly.

97 Issues to which committee may have regard

In considering works, a portfolio committee may have regard to the issues mentioned in section 94(2)(a) to (i).

98 Entry and inspection of places

- (1) A portfolio committee may authorise a committee member or anyone else (the ***authorised person***) to enter and inspect a place where works that the committee is considering are proposed to be, are being or have been carried out.
- (2) The authorised person may inspect anything in the place relevant to the works.
- (3) Nothing in subsection (1) prevents the committee from authorising all members of the committee to enter and inspect the place.
- (4) However, the authorised person may enter the place only if the committee or authorised person gives reasonable written notice about the entry to the chief executive of the constructing authority for the works.

- (5) On being given the notice, the chief executive must promptly make arrangements for the entry, including, for example, obtaining the consent of the following—
 - (a) if the place is occupied—the occupier of the place;
 - (b) if the place is not occupied—the owner of the place.
- (6) The arrangements must ensure proper regard is given to safety.
- (7) The authorised person may enter and inspect the place without the consent mentioned in subsection (5) if the chief executive attempted to obtain the consent, but—
 - (a) the attempt was unsuccessful (whether because the occupier or owner refused consent or otherwise); and
 - (b) the chief executive gave written notice about the entry (of at least 7 days) to the occupier or owner.
- (8) If the authorised person enters the place in the occupier's or owner's absence under subsection (7), the authorised person must give to the occupier or owner a written notice, within 7 days after the entry, stating—
 - (a) the authorised person's name; and
 - (b) the purpose for which the place was entered; and
 - (c) the day and time of the entry.
- (9) In this section—
 - building** includes any structure.
 - chief executive**, of a constructing authority, includes its chief executive officer, however called.
 - place** includes premises other than residential premises.
 - premises** includes—
 - (a) a building; and
 - (b) a part of a building; and
 - (c) land where a building is situated.

99 Restriction on procurement of capital works project

- (1) This section applies if the Assembly—
 - (a) refers works to a portfolio committee; and
 - (b) directs that procurement for the works must not start until the committee has considered the works and reported to the Assembly about the works.
- (2) The works must not start or further proceed until the committee's report is tabled in the Assembly and considered by the Assembly.
- (3) This section applies despite any other Act.

100 Dealing with commercially sensitive information in private session

- (1) This section applies if, while considering works, it appears to a portfolio committee that confidential information may be given to the committee in a public hearing and publication of the information at the hearing could—
 - (a) have a serious effect on the commercial interests of a GOC, the Authority or a commercial entity; or
 - (b) reveal trade secrets of a GOC, the Authority or a commercial entity.

- (2) The committee must deal with the information in private session.
- (3) This section does not limit any other power of a committee to deal with an issue in private session.

101 Reporting commercially sensitive information to Assembly

- (1) This section applies if a portfolio committee considers that information obtained by the committee while considering works could, if reported to the Assembly—
 - (a) have a serious effect on the commercial interests of a GOC, the Authority or a commercial entity; or
 - (b) reveal trade secrets of a GOC, the Authority or a commercial entity.
- (2) The committee may report the information to the Assembly only if it considers it is in the public interest to report the information.

Appendix C: Fundamental Legislative Principles

Section 4, *Legislative Standards Act 1992* (Queensland)

4 Meaning of *fundamental legislative principles*

- (1) For the purposes of this Act, ***fundamental legislative principles*** are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law.
- (2) The principles include requiring that legislation has sufficient regard to—
 - (a) rights and liberties of individuals; and
 - (b) the institution of Parliament.
- (3) Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation—
 - (a) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
 - (b) is consistent with principles of natural justice; and
 - (c) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
 - (d) does not reverse the onus of proof in criminal proceedings without adequate justification; and
 - (e) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
 - (f) provides appropriate protection against self-incrimination; and
 - (g) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
 - (h) does not confer immunity from proceeding or prosecution without adequate justification; and
 - (i) provides for the compulsory acquisition of property only with fair compensation; and
 - (j) has sufficient regard to Aboriginal tradition and Island custom; and
 - (k) is unambiguous and drafted in a sufficiently clear and precise way.
- (4) Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill—
 - (a) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - (b) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
 - (c) authorises the amendment of an Act only by another Act.
- (5) Whether subordinate legislation has sufficient regard to the institution of Parliament depends on whether, for example, the subordinate legislation—

- (a) is within the power that, under an Act or subordinate legislation (the authorising law), allows the subordinate legislation to be made; and
- (b) is consistent with the policy objectives of the authorising law; and
- (c) contains only matter appropriate to subordinate legislation; and
- (d) amends statutory instruments only; and
- (e) allows the subdelegation of a power delegated by an Act only—
 - (i) in appropriate cases and to appropriate persons; and
 - (ii) if authorised by an Act.

Appendix D: Draft Amendments to Standing Orders

Repeal Standing Orders 20 – 22.

New Standing Order 20:

20. Super Committees

- (1) Two super committees called the Standing Committee on Society and Culture and the Standing Committee on the Economy and Environment shall be appointed at the commencement of each Assembly.
- (2) The Assembly will allocate each Government Agency, or part of a Government Agency, to a super committee.
- (3) The functions of the super committees shall be, in relation to the Agencies allocated by the Assembly, to inquire and report on:
 - (a) any matter referred to it by:
 - (i) the Assembly; or
 - (ii) a Minister;
 - (b) any bill referred to it by the Assembly and any instruments of a legislative or administrative character which the Assembly may disallow or disapprove;
 - (c) in relation to any bill read a first time in the Assembly, and any instruments of a legislative or administrative character which the Assembly may disallow or disapprove:
 - (i) whether that legislation has sufficient regard to the rights and liberties of individuals, including whether the legislation:
 - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
 - (B) is consistent with principles of natural justice; and
 - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
 - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
 - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
 - (F) provides appropriate protection against self-incrimination; and

- (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
 - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
 - (I) provides for the compulsory acquisition of property only with fair compensation; and
 - (J) has sufficient regard to Aboriginal tradition; and
 - (K) is unambiguous and drafted in a sufficiently clear and precise way.
- (ii) whether that legislation has sufficient regard to the institution of Parliament, including whether a bill:
- (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
 - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
 - (C) authorises the amendment of an Act only by another Act; or whether an instrument:
 - (D) is within the authorising law which allows the instrument to be made; and
 - (E) is consistent with the policy objectives of the authorising law; and
 - (F) contains only matter appropriate to subordinate legislation; and
 - (G) amends statutory instruments only; and
 - (H) allows the subdelegation of a power delegated by an Act only in appropriate cases and to appropriate persons and if authorised by an Act.
- (d) the integrity, economy, efficiency and effectiveness of government financial management by examining the public accounts, reports of the Auditor-General, and any other reports tabled pursuant to the *Financial Management Act* or the *Audit Act*;
- (e) the performance and operation of Agencies, including the examination of the Annual Reports of the agency;
- (f) the annual Appropriation Bill and Budget Estimates, and the statements of corporate intent of any Government owned corporations.
- (4) Each super committee shall consist of six Members, and a quorum for a meeting of the committee will be three Members.

- (5) The Committee shall have power to appoint sub-committees and to refer to any such sub-committee any matter which the Committee is empowered to examine.

Amend Standing Order 173 by inserting at the end of paragraph (6):

“and deliver a speech explaining the bill (‘explanatory speech’)”

Renumber Standing Order 177A as 173A and replace the words “second reading” with “explanatory”.

Repeal existing Standing Order 175 and replace with:

175. First Reading

- (1) After the introduction of a bill and the Member’s explanatory speech, the Member introducing the bill shall then move “That the bill be now read a first time” and the question shall be put without amendment or debate.
- (2) If the question for the first reading of the bill fails, the bill shall proceed no further.

Insert new Standing Order 175A

175A. Reference to a Super Committee

- (1) After the first reading of a bill other than an annual appropriation bill, the Member in charge of the bill is to immediately move either:
 - (a) a motion referring the bill to a particular super committee for report by a particular date,
 - (b) “that the second reading of the bill be an order of the day for a future day”, or
 - (c) “that the bill be declared an urgent bill”.
- (2) The mover and one other Member may speak for up to five minutes to this motion and then the question is to be put.
- (3) If the bill is declared to be urgent, the Member in charge of the bill shall move:
 - (a) “that the bill be now read a second time”, or
 - (b) “that the second reading of the bill be made an order of the day for a later hour”.
- (4) After the first reading of an annual appropriation bill, the second reading of the bill is to be set down on the notice paper as an order of the day for a future day.

Insert new Standing Order 175B

175B. Super Committee reports on bills

- (1) A super committee’s report on a referred bill may recommend whether to pass the bill and may recommend amendments to the bill that are relevant to the subject matter of the bill.

- (2) The committee must table its report on a bill by the date set by the Assembly for report.
- (3) The Assembly may change the date set for a report on a bill by motion.
- (4) Following the tabling of a report on a bill, or expiry of the date for report, the second reading of the bill will be set down on the notice paper as an order of the day.

175C. Super Committee consideration of appropriation bills

- (1) After an annual appropriation bill has been read a second time the bill and related papers stand referred to the super committees.
- (2) Each super committee shall consider the appropriation bill and related papers for the committee's allocated agencies.
- (3) The Assembly is by Order to:
 - (a) allocate the dates for the super committees' hearings on the appropriation bills;
 - (b) set a date by which the super committees must report on the appropriation bills to the Assembly; and
 - (c) make any other provisions relating to the super committees' consideration of the appropriation bills as it sees fit.
- (4) The super committees are to present their reports on the appropriation bill to the Committee of the Whole, which will consider the question "that the Committees' reports be noted and the expenditure proposed in the appropriation bill be agreed to". The time limits for this debate will be Ministers and Leader of the Opposition 20 minutes; other Members 10 minutes; and the question must be put after 5 hours.
- (5) When the bill has been agreed to by the Committee of the Whole and reported to the Assembly, the third reading may be taken into consideration immediately.

Repeal existing Standing Order 177 and replace with:

177 Second Reading

On the order of the day for the second reading of a bill being called on:

- (1) If a super committee report on the bill has recommended any amendments to the bill, the Member in charge of the bill may move that any or all of the amendments be adopted as part of the bill and the question shall be put without amendment or debate.
- (2) The Member in charge of the bill shall move "that the bill be now read a second time".

Repeal Standing Orders 178 and 179.

