



**PARLIAMENTARY COMMITTEES (MISCELLANEOUS)
AMENDMENT ACT 1994**

No. 18 of 1994

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PART 4A

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PART 5A

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SCHEDULE

Consequential and Related Amendments



ANNO QUADRAGESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1994

No. 18 of 1994

An Act to amend the Parliamentary Committees Act 1991 and to make consequential and related amendments to the Development Act 1993, the Environment Protection Act 1993 and the Parliamentary Remuneration Act 1990.

[Assented to 12 May 1994]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Parliamentary Committees (Miscellaneous) Amendment Act 1994*.

(2) The *Parliamentary Committees Act 1991* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended—

- (a) by inserting in paragraph (a) of the definition of "appointing House or Houses" "or the Public Works Committee" after "Economic and Finance Committee";
- (b) by inserting after paragraph (a) of the definition of "appointing House or Houses" the following paragraph:
 - (ab) in relation to the Statutory Authorities Review Committee—the Legislative Council;;
- (c) by striking out from the definition of "Committee" paragraph (d) and the word "or" immediately preceding that paragraph and substituting the following paragraphs:
 - (d) the Public Works Committee;
 - (e) the Social Development Committee;

or

(f) the Statutory Authorities Review Committee,;

(d) by inserting after the definition of "**Committee**" the following definitions:

"**construction**" includes—

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

and

(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;;

(e) by inserting after the definition of "**House**" the following definition:

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

(f) by inserting after the definition of "**public sector operations**" the following definition:

"**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;

(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;;

(g) by striking out the definition of "**statutory authority**" and substituting the following definition:

"**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;

(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;;

(h) by inserting after the definition of "subordinate legislation" the following definition:

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

Amendment of s. 6—Functions of Committee

4. Section 6 of the principal Act is amended by striking out subparagraph (iii) of paragraph (a) and substituting the following subparagraph:

(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;.

Amendment of s. 12—Functions of Committee

5. Section 12 of the principal Act is amended by striking out from paragraph (b) "under" and substituting "by".

Insertion of Part 4A

6. The following Part is inserted in the principal Act after section 12:

**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) 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.

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.

Insertion of Part 5A

7. The following Part is inserted in the principal Act after section 15:

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.

**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.

Amendment of s. 16—References to Committee

8. Section 16 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(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.

Insertion of s. 16A

9. The following section is inserted after section 16 of the principal Act:

Certain public works referred to Public Works Committee

16A. (1) 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).

Amendment of s. 17—Reports on matters referred

10. Section 17 of the principal Act is amended—

(a) by inserting in subsection (1) "by or" after "referred to it";

(b) by inserting in subsection (3)(a)(i) "by this Act or by or" after "referred to it".

Amendment of s. 20—Term of office of members

11. Section 20 of the principal Act is amended—

(a) by striking out subsection (1);

(b) by striking out from subsection (2) "Subject to subsection (1), the" and substituting "The".

Amendment of s. 24—Procedure at meetings

12. Section 24 of the principal Act is amended by striking out subsection (5) and substituting the following subsection:

(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.

Amendment of s. 30—Committee may continue references made to previously constituted Committee

13. Section 30 of the principal Act is amended by inserting "by or" after "referred to it".

Transitional provision

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.

SCHEDULE*Consequential and Related Amendments***Amendment of Development Act 1993**

1. The *Development Act 1993* is amended by striking out subsection (9) of section 108.

Amendment of Environment Protection Act 1993

2. The *Environment Protection Act 1993* is amended by striking out subsection (8) of section 140.

Amendment of Parliamentary Remuneration Act 1990

3. The *Parliamentary Remuneration Act 1990* is amended—

- (a) by inserting in the schedule after the items relating to the Legislative Review Committee the following items:

Presiding Member of the Public Works Committee	14
Other members of the Public Works Committee	10

- (b) by inserting in the schedule after the items relating to the Social Development Committee the following items:

Presiding Member of the Statutory Authorities Review Committee	14
Other members of the Statutory Authorities Review Committee	10

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor