



LEGISLATIVE  
ASSEMBLY

# Members' Guide to Committees

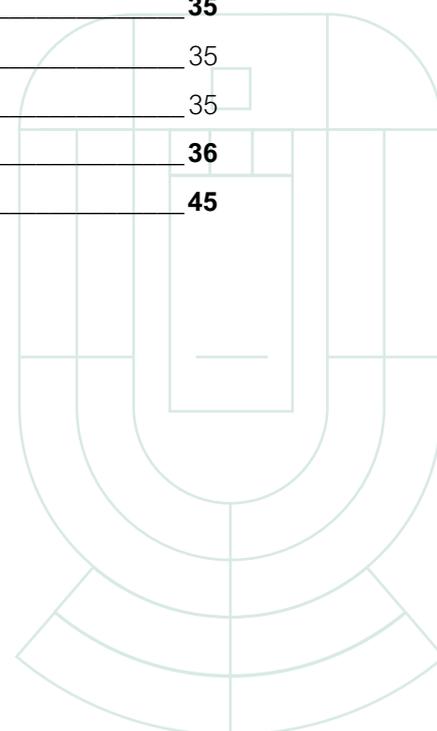
The  
**58th**  
Parliament  
Legislative Assembly

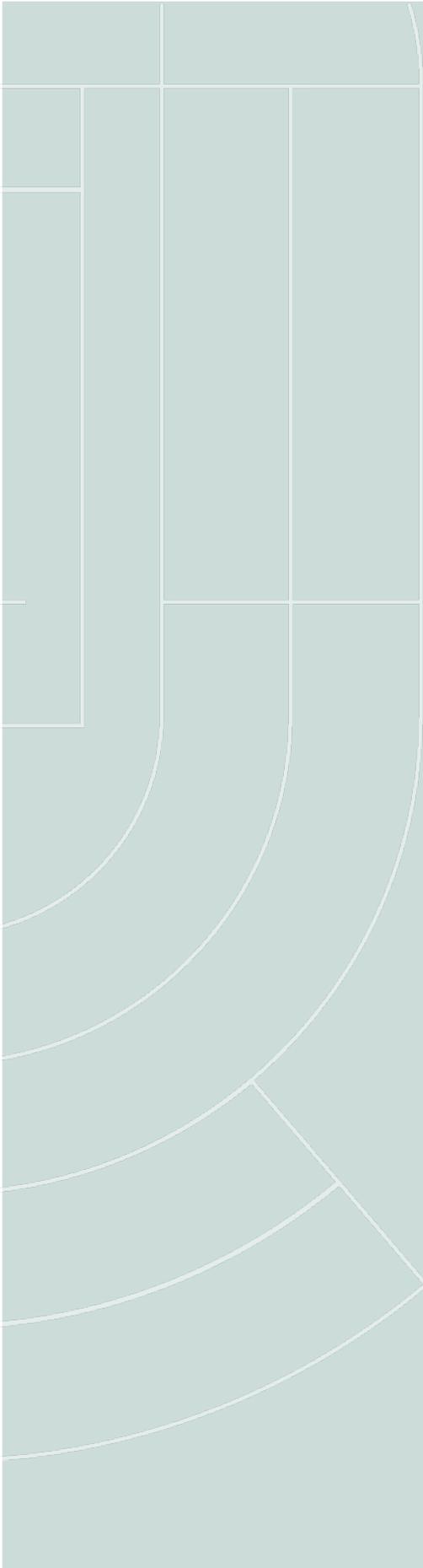


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## What is the role of committees?

*This guide is intended to provide Members with general advice about how committees administered by the Legislative Assembly (including joint committees) work. If Members have queries in relation to committee practice and procedures, or their role as a committee member, they should not hesitate to contact committee staff. Advice and guidance on more complex procedural issues is provided by the Clerk or the Clerk-Assistant, Scrutiny and Engagement.*

## What is the role of committees?

A committee is a small group of Members who are appointed to do a particular task or function, and/or look into and report on a particular matter or subject. Committees can be made up of Members from just one House, or Members from both Houses (referred to as 'joint committees').

## Benefits of working on committees

Working on parliamentary committees gives Members the opportunity to address important policy and regulatory issues. They can work with other Members in a co-operative and collegiate way, and in greater depth than is possible in the House. Committee work also allows Members to engage directly with people, organisations and the wider community on those issues.

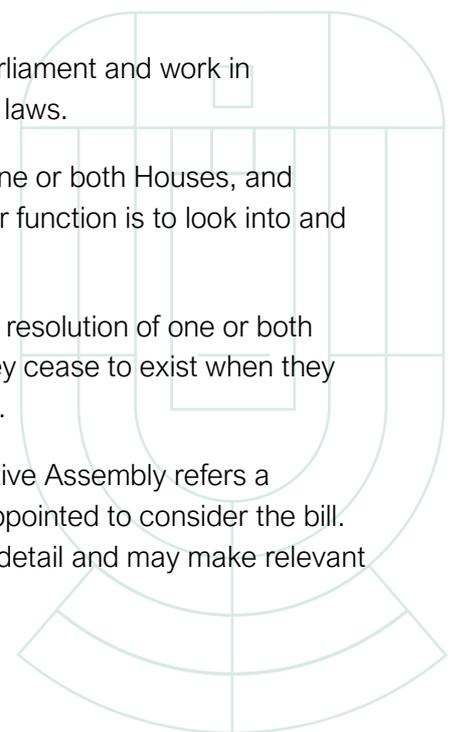
They are a great way for Members to develop (or demonstrate) expertise on certain matters, and they provide opportunities to question witnesses in hearings and to speak in debates in the House.

The Legislative Assembly has a dedicated Engagement team that promotes the work of committees through social media, community newsletters and other outreach methods. This helps to ensure that the people of NSW understand what committees are doing and how they can get involved.

## Types of committees

The Legislative Assembly may appoint the following committees:

- **Statutory committees** – These are established under an Act of Parliament and work in accordance with the provisions of that Act and any other relevant laws.
- **Standing committees** – These are established by a resolution of one or both Houses, and operate for the life of that term of Parliament (i.e. four years). Their function is to look into and report on specific subjects or Government portfolio areas.
- **Select committees** – These are established from time to time by a resolution of one or both Houses to look into and report on a particular matter or topic. They cease to exist when they have completed their task, or on a date specified by the House(s).
- **Legislation committees** – These are established when the Legislative Assembly refers a specific bill under Standing Order 323 to a committee specially appointed to consider the bill. They examine that bill's provisions and proposed amendments in detail and may make relevant recommendations to the House.





- **Estimates committees** – These are created when the Legislative Assembly resolves to appoint an estimates committee, during the second reading debate of the annual Appropriation Bill, to examine and report on proposed government spending (i.e. the Budget) and details of the Appropriation Bill (Standing Order 246).

**Note:** The Legislative Assembly has not appointed legislation committees or estimates committees in recent times.

## Functions depend on terms of reference

A committee's functions are determined by its establishing terms of reference, which are set out in the House(s) resolution appointing the committee or its establishing Act (in the case of statutory committees).

## General role of committees

- To better inform and report to the Parliament on issues which are significant to the Government and/or the community.
- To examine legislation, legislative and policy proposals in greater detail than can occur in the House.
- To strengthen accountability to Parliament by overseeing a number of independent agencies such as the Audit Office of NSW and the Independent Commission Against Corruption.
- To scrutinise the activities, policies and spending of the Executive Government.
- To link Parliament and the people through public engagement with committee activities.

## Scrutiny of policy and financial matters

Standing portfolio committees have wide-ranging powers to examine matters that fall within the portfolio areas set out in their terms of reference. They may examine:

- issues of community interest,
- existing and proposed government policies, including assessing their efficacy and impacts,
- financial documents, expenditure and performance of a government department, agency, statutory body or state-owned corporation,
- annual reports and other reports relevant to their portfolio areas,
- public infrastructure.

While oversight committees primarily oversee their relevant independent statutory agencies, they may also examine and report on policy and financial matters:

- which are material to the functions or work of their independent agencies, or
- that arise in the course of reviewing the annual reports and other reports published by those agencies.

## Scrutiny of legislation

Committees can scrutinise bills and subordinate legislation (e.g. regulations) in greater detail than is possible in the House.

The Legislation Review Committee reviews all bills introduced and subordinate legislation tabled in Parliament. The Committee reports on whether a bill or subordinate legislation engages with the grounds of review set out under its establishing Act. These grounds include:

- trespassing unduly on personal rights and liberties.
- making rights, liberties or obligations unduly dependent on insufficiently defined administrative powers or non-reviewable decisions.
- inappropriately delegating legislative powers.
- insufficiently subjecting the exercise of legislative power to parliamentary scrutiny.

The Legislative Assembly also has the power to refer a bill before the House to a committee for inquiry. This may be to a relevant portfolio committee, which also has the power to scrutinise relevant bills and existing primary and subordinate legislation.

As noted earlier, the House can also appoint legislation committees to consider a bill and its provisions in detail. These committees must report within six months of being appointed and a legislation committee's report can specifically consider and/or recommend proposed amendments to the bill. Once it is tabled, the Speaker sets down the report for consideration in detail with the bill.

## Oversight of independent agencies

Oversight committees monitor and review certain independent agencies and may report their findings to the Parliament.

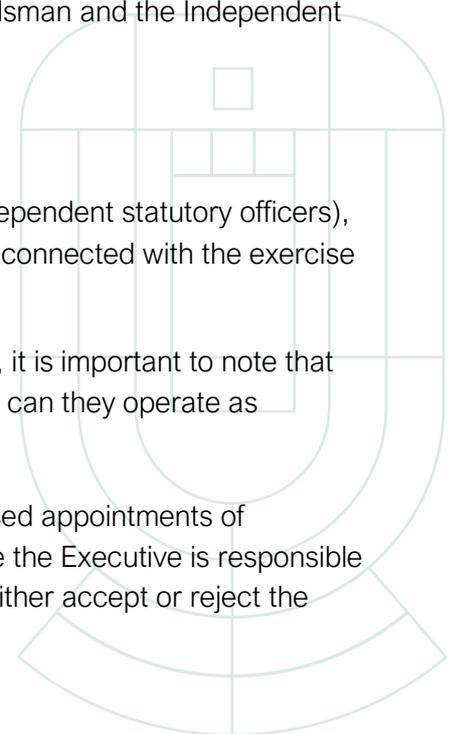
These committees are Parliament's means of overseeing statutory offices that are independent to government and are an important means of holding these powerful agencies accountable to the Parliament. The offices include the Audit Office of NSW, the NSW Ombudsman and the Independent Commission Against Corruption.

The committees' oversight functions allow them to:

- examine annual reports and other reports of the agencies,
- conduct regular general meetings with the agency heads (i.e. independent statutory officers),
- report to the Parliament on any matter relating to the agencies or connected with the exercise of the agencies' functions.

While these committees perform an important monitoring and review role, it is important to note that they do not provide an appeals process for dissatisfied complainants, nor can they operate as alternative investigatory agencies.

Some statutory oversight committees also have the power to veto proposed appointments of independent statutory officers who report directly to the Parliament. While the Executive is responsible for the proposal for appointment, the relevant oversight committee may either accept or reject the proposal.





## Scrutiny of the Executive

Committees help the Parliament to effectively scrutinise the activities of the Executive Government. This makes the Executive more accountable to the people of NSW. With the increasing scope and complexity of Government, the Parliament is increasingly using its committees to fulfil this important function.

As discussed above, committees may look into and report on matters which relate to Executive Government policies and activities, subordinate legislation published by the Executive, and financial matters relevant to public expenditure. The Public Accounts Committee, for example, is a statutory committee that has the power to review Executive activities, in response to audit reports and findings of the NSW Auditor-General. Its establishing Act also allows it to examine expenditure by a Minister.

Committees also have broad powers to call for people (including public servants) and documents, which is discussed in greater detail [below](#). This allows them to thoroughly examine and inform the Parliament about issues concerning Government administration and service delivery.

## Engagement with the public and stakeholders

Committees provide a forum in which members of the public can directly engage with their elected representatives and the wider Parliament. Through this direct engagement, committees are able to build awareness about what the Parliament does, facilitate public participation in democratic processes, and improve trust and confidence in the Parliament and parliamentary democracy.

Committees are able to examine issues that impact the people of NSW through inquiries, by seeking to hear from subject matter experts and individuals with direct experience of an inquiry subject.

Committees obtain stakeholder input into inquiries by:

- calling for written submissions,
- questioning witnesses and hearing oral evidence at public hearings,
- conducting site visits,
- consulting with subject experts.

The important engagement role of committees is supported by the Engagement team of the Legislative Assembly's Scrutiny & Engagement business unit.

# How do committees work?



## How do committees work?

### Membership

Committees are made up of both Government and non-Government Members. The number of Members on a committee is set either by the resolution of the House or the Act establishing a committee, in accordance with relevant legislation and the Standing Orders.

By convention, Ministers and Parliamentary Secretaries do not usually serve on Legislative Assembly committees and are specifically prohibited from serving on particular oversight committees that have been established by statute.

Members are appointed to and discharged from committees by a resolution of the House. In the case of statutory committees, Members may need to tender their resignation in writing to the Speaker or, in accordance with certain Acts, their membership ends automatically on becoming a Minister or Parliamentary Secretary.

Standing Order 276 prevents a Member from participating as a committee member in any matter under committee inquiry, if they are personally interested or have a direct pecuniary interest in the matter not held in common with other NSW citizens. Members should seek advice from the Clerk-Assistant, Scrutiny and Engagement, if they think they may have a conflict of interest.

### Reporting to the House(s)

Committees produce reports of inquiries that they conduct. They may also report on matters other than committee inquiries, including:

- Reviews of annual reports and other reports of certain independent agencies by oversight committees.
- The Legislation Review Committee's *Legislation Review Digest*, which reports on issues in bills and certain regulations and statutory instruments.
- The Public Accounts Committee's quadrennial review of the Audit Office, which is a review of the operations of the Audit Office by an independent peer reviewer.

Once adopted by a committee, the report is tabled in the Legislative Assembly (or both Houses for joint committees) and made publicly available on the Committee's webpage. Reports may include recommendations to the Government.

## The Chair's role

The Chair has a leadership role in committee proceedings similar to the Speaker's role in the House. They are responsible for ensuring the committee does not depart from its terms of reference and complies with the Standing Orders. They also ensure that the committee receives the proper advice and resources it needs to undertake its activities.

The Chair helps ensure the effective functioning of committees by conducting proceedings in an orderly and fair manner, which ensures all members can contribute equally to proceedings. They are also responsible for maintaining order and decorum at all meetings, including when hearing evidence at public hearings.

The Chair may also make rulings on the admissibility of questions, for example, if they are relevant to an inquiry's terms of reference.

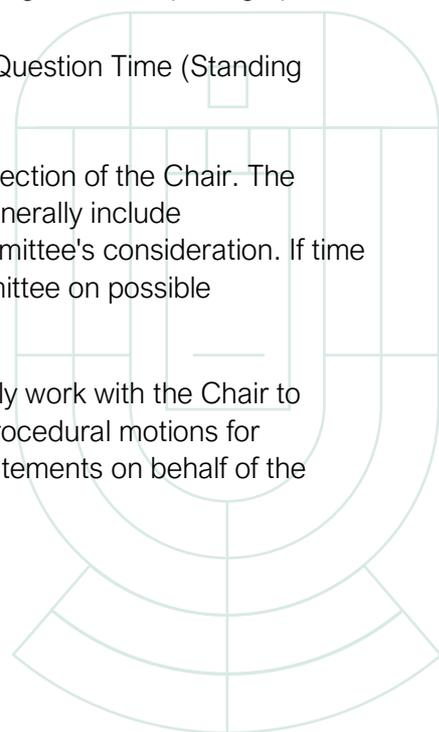
While they serve a leadership role, the Chair is not prevented from taking part in committee proceedings as a committee member. They can actively participate in deliberations, discussions and decisions.

The Chair's role includes:

- Using their casting vote to resolve tied votes, as well using their deliberative vote (unless a committee's terms of reference provide otherwise).
- Preparing the Chair's draft reports for consideration by the committee.
- Tabling reports in the House on behalf of the committee, once the report has been agreed to by the committee.
- Speaking first in the 'take note' debate in the House on the committee's reports.
- Having the option of questioning witnesses first during public hearings, before opening up questions to other committee members.
- Answering questions in the House on a committee matter during Question Time (Standing Order 127).

In practice, committee staff prepare the Chair's draft reports under the direction of the Chair. The Chair's draft report reflects evidence gathered by the committee. It will generally include recommendations addressing the inquiry's terms of reference for the committee's consideration. If time and circumstances permit, the Chair can decide to consult with the committee on possible approaches to the report, including potential recommendations.

The Legislative Assembly's Engagement team and committee staff typically work with the Chair to coordinate media and promotional materials for a committee. Standard procedural motions for committees provide that Chairs are also responsible for making media statements on behalf of the committee about its activities.



**What powers do  
committees have and what  
procedures do they follow?**

## What powers do committees have and what procedures do they follow?

Parliamentary committees are governed by and operate with specific powers conferred or delegated by relevant Acts, the Parliament's Standing and Sessional Orders, and resolutions of one or both Houses.

### Statutory provisions

The [Parliamentary Evidence Act 1901](#) enables committees to summon and examine witnesses at hearings. It also sets out penalties for refusing to answer questions or giving false evidence.

The [Parliamentary Papers \(Supplementary Provisions\) Act 1975](#) authorises the publication of committee documents or evidence taken at public hearings.

The [Defamation Act 2005](#) provides protection of absolute privilege for the publication of committee proceedings in certain circumstances. Similarly, witnesses appearing before a committee are guaranteed the privilege of freedom of speech under Article 9 of the [Bill of Rights 1688 \(Imp\)](#).

Additionally, statutory committees may have certain powers under their establishing legislation.

### Standing and Sessional Orders

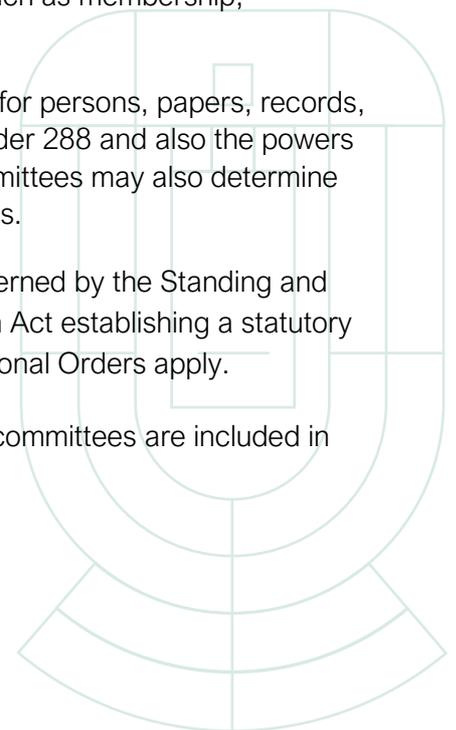
The Standing and Sessional Orders are the rules which guide how the Houses of Parliament operate. The power to make, change and suspend Standing Orders comes from the Houses' inherent right to control their own proceedings. In NSW, Standing Orders are 'binding and in force' once approved by the Governor, under section 15 of the [Constitution Act 1902](#).

The provisions governing committees administered by the Legislative Assembly are set out in Chapter 23 (Standing Orders 272-323). These Standing Orders cover subjects such as membership, appointments, and meeting and reporting procedures.

Committee powers under the Standing Orders include the ability to send for persons, papers, records, exhibits or other things deemed necessary to aid an inquiry (Standing Order 288 and also the powers of certain statutory committees under their establishing legislation). Committees may also determine the place and time of their meetings, including holding electronic meetings.

Unless otherwise provided for by legislation, committee procedure is governed by the Standing and Sessional Orders of the House from which the committee originated. If an Act establishing a statutory committee does not address any matter, the relevant Standing and Sessional Orders apply.

The Legislative Assembly's Standing and Sessional Orders that apply to committees are included in [Appendix One](#).





## **House resolutions and resolutions of the Committee**

The resolution of the House (or Houses) establishing a standing or select committee may also define specific powers or limitations. For example, resolutions may include detailed terms of reference, the number and/or names of members, and reporting dates.

At its first meeting, a committee will usually adopt standard 'procedural motions'. These aim to assist the committee in its day-to-day activities.

## **Practice and convention**

When further guidance on a specific rule, practice or precedent is required, the Clerk-Assistant, Scrutiny and Engagement or the Clerk can provide advice.

## **Parliamentary privilege**

Committee proceedings are protected by parliamentary privilege in the same way as proceedings in the House. This means that no action can be brought against committee members and witnesses for submissions or statements made during committee proceedings. However, parliamentary privilege does not protect any statement or submission repeated or re-published outside of a committee proceeding.

Evidence, documents and proceedings should not be published or circulated without the authorisation of the committee. Unauthorised publication or circulation of committee material may interfere with a committee's work and possibly amount to a contempt of Parliament. Any unauthorised publication may not be protected by parliamentary privilege.

## **Use of evidence and records of similar committees**

Committees have the power to use and refer to evidence and records of similar committees which were appointed during a past session of the same or a previous Parliament. However, committees are not bound by the earlier decisions of similar committees.

**What support do  
committees receive?**



## What support do committees receive?

### Committee staff

Committee staff (who form the 'secretariat') provide a range of management, administrative, procedural and research support. The secretariat support for committees is provided to enable the committee to effectively conduct committee activities and discharge their responsibilities. Committee staff only provide assistance to members about committee activities and this assistance does not extend to general administrative support.

Like all parliamentary staff, committee staff are not politically aligned. They are bound by a Code of Conduct that requires them to be objective, politically neutral, and to provide equal service to all Members of Parliament.

Staff make arrangements for all committee activities, in consultation with the Chair. This includes:

- arranging meetings and hearings,
- communicating with stakeholders (e.g. submission makers and hearing witnesses),
- organising site visits,
- preparing and sending meeting papers,
- drafting reports, briefing papers and correspondence,
- processing submissions and other inquiry evidence, and
- providing procedural advice in meetings and hearings.

The Chair will necessarily have more frequent contact with committee staff responsible for the day-to-day management of committee activities. However, staff will keep all members regularly informed about the progress of committee activities.

The Legislative Assembly also has a dedicated Engagement team which works to promote awareness and increase engagement with the work of the House and its committees. The Engagement team provides support to committees by promoting their work, enhancing public awareness and understanding of committee work, and facilitating public participation in committee inquiries.

Staffing and other resources are allocated to committees according to inquiry workloads and priorities, as determined by the Clerk-Assistant, Scrutiny and Engagement and the Directors, Scrutiny and Engagement.

### Consultants and secondees

Where specialist advice on particular issues is needed, committees may resolve to seek the Speaker's approval to engage an external consultant. The Speaker's approval will depend on a committee's reasons for engaging expert assistance, as well as competing priorities for funding.

Staff of public sector agencies may also be seconded to the Scrutiny and Engagement business unit to provide specialist support to committees.



## What is an inquiry?



## What is an inquiry?

A committee inquiry is an investigation of matters of interest or concern, on behalf of the Parliament. Committees have several ways of gathering evidence during an inquiry. These include receiving submissions, holding public hearings, and sending written questions.

### Terms of reference

When conducting an inquiry, a committee is guided by the terms of reference for the inquiry and by the resolution, or statute, that has established the committee. The terms of reference are usually a short list of topics or priorities that set out the framework of what a committee will investigate in the course of an inquiry. It may also include a deadline for completing the inquiry. Some committees can set their own inquiry's terms of reference, through discussion and agreement between members. Unless a date is specified in the inquiry's terms of reference, the committee decides when it will table its report of the inquiry.

Inquiries referred by the House or by a Minister may also include a specific reporting date. If a committee determines that it cannot meet a reporting deadline set in a referral, the committee may resolve to seek an extension in the House or notify the relevant Minister.

### Submissions

Submissions are documents from stakeholders that address some or all of the inquiry's terms of reference. Committees usually call for submissions at the start of an inquiry, and may do so by:

- sending a direct request to a relevant Minister or authority,
- advertising (e.g. social media),
- issuing a media release,
- directly inviting relevant stakeholders to make a submission.

Standing Order 297 states that once a submission is received, it must not be published or otherwise disclosed without the committee's authorisation.

Submissions are only made public by resolution of the committee or the House, and all or part of a submission may be made confidential. Confidentiality is determined on a case-by-case basis, and often at the request of the submission-maker. However, it is the committee's decision whether or not a submission is made confidential. Committees may consider the following issues when determining whether to publish all or part of a submission:

- the public interest in publishing the information,
- the value of the material to the inquiry,
- any privacy or safety impacts on people mentioned in the submission,
- whether the submission contains defamatory material,
- any concerns about procedural fairness and natural justice, such as allowing other parties a chance to reply.

Committees may also seek to obtain written inquiry evidence or broader stakeholder input through alternative means like online questionnaires. Questionnaires may be used by committees if, for example, there is a high level of public interest in an inquiry and/or the inquiry subject matter is particularly controversial or contentious. Questionnaire responses may be collated in a summary report prepared by committee staff, which committees can accept and publish as part of an inquiry's evidence base.

## Public hearings

Taking oral evidence and questioning witnesses at public hearings allows committees to examine any information they have received, and to gain a more detailed or nuanced understanding of the issues being considered as part of an inquiry. Information provided by witnesses at public hearings and in written submissions often form the main body of evidence that a committee uses to develop reports and make recommendations. Further details on the transcripts of public hearings are provided [below](#).

Stakeholders are often invited to give evidence because they have made a submission to an inquiry, or a committee considers that they have expert knowledge of an inquiry topic. It is not necessary for a stakeholder to have provided a submission to an inquiry for them to be invited to give evidence. Committees may hear from one stakeholder at a time, or in panels of witnesses from more than one stakeholder (e.g. a panel of representatives from different Government departments).

Witnesses generally attend public hearings voluntarily. However, committees can compel witnesses to attend by issuing a summons under [section 4 of the Parliamentary Evidence Act 1901](#). This power would only be exercised after careful consideration, and it is important to note that the vast majority of witnesses attend committee hearings voluntarily. Advice from the Clerk is required before issuing a summons.

Committee staff also advise the Chair on procedures for conducting hearings. A schedule of the day's proceedings is prepared and published before the hearing. At the hearing, witnesses are sworn or affirmed before giving evidence. They are generally provided with an opportunity to make a short opening statement before the Chair and committee members ask them questions.

After a hearing, a committee may also resolve to:

- request written responses to questions asked during the hearing that witnesses did not answer at the time (called 'questions on notice'),
- send additional questions from the committee to witnesses in writing.

The public can watch hearings from a public gallery in the hearing venue or via a live broadcast from the Parliament's website, except when evidence is being given *in camera* (see [below](#)). Hearings may be advertised on the Parliament's social media platforms, and a media release announcing hearings may be issued under the Chair's name. Committee staff can provide advice on the media guidelines to ensure that only authorised audio and video is recorded.

Witnesses and committee members can also attend public hearings remotely via videoconference. Public hearings are held in meeting rooms that support both videoconferencing and in-person



attendance. Standing Order 295(2) allows committees to hold hearings and meetings using electronic communication as long as there is quorum, and members and witnesses can speak to and hear each other at the same time.

### ***In camera* proceedings**

Hearings are usually conducted in public but may be held *in camera*, which is a legal term that means *in private*. For any parts of hearings that are conducted *in camera*, only committee members, Parliament staff (including the Hansard reporters) and the witnesses giving this evidence may attend.

A committee may resolve to take evidence *in camera*, either before or during the hearing. In deciding whether or not to hear evidence *in camera*, committees may consider factors like:

- requests made to the committee to hear evidence *in camera*,
- confidentiality agreements,
- any relevant statutory provisions that may be in a committee's establishing Act(s) or in other legislation,
- the sensitivity of information,
- potential adverse impacts on witnesses or people referred to in evidence.

These are complex matters which will always need to be considered in the context of a particular inquiry, with advice provided by the Clerks and committee staff.

### **Transcripts**

When witnesses give evidence before a committee, Hansard makes a transcript of the proceedings. The transcripts are incorporated as part of the sworn evidence and form part of the official record of hearing proceedings, together with the formal minutes of the hearing.

After the hearing, each witness is sent a proof copy of the transcript of their evidence to correct. For evidence given *in camera*, the transcript is corrected in the presence of committee staff.

Transcript corrections are limited to mistakes in transcription or typographical errors. Witnesses can only correct the substance of their evidence by appearing again at a hearing or by writing to the committee.

Committee members also receive a copy of the uncorrected transcript of evidence given in public and may correct their own statements or questions for typographical mistakes. Members do not receive a transcript of the evidence given *in camera*.

### **Site visits**

Committees or sub-committees may visit sites within NSW or interstate, to gain a better understanding of the issues relevant to an inquiry. Site visits enable committee members to:

- Go out and meet stakeholders in their communities, engaging directly with people on the important issues.
- Receive formal and informal briefings from individuals and organisations with local, first-hand knowledge of an inquiry subject.
- Inspect the locations and facilities that are relevant to matters a committee is inquiring into.

## Briefings and roundtables

Committees may obtain briefings or conduct roundtable discussions with subject experts, representatives or private individuals about issues they are considering. These are often excellent opportunities for committees to draw attention to a particular topic and facilitate public debate.

Oversight committees may request private briefings with statutory agencies for periodic updates and more detailed discussions than is otherwise possible at annual review hearings.

These private meetings are generally not transcribed by Hansard and allow committee members to freely discuss the issues with experts and stakeholders.

## Engagement

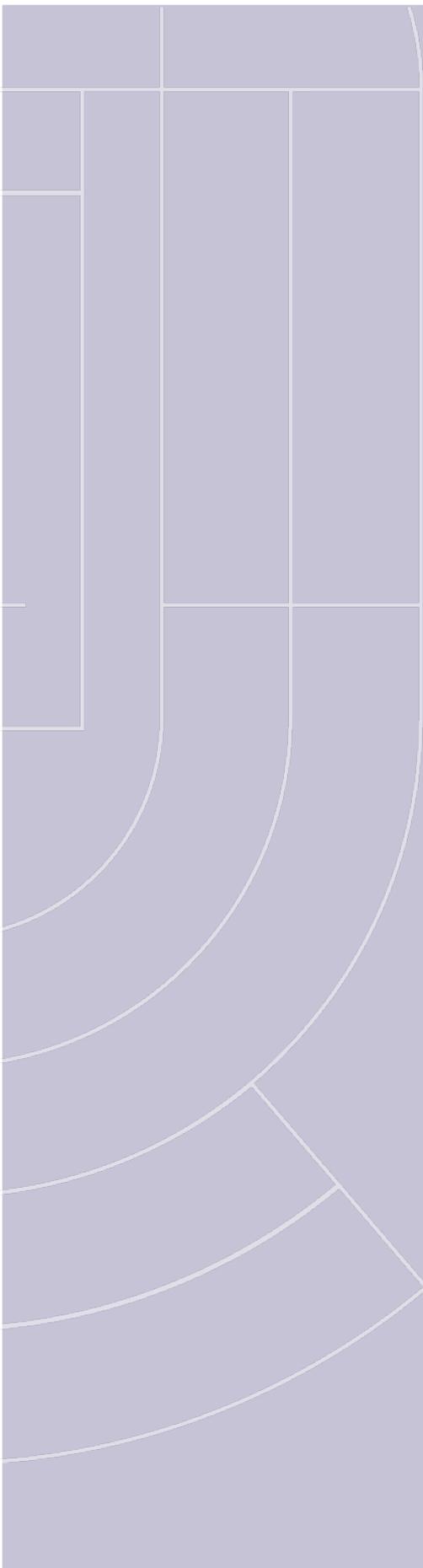
Throughout an inquiry, there will be many opportunities to promote the work of the committee to the public and encourage their participation in the inquiry. Communicating about the work of committees throughout the course of an inquiry is a critical part of the Legislative Assembly's overall [Engagement Strategy](#).

Some key moments for engagement during an inquiry include: the promotion of the new inquiry across social media to explain what the committee is doing and how people can get involved, connecting directly with communities and organisations during site visits, broadcasting committee hearings where members hear from witnesses and ask questions, and the publication of a committee's report with its analysis of issues and its recommendations for change.

The Legislative Assembly's Engagement team can support committees in a number of ways, including:

- Professional video production and photography showcasing committee Chairs, members and inquiries.
- Graphic design services to brand committee inquiries, ensuring they are recognisable within the larger parliamentary context.
- Community outreach to targeted stakeholders and audiences, including regional, CALD communities and other historically underrepresented groups.
- Social media exposure through the Parliament's and Legislative Assembly's Facebook, Twitter, LinkedIn, Instagram and YouTube channels.

The Engagement team coordinates the production of committee media and other promotional materials with the Chair.



## What happens at the first committee meeting?

## What happens at the first committee meeting?

### Business of the first meeting – election of Chair and Deputy Chair

If the Chair of a committee is not appointed by the House, the Committee's first task is to elect a Chair and Deputy Chair at its first meeting.

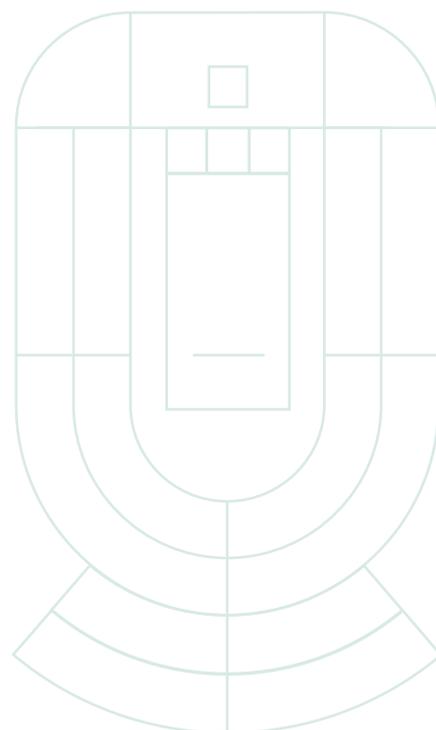
Where no Chair is appointed, the Clerk of the Legislative Assembly (or the Clerk's delegate) is responsible for calling the first meeting (Standing Order 279). The Clerk will normally organise a meeting to be held at committee members' convenience, and committee staff will send a notice of meeting together with an agenda in advance of the meeting.

The conduct of the first meeting follows an established set of procedures, in accordance with Standing Orders 13 and 282. This includes the election of the Chair and Deputy Chair.

After the election of the Chair and Deputy Chair, the Committee may consider and pass a number of standard procedural resolutions. The resolutions allow the Chair to guide the conduct of an inquiry and committee business generally, including announcing the start of an inquiry to the public, calling for submissions, and issuing media statements. They also cover matters such as arrangements for inviting witnesses to hearings and publishing committee information. The motions serve as a guide and the Committee may resolve to amend them.

### Announcement in the House

The Speaker reports the appointment of a committee's Chair and Deputy Chair to the House (Standing Order 282(2)).



# How do committee deliberative meetings work?

## How do committee deliberative meetings work?

Deliberative meetings are private meetings held by committees to conduct their administrative and deliberative functions.

### Functions of deliberative meetings

Deliberative meetings are usually held for procedural and administrative purposes, for example:

- selecting or directing areas for scrutiny and potential inquiry,
- considering the publication of submissions and other evidence,
- scheduling committee activities like public hearings, site visits and private briefings,
- adopting minutes of past meetings,
- discussing and considering issues, papers and draft reports.

Committees record decisions made by resolutions or agreement during meetings in the formal minutes of meetings (see [below](#)). Resolutions are generally required to authorise the committee and staff to undertake particular actions like holding site visits, adopting terms of reference or calling witnesses to a hearing.

### Attending deliberative meetings

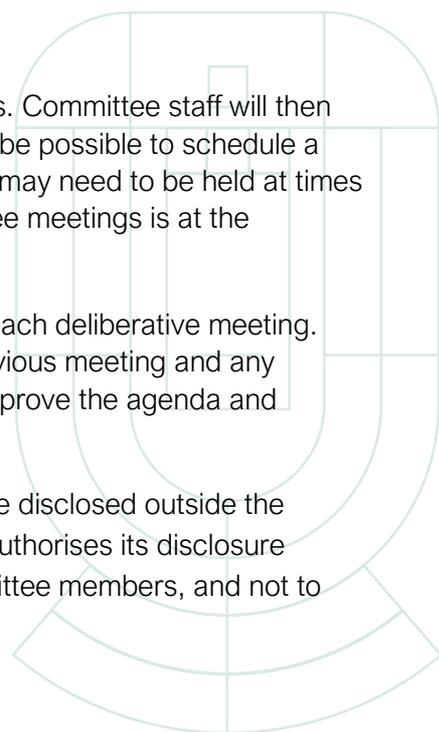
Only committee members and committee staff may attend deliberative meetings. However, the committee may authorise other persons to attend (Standing Order 295). This may happen when subject experts, representatives or private individuals are invited to brief the committee on issues related to committee business. The Standing Order does not allow Members' staff to attend committee meetings.

### Scheduling meetings and meeting papers

The Chair typically proposes the dates and times for deliberative meetings. Committee staff will then check with committee members about their availability. It may not always be possible to schedule a meeting at a time where all members can attend. On occasion, meetings may need to be held at times where one or more members are unavailable. The scheduling of committee meetings is at the discretion of the Chair.

Meeting papers are prepared and sent by committee staff in advance of each deliberative meeting. Meeting papers generally include an agenda, the draft minutes of the previous meeting and any correspondence sent to and received by the committee. The Chair will approve the agenda and meeting papers before they are circulated to members.

Materials received by a committee (including meeting papers) must not be disclosed outside the committee or made public, unless the committee or the House explicitly authorises its disclosure (Standing Order 297). As a result, meeting papers are only sent to committee members, and not to Members' staff or others.





## Quorum

A quorum is the minimum number of committee members required to attend for a committee to conduct its business.

The number of members required to form a quorum varies depending on the committee. A committee's quorum requirements are usually set in the resolution or Act establishing the committee. Where there is no specific quorum requirement, Standing Orders 280 and 321 provides that a quorum for Legislative Assembly-administered committees (including joint committees) is three Members of the Legislative Assembly. The relevant Act establishing certain joint statutory committees may require at least one Member from each House to establish quorum.

A meeting may not commence if there isn't a quorum. If a quorum is not present at the appointed meeting time, the Chair may wait for a quorum to be formed. However, if there is still no quorum after 15 minutes, the meeting lapses and the Chair will appoint the time for the next meeting.

Standing Order 286 provides that if their attention is drawn to the absence of a quorum during a committee meeting, the Chair shall suspend the meeting until a quorum is formed or adjourn the meeting until a later time. If a committee transacts business while there is not quorum, it runs the serious risk of having the legitimacy of its proceedings called into question.

It is good practice for a committee meeting to have representation across parties, particularly when transacting committee business like adopting inquiry terms of reference, conducting hearings and considering committee reports.

## Minutes

The minutes of a meeting is the formal record of attendance, resolutions made and issues discussed by the committee during the meeting. Committee discussions are only recorded in general terms.

Minutes may be corrected at the following meeting, when they are confirmed by the committee and subsequently signed by the Chair. Extracts of confirmed and unconfirmed minutes relevant to an inquiry are included in the appendices of the inquiry report, and therefore published on the Parliament's website.

## Motions

A motion is a formal proposal for action or an opinion put forward to a committee for consideration, debate and decision.

Each motion in a committee meeting needs to be 'moved' by a committee member, but does not have to be 'seconded' by another member. However, seconding a motion indicates broader support among the committee and is recorded in the minutes. The exceptions to this general rule are the motions for electing Chairs, Deputy Chairs and Acting Chairs, which require both a mover and a seconder. This reflects the practice for electing the Deputy Speaker in the House.

## Voting

The methods of voting in committee meetings are the same as in the House. Any question may be determined on the voices, or else a division may be called by a committee member in the minority for the members' votes to be recorded in the minutes. The result of a division is decided by a majority of the votes, and votes for the 'ayes' and 'noes' are recorded.

In the event of an equal vote, the Standing Orders provide that the Chair shall break the deadlock with a casting vote (in addition to their deliberative vote).

## Dissent

In addition to having a committee member's vote against a motion subject to a division recorded in the minutes, committee members can also request that their dissent from a committee's decision be explicitly recorded in the minutes. A committee may choose to note in the body of the report that its view on a particular matter was not unanimous.

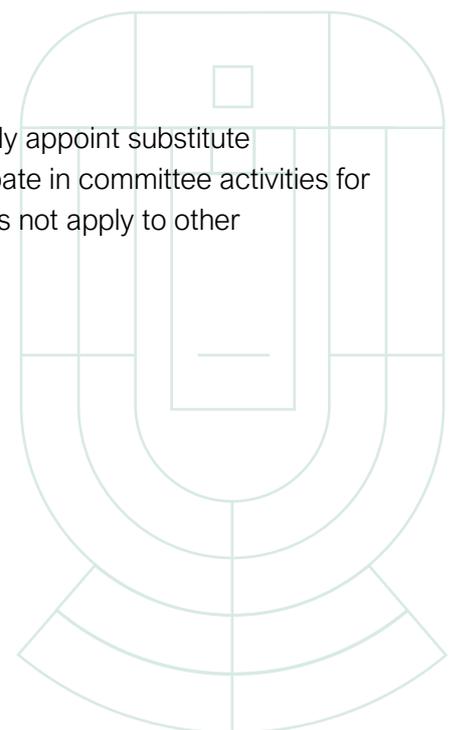
## Video and teleconferencing

Committees can hold proceedings using electronic communications such as video or telephone conferencing. Committee members and witnesses do not need to be present in one place, as long as:

- When deliberating, committee members making up a quorum can speak to and hear each other.
- When a witness is giving evidence, committee members are able to hear the witness and ask them questions which each can hear (Standing Order 295(2)).

## Substitute Members

Standing Order 273A enables portfolio standing committees to temporarily appoint substitute members. This happens when committee members are unable to participate in committee activities for a period of time or for the duration of an inquiry. This Standing Order does not apply to other Legislative Assembly-administered committees.



**How do committees  
report to the House(s)?**

## How do committees report to the House(s)?

### Report content

The primary purpose of a committee report is to inform the Parliament of a committee's activities or inquiry. A report may make recommendations in relation to an inquiry's terms of reference. It may also include the following:

- the names of committee members,
- a Chair's foreword and/or a brief summary of the report,
- a list of recommendations and findings (if applicable),
- the inquiry terms of reference,
- a list of the submissions received,
- a list of the witnesses (including the organisations they represented) who gave evidence at hearings,
- details of any site visits, including a list of people the committee met,
- extracts of minutes of meetings and hearings where the inquiry was discussed, which excludes items unrelated to the report or inquiry and confidential business items.

Before being tabled in the House(s), committee reports and other documents not authorised for publication are confidential and must not be made available to anyone other than committee members.

Standing Order 297 prohibits the premature disclosure of evidence and reports of committees before they have been reported to the House, unless this disclosure is first authorised by the House or the committee. Breaking this rule is a breach of privilege and may be investigated by the committee itself, for possible reporting to the House and referral to the Privilege and Ethics Committee.

There may also be statutory confidentiality provisions in a committee's establishing Act, or in other legislation.

### Interim reports and discussion papers

A committee may issue an interim report if, for example, it is conducting an inquiry with a long reporting timeframe, or if it wishes to publish its initial findings prior to an event or decision.

A committee may issue a discussion paper to:

- Define the scope of the inquiry's area(s) of interest.
- Inform stakeholders about the background of the inquiry.
- Inform stakeholders about the issues raised in the inquiry's terms or reference.
- Encourage stakeholder feedback and submissions.

Discussion papers may also form the basis of a draft report.



## Considering the Chair's draft report

As noted earlier, committee staff generally prepare the initial draft of an inquiry report under the guidance of the Chair. It is the Chair that reviews and approves this draft, which is commonly known as the Chair's draft report. Once the Chair has approved the draft, it is then sent to committee members on a confidential basis. Under Standing Order 300, committee members may not disclose the content of the Chair's draft report to anyone outside the committee.

After a period to allow the committee members to read and consider the Chair's draft, a deliberative meeting is held to consider and adopt the report.

Standing Order 301 specifies that committees consider a Chair's draft paragraph by paragraph. However, committees may resolve to consider them chapter by chapter, or by considering the recommendations first and then the body of the report.

Amendments to the Chair's draft may be moved by any committee member at the paragraph, chapter or recommendation where the amendment should appear. Proposed amendments are dealt with and voted on in the same way as in the House, that is, on the voices or by a vote (division) of the committee. Prior to the report deliberative meeting, committee staff will circulate a template for committee members to lodge proposed amendments to the report. It is administratively helpful for committee staff, and will be of assistance to other committee members, if this template is completed and circulated prior to the meeting. While compliance with this practice is not mandatory, it will greatly assist staff and other members to prepare for the meeting and ensure it runs smoothly.

When the consideration process is completed, the report is adopted with or without amendments by the committee and signed by the Chair. It is common practice for the committee to authorise committee staff to correct any typographical or stylistic errors in the adopted report before it is tabled.

## Dissenting views

Legislative Assembly Standing Orders do not provide for the inclusion of dissenting reports in committee reports. A member with a dissenting view is expected to raise it in the course of deliberations on the draft report.

Dissenting views may be indicated by proposing, debating and voting on amendments, or voting against the motion to adopt a chapter or the report in its entirety. Committee members can then have their positions on proposed amendments to a report and the substance of a report more generally on record, because the results of divisions are explicitly set out in the minutes of the report deliberative meeting. The minutes will include the names of committee members voting for and against a motion in a division. The parts of any minutes of committee meetings which relate to an inquiry will be included in an appendix to the final committee report and made public that way. A committee may also choose to note in the body of the report, that its view on a particular matter was not unanimous.

Further, Members can voice their dissent or disagreement with all or part of a report (including recommendations) when speaking in the House 'take note' debate on the report (see [below](#)). By speaking in the take note debate, Members' views are recorded by Hansard and made public in the published Hansard transcript.

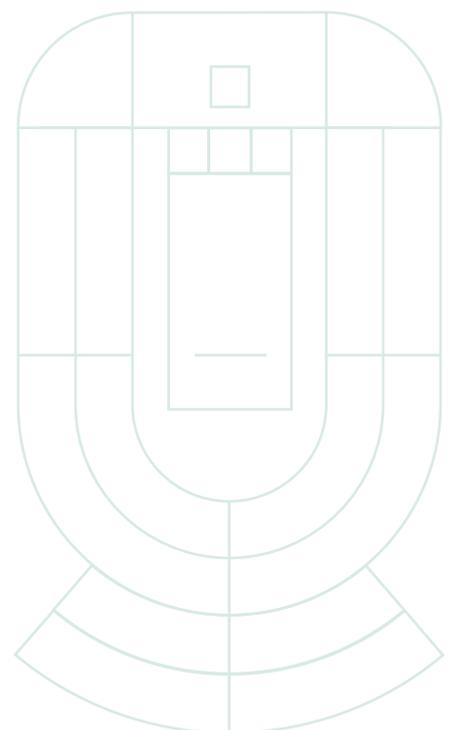
## Tabling a report

The Chair or another committee member can table a report in the House on a sitting day (Standing Order 303). This happens after Question Time during the Routine of Business, at the time set for tabling of committee reports and notification of inquiries.

Reports from joint committees are tabled in both Houses, usually by the Chair in their relevant House and another committee member from the other House.

The member tabling the report will generally move that it 'be printed' (Standing Order 304). The report is then immediately published on the Committee's webpage.

If the House is not sitting, reports can be tabled 'out of session' with the Clerk. This is organised by committee staff and does not require the presence of the Chair or other members. Once a report has been received by the Clerk, it is deemed to be tabled and ordered to be printed. If tabled out of session, joint committee reports are tabled with the Clerks of both Houses. Reports tabled out of session are reported to the House by the Clerk when the House next sits.



## What happens after committees report?

## What happens after committees report?

### Consideration in the House

Committee reports are debated in the House by way of a motion to 'take note of the report'.

Under the provisions for take note debates (Standing Order 306), each report may be debated for up to 22 minutes, with a total of 30 minutes being allocated to the take note debate each week. Reports are debated in the order that they are tabled in the House. If a report is tabled out of session (that is, when the House is not sitting), it is debated in the order that it is reported by the Clerk.

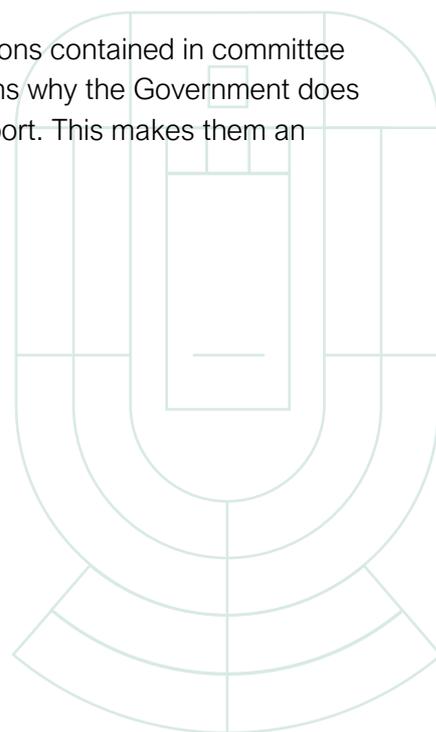
Any Member of the House may speak in a take note debate, whether or not they are a member of the committee that tabled the report. The Member who tabled the report may speak for up to six minutes and any other Member may speak for up to four minutes.

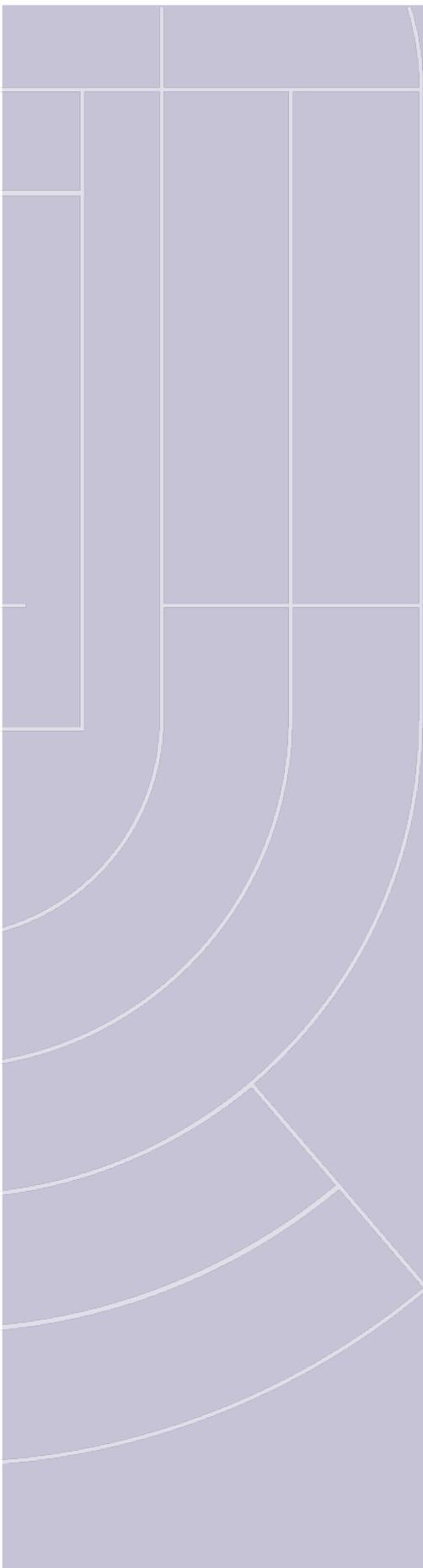
It is important to note that the outcome of the take note debate (that is, whether the House agrees or not to take note of the report) has no impact on the status of a committee report, which has already been tabled in the House.

### Government responses to report recommendations

Once a report has been tabled, the Clerk refers the report to the relevant Minister(s). They must respond in writing within six months of the committee report being tabled. This response must be reported to the House and must address what action, if any, the Government proposes to take in relation to any recommendations contained in the committee report (Standing Order 303A). Once received, the Government response is considered to be tabled and printed, it is published on the committee's webpage, and it is reported in the House by the Clerk at the next sitting.

Importantly, the Government is not required to take up the recommendations contained in committee reports. However, Government responses will generally outline the reasons why the Government does or does not support the recommendations made by a committee in its report. This makes them an important accountability mechanism.





## What happens during prorogation and the expiry of the Parliament?

## What happens during prorogation and the expiry of the Parliament?

### Prorogation

Prorogation refers to the end of a session of Parliament by a proclamation issued by the Governor. Prorogation ends all pending business before the House. As set out below, the status of committees and inquiries after prorogation depends on the type of committee.

Committees of the House and joint committees appointed by a resolution of the House for the life of the Parliament continue to exist, but in the absence of any statutory authorisation, it is not the practice of the Assembly for them to continue to meet and transact business.

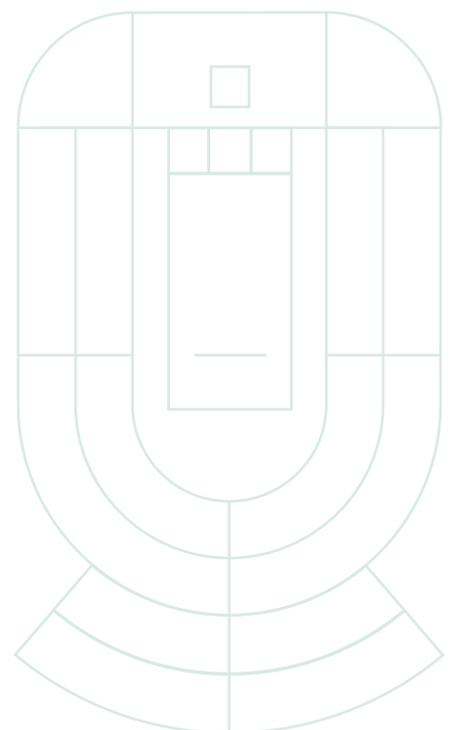
Statutory committees continue to exist and may meet and transact business, as provided by the legislation under which they are appointed.

Select committees lapse and cease to exist. The House may resolve to re-establish the select committee in the new session.

### Expiry of the Parliament

Parliament expires either at the end of its four-year fixed term, or by proclamation of the Governor. As a result, all committees cease to exist and any unfinished business lapses.

Under Standing Order 310, a committee reappointed in a new Parliament has the power to consider and make use of the evidence gathered by a similar committee in a past session or a previous Parliament.





## Appendix One – Relevant Legislative Assembly standing orders

### Chapter 10 – Questions Seeking Information

Question to committee  
Chair

127. A Member, being the Chair of a committee, may be asked a question relating to the affairs of the committee.

### Chapter 16 – Bills

#### Debate on Second Reading

<b>Amendment – referral to committee</b>	<b>198.</b> Amendments may be moved to the question “That this bill be now read a second time” to leave out all words after the word “That” and adding words to refer the bill to a committee (as specified).
<b>Report from committee</b>	<b>201.</b> The report of a committee on a bill, having been tabled shall be set down for consideration with the bill as an Order of the Day for a later time.
<b>Referral to committee</b>	<b>216.</b> A motion to refer a bill to a committee cannot be moved after the consideration in detail stage on the bill.

### Chapter 18 – Financial Procedures

#### Estimates Committees

<b>Estimates committees</b>	<p>246.</p> <ol style="list-style-type: none"><li>(1) On a motion of a Minister, during the second reading debate on the Appropriation Bill, the House may appoint Estimates Committees.</li><li>(2) The Estimates Committees shall examine and report on proposed expenditures from the Consolidated Fund for each organisational unit for each Minister listed in the Tabled Estimates, and the corresponding clauses and schedules in the Appropriation Bill and the Parliamentary Appropriation Bill which shall stand referred to the appropriate committee.</li><li>(3) The report of each Estimates Committee shall state whether the votes of each organisational unit in the Estimates and the corresponding clauses and schedules in the Appropriation Bill are recommended or otherwise. The failure of an Estimates Committee to report on any part of the votes shall be deemed to be a report recommending the proposed expenditure.</li><li>(4) The Chair of each Committee or a Member deputed by the Chair shall, after the committee has concluded its deliberations and after the question on the second reading of the Appropriation Bill and the Parliamentary Appropriation Bill has been agreed to, present the Committee's report to the Speaker in the House. The Speaker shall set down consideration of the reports in detail with the Appropriation Bill and the Parliamentary Appropriation Bill respectively as an Order of the Day.</li></ol>
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- (5) Consideration of a report in detail shall be deemed to be consideration of those clauses and schedules of the Appropriation Bill and the Parliamentary Appropriation Bill referred to that Estimates Committee.
- (6) When considering a report in detail:
  - (a) The Speaker shall put the question in respect of each Committee report, "That the report of the (name of the Committee) be adopted".
  - (b) A Member may speak for a maximum of 5 minutes and the Minister in reply may speak for a maximum of 15 minutes on each of the questions.
  - (c) Those clauses and schedules of the Appropriation Bill and the Parliamentary Appropriation Bill not referred to an Estimates Committee shall be considered as one question, "That the remaining clauses and schedules of the Bill be agreed to".

## Chapter 23 – Committees

### General Provisions

**272.** The following rules shall apply for the appointment and conduct of all committees, unless otherwise ordered or provided by statute.

#### Number of members

**273.** A Committee shall consist of between five and ten members.

#### 273A.

#### Substitute members

- (1) Where a member of a portfolio or a specialist standing committee finds they are unable to continue to sit on the committee temporarily they may stand down for a period of time, or for a particular inquiry, and a member may be appointed by the House as their substitute for the period concerned.
- (2) If the House is not sitting, the member unable to attend a meeting of the committee may, in writing to the Chair of the committee, nominate a Member to act as a substitute member at that meeting.
- (3) If the member is incapacitated or unavailable, a letter to the Chair of the committee nominating a Member to act as a substitute member of the committee may be signed on behalf of the member by the office holders responsible for nominating members to the committee.
- (4) The substitute member has all the rights of a committee member, including to participate in all committee proceedings and to vote on any question before the committee.

#### Appointment or discharge of committee members

**274.** Motions appointing and discharging members from committees may be moved without notice when there is no question before the Chair.

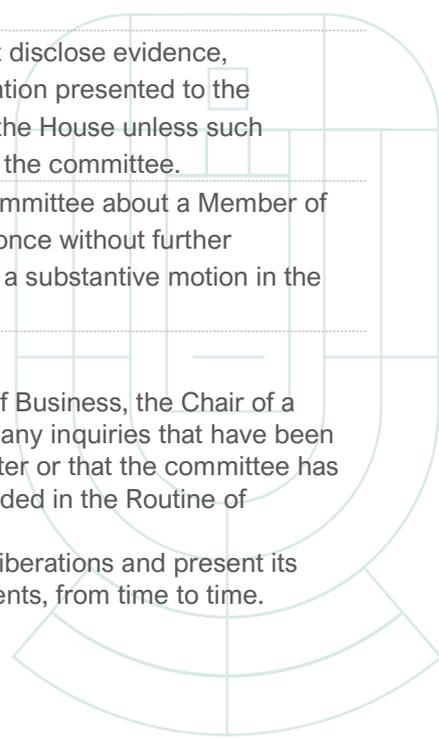
#### Speaker, Deputy Speaker and Assistant Speaker exempt

**275.** The Speaker, Deputy Speaker and Assistant Speaker shall not be chosen to serve on committees except with their consent.



<b>Personal or pecuniary interest</b>	<b>276.</b> A Member shall not participate as a committee member in a matter under inquiry by a committee if personally interested or if the Member has a direct pecuniary interest in the matter under inquiry not held in common with other citizens of the State.
<b>Notice of appointment</b>	<b>277.</b> The notice of motion for the appointment of every committee may contain the names of the Members the mover intends to serve on the committee.
<b>Ballot</b>	<b>278.</b> Any Member may call for a ballot for the selection of committee Members.
<b>First meeting</b>	<b>279.</b> The date and time of the first meeting shall be set by the mover if a member of the committee, otherwise the Clerk shall call the meeting.
<b>Quorum</b>	<b>280.</b> A quorum for committees is three Members.
<b>Quorum not present at first meeting</b>	<b>281.</b> If a quorum is not present within 15 minutes of the time set for a meeting, the meeting shall lapse and the Chair, if appointed, or the Clerk shall issue notices for the next meeting. <b>282.</b>
<b>Election of Chair and Deputy Chair</b>	(1) At the first meeting of a committee, or if a vacancy occurs, a Chair and Deputy Chair shall be elected. (2) The Speaker, upon being advised, shall report the appointments of a committee Chair and a Deputy Chair to the House.
<b>Voting</b>	<b>283.</b> (1) A question arising at a meeting of a committee shall be determined by a majority of the votes of the members present and voting. (2) The Chair shall exercise a deliberative vote and, in the event of an equality of vote, shall exercise a casting vote, except upon a private bill.
<b>Absence of Chair</b>	<b>284.</b> In the absence of the Chair, the Deputy Chair shall act as Chair. If the Chair and Deputy Chair are both absent, committee members present from day to day may elect an acting chair.
<b>Minutes</b>	<b>285.</b> The minutes of committee meetings shall record: (1) Members present and apologies received. (2) Every motion and amendment moved and the name of the mover. (3) Every proceeding and decision not the subject of a resolution. (4) The names of members voting in a division and whether for or against the motion.
<b>Quorum not present during meeting</b>	<b>286.</b> If during a sitting of a committee, attention is drawn to the absence of a quorum the Chair shall suspend the sitting until a quorum is formed or adjourn the committee to a later time.
<b>Times of sitting</b>	<b>287.</b> A committee may adjourn from time to time and from place to place and may sit during any sittings or adjournment of the House.
<b>Persons, papers, records and exhibits</b>	<b>288.</b> A committee shall have power to send for persons, papers, records, exhibits and things.

<b>Witnesses</b>	<b>289.</b> Summonses to be issued to witnesses shall be signed by the Chair of the committee or by the Deputy Chair in the absence of the Chair.
<b>Counsel</b>	<b>290.</b> <i>Repealed</i>
<b>Examination of witnesses</b>	<b>291.</b> Witnesses shall be examined on oath or affirmation as follows: (1) The Chair may first question the witness uninterrupted upon the subject matter of the inquiry. (2) Other members may then ask questions.
<b>Recording of evidence</b>	<b>292.</b> The questions and the evidence of witnesses shall be reported by Hansard unless otherwise ordered by the committee.
<b>Correction of evidence</b>	<b>293.</b> Witnesses may correct their evidence. Corrections shall be confined to verbal inaccuracies. Evidence can only be altered in substance by re-examination.
<b>Admission to hearings</b>	<b>294.</b> At a hearing any person may be admitted but may be excluded at the discretion of the Chair or at the request of any committee member.
<b>Meetings</b>	<b>295.</b> (1) At a deliberative meeting only committee members and committee officers shall be present unless the attendance of other persons has been authorised by the committee. (2) A committee is authorised to conduct proceedings by electronic communication without members of the committee or witnesses being present in one place, provided that: (a) When a committee deliberates, members of the committee constituting a quorum are able to speak to and hear each other contemporaneously. (b) When a witness gives oral evidence, members of the committee constituting a quorum are able to hear the witness contemporaneously and to put questions to the witness in each other's hearing.
<b>In camera evidence</b>	<b>296.</b> All persons other than committee officers shall be excluded when the committee is meeting in camera.
<b>No disclosure unless authorised</b>	<b>297.</b> A member or any other person shall not disclose evidence, submissions or other documents and information presented to the committee which have not been reported to the House unless such disclosure is first authorised by the House or the committee.
<b>Serious allegations to be reported immediately</b>	<b>298.</b> Serious allegations made before any committee about a Member of the House shall be reported to the House at once without further investigation and may only be considered by a substantive motion in the House.
<b>Referrals and tabling of reports</b>	<b>299.</b> (1) At the time provided in the Routine of Business, the Chair of a committee shall advise the House of any inquiries that have been referred to the committee by a Minister or that the committee has resolved to conduct at the time provided in the Routine of Business. (2) A committee may report upon its deliberations and present its minutes, evidence and other documents, from time to time.





<b>Draft report</b>	<p><b>300.</b> The Chair shall prepare the draft report for consideration by the committee and may circulate it on a confidential basis to committee members only.</p>
<b>Consideration of draft report</b>	<p><b>301.</b> The draft report shall be considered as follows:</p> <ol style="list-style-type: none"><li>(1) Unless previously circulated, the Chair shall read the report.</li><li>(2) The committee may order it to be circulated and a subsequent day named for its consideration.</li><li>(3) Unless the committee otherwise resolves, the report shall be considered paragraph by paragraph – the question being “<b>That the paragraph be agreed to</b>”.</li><li>(4) A Member may move an amendment to the paragraph at the time it is under consideration.</li><li>(5) After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.</li><li>(6) After consideration, the committee may adopt the report with or without amendment.</li></ol>
<b>Chair to sign report</b>	<p><b>302.</b> The report shall be signed by the Chair or another Member appointed by the committee in the event of the Chair's unavailability or refusal.</p>
<b>Report tabled</b>	<p><b>303.</b> The report together with the minutes, evidence and other documents shall be tabled by the Chair or another Member signing the report or other member of the committee on that Member's behalf.</p>
<b>Government responses to committee reports</b>	<p><b>303A.</b></p> <ol style="list-style-type: none"><li>(1) On the tabling of a report from a committee, which recommends that action be taken by the Government, the Clerk is to refer the report to the relevant Minister(s), who must within six months of a report being tabled, report to the House what action, if any, the Government proposes to take in relation to each recommendation of the committee.</li><li>(2) If at the time at which the Minister seeks to report to the House, the House is not sitting, a Minister may present the response to the Clerk.</li><li>(3) A response presented to the Clerk is:<ol style="list-style-type: none"><li>(a) On presentation, and for all purposes, deemed to have been tabled and printed, and may be circulated.</li><li>(b) Reported to the House at its next sitting.</li></ol></li></ol>
<b>Order to print</b>	<p><b>304.</b> The report may, without debate, be ordered to be printed.</p>
<b>Tabling with the Clerk</b>	<p><b>305.</b> Should the House be adjourned and a committee agree to any report before the House resumes sitting:</p> <ol style="list-style-type: none"><li>(1) The committee may send any such report, minutes and evidence taken before it to the Clerk;</li><li>(2) Upon receipt the documents shall be deemed to be published, and the report shall be printed and may be circulated; and</li><li>(3) The documents shall be reported in the House at its next sitting.</li></ol>

306.

- (1) The report and associated documents of any committee (not being a legislation committee or the Standing Orders and Procedure Committee) shall be presented at the time provided in the Routine of Business, or at any other time with the leave of the House.
- (2) The Member presenting the report may move “**That the document be printed**”. This question shall be decided without debate or amendment.
- (3) Reports from committees (not being reports of the Standing Orders and Procedure Committee) shall stand in the order in which they are presented (or reported by the Clerk when received during an adjournment) as Orders of the Day “**That the House take note of the Report**”.
- (4) Such Orders of the Day may be considered at the time allocated in the Routine of Business on Wednesday for a period of up to 30 minutes. Any interrupted item of business shall stand as an Order of the Day for tomorrow.
- (5) Debate on an Order of the Day may be adjourned and the resumption of the debate set down as an Order of the Day for tomorrow.
- (6) When the Order of the Day is called on and not proceeded with, consideration of the report shall be postponed until the next Wednesday sitting when reports are considered. If the Order of the Day is called on at that subsequent sitting and is not proceeded with, the question shall be put.
- (7) If a committee has more than one report on the Business Paper, the Chair or Member who tabled the report may move a motion without notice, amendment or debate to facilitate the consideration of two or more of the committee’s reports together.
- (8) The Member tabling the report may speak for up to 6 minutes and any other Member may speak for up to 4 minutes to the question “**That the House take note of the Report**” with the question being put after 22 minutes. No reply is permitted.

**Committee reports, tabling in the House and debate**

<b>Action on report</b>	<b>307.</b> If any measure or proceeding be necessary upon a committee report it shall be considered by the House by motion on notice.
<b>Payment of witnesses</b>	<b>308.</b> A witness, at the discretion of the committee and recorded in the minutes, may be paid for attendance at the rate of a witness before the Supreme Court. The Chair shall certify such payment.
<b>Committee lists</b>	<b>309.</b> Lists of all committees shall be fixed on notice boards.
<b>Similar committees</b>	<b>310.</b> A committee shall have the power to consider and make use of evidence and records of similar committees appointed during a previous session of the current Parliament or the previous Parliament.
<b>Communications between Committees</b>	
<b>Conference with Council committee</b>	<b>311.</b> No committee of the House may confer with a committee of the Council without leave of the House.
<b>Conference desired by message</b>	<b>312.</b> When any such order has been made it shall be communicated by message to the Council with a request that leave may be given to the committee of the Council to confer with the committee of the House.



**Committees communicate by word of mouth** 313. Every committee of the House directed to confer with any committee of the Council may confer freely by word of mouth, unless the House otherwise orders.

**Committee of House to report proceedings at a conference** 314. The proceedings of every conference between a committee of the House and a committee of the Council shall be reported in writing to the House by its own committee.

#### Standing Committees

**Appointment** 315. The House may from time to time appoint standing committees on notice of motion to meet and report on specified subjects during the term of the Parliament in which they are appointed.

**Rules** 316. The general provisions for committees shall apply to standing committees.

**Standing committees** 317. The Standing Orders and Procedure Committee, the Library Committee and the House Committee shall be standing committees.

**Speaker ex-officio member** 318. The Speaker shall be ex-officio a member of the Standing Orders and Procedure Committee, the Library Committee and the House Committee.

#### Joint Committees

**Names stated** 319. If the House proposes a joint committee, the message shall state the names of the Members to be appointed.

**First meeting** 320. The House originating the message for the appointment of a joint committee shall not nominate the time and place for the first meeting.

**Quorum** 321. At least three Members of the House must be present at every meeting of a joint committee.

**Report** 322. The House shall receive a report of any joint committee proceedings from one of its Members on that committee.

#### Legislation Committees

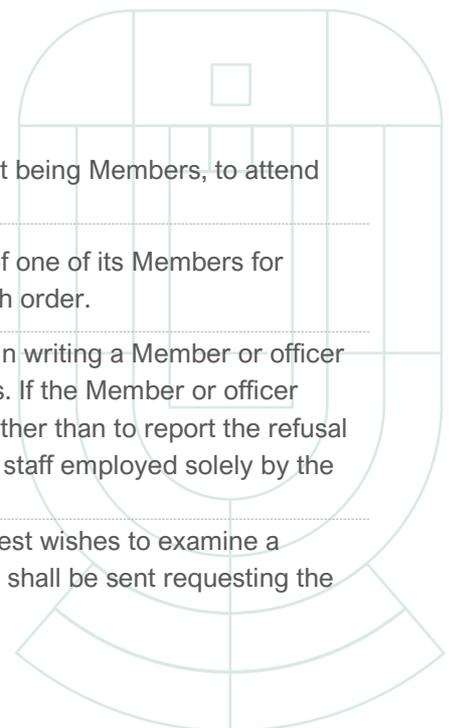
## Legislation Committees

### 323.

- (1) Immediately after a motion for a bill to be read a second time has been agreed to, any Member may move without notice "**That the (name of the bill) be referred to a legislation committee for consideration and report**".
- (2) A legislation committee shall consider and report to the House on amendments to the clauses and schedules of the bill which it considers could be proposed for consideration in detail, together with a schedule of amendments which should be proposed.
- (3) A committee shall have a maximum of six Members – three shall be Members representing the Government and three shall be non-Government Members.
- (4) The Chair and Deputy Chair shall be elected by the committee and shall be Government Members.
- (5) A quorum shall be four Members.
- (6) The Chair shall exercise a deliberative vote, and in the event of an equality of votes, a casting vote.
- (7) A committee may meet during the sittings or any adjournment of the House and shall have power to take evidence and call for persons, papers, exhibits and things and to report from time to time.
- (8) In all other respects a committee shall be conducted in accordance with the general provisions relating to committees.
- (9) A committee shall not travel.
- (10) The Minister having portfolio responsibility for the bill shall provide the committee with such drafting and support services as requested by the committee.
- (11) A committee shall table its final report no later than six months from the date of the committee's establishment.
- (12) When the Chair tables the final report of a committee the Speaker shall set down its consideration in detail as an Order of the Day with the bill.
- (13) If the House is not sitting at the time of report the Chair shall forward such report to the Clerk for report at the next sitting of the House.

## Chapter 24 – Witnesses

<b>Summons</b>	<b>324.</b> The Clerk shall summons witnesses, not being Members, to attend before the House.
<b>Attendance of Member directed</b>	<b>325.</b> The House may direct the attendance of one of its Members for examination and the Speaker shall issue such order.
<b>Attendance requested</b>	<b>326.</b> The Chair of a committee may request in writing a Member or officer of the House to attend a hearing as a witness. If the Member or officer refuses, the committee shall take no action other than to report the refusal to the House. An officer means a member of staff employed solely by the Speaker.
<b>Request for Council attendance</b>	<b>327.</b> If the House or a committee, upon request wishes to examine a Member or officer of the Council, a message shall be sent requesting the Council to grant leave.





<b>Council request for Assembly attendance</b>	<b>328.</b> If the Council or one of its committees wishes to examine a Member or officer of the Assembly, the House may authorise the Member to attend if the Member agrees. The House may order an officer to attend.
<b>Introduced by Serjeant-at-Arms</b>	<b>329.</b> A witness before the House shall be introduced by the Serjeant-at-Arms and be examined at the Bar.
<b>Member examined in place</b>	<b>330.</b> A Member shall be examined in the Member's place.
<b>Speaker put questions</b>	<b>331.</b> A witness appearing before the House shall be examined by Members putting questions through the Speaker.
<b>Members may question</b>	<b>332.</b> A witness appearing when the House is considering a matter in detail may be questioned directly by Members.
<b>Objection to question</b>	<b>333.</b> If any question is objected to by a witness or a Member, the witness shall withdraw while the House considers the matter.
<b>Officers not to give evidence without leave</b>	<b>334.</b> An officer of the House or a Member of the reporting staff may not give evidence elsewhere in respect of any proceedings of the House or a Committee except with the leave of the House.

## Appendix Two – Additional resources

<p><b>GUIDES</b></p>	<p><i>Members' Guide to the Legislative Assembly</i></p> <p>This is a guide to the services and facilities for members of the NSW Legislative Assembly and is available on the Parliament's intranet.</p> <p><a href="#"><u><i>New South Wales Legislative Assembly Practice, Procedure and Privilege</i></u></a></p> <p>This is a comprehensive guide to the practice and procedures of the Legislative Assembly which is available on the Parliament's website. Chapter 26 focuses on committee procedure.</p> <p><i>Guide to Chamber Procedure</i></p> <p>This is a more concise guide to the practice and procedures of the Legislative Assembly that is available on the Legislative Assembly's website.</p>
<p><b>RELEVANT ACTS</b></p>	<p><a href="#"><u><i>Defamation Act 2005</i></u></a></p> <p>The Act provides protection for publication of committee proceedings in certain circumstances.</p> <p><a href="#"><u><i>Parliamentary Papers (Supplementary Provisions) Act 1975</i></u></a></p> <p>The Act authorises the publication of material by committees before being tabled in the House.</p> <p><a href="#"><u><i>Parliamentary Evidence Act 1901</i></u></a></p> <p>The Act empowers committees to summon and compel witnesses.</p>
<p><b>ACTS ESTABLISHING COMMITTEES</b></p>	<p>Certain committees are established by specific statutes, which may specify such things as the number of members, powers of the committee and special secrecy provisions.</p> <p>This list is current as at 2023 and new statutory committees may be established at a later date.</p> <p>The <b>Committee on Children and Young People</b> is established by the <a href="#"><u><i>Advocate for Children and Young People Act 2014</i></u></a>.</p> <p>The <b>Committee on the Health Care Complaints Commission</b> is established by the <a href="#"><u><i>Health Care Complaints Act 1993</i></u></a>.</p> <p>The <b>Committee on the Independent Commission Against Corruption</b> is established by the <a href="#"><u><i>Independent Commission Against Corruption Act 1988</i></u></a>.</p> <p>The <b>Legislation Review Committee</b> is established by the <a href="#"><u><i>Legislation Review Act 1987</i></u></a>.</p> <p>The functions of the <b>Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission</b> can be found in various pieces of NSW legislation, including the <a href="#"><u><i>Ombudsman Act 1974</i></u></a>, <a href="#"><u><i>Law Enforcement Conduct Commission Act 2016</i></u></a>, <a href="#"><u><i>Government Information (Information</i></u></a></p>



	<p><a href="#">Commissioner) Act 2009</a>, <a href="#">Privacy and Personal Information Protection Act 1998</a>, <a href="#">Inspector of Custodial Services Act 2012</a>, and <a href="#">Crime Commission Act 2012</a>.</p> <p>The <b>Public Accounts Committee</b> is established by the <a href="#">Government Sector Audit Act 1983</a> and also has functions under the <a href="#">Parliamentary Budget Officer Act 2010</a>.</p>
<b>RESOLUTIONS ESTABLISHING COMMITTEES</b>	<p>Where Committees are established by a resolution of one or both Houses, Members should familiarise themselves with the details of the resolution.</p>
<b>PARLIAMENTARY REMUNERATION TRIBUNAL DETERMINATIONS</b>	<p><a href="#">Current Parliamentary Remuneration Tribunal determinations</a> on allowances for Members and travel entitlements for Office Holders are available on the Parliament's intranet.</p>
<b>MEMBERS' ENTITLEMENTS HANDBOOK</b>	<p>The <a href="#">Members' Entitlements Handbook</a> is a comprehensive reference guide to members' allowances and salaries and is available on the Parliament's intranet.</p>