



Legislative Council

**Committees – Sessional Orders, Resolutions
and Membership**

First Session of the fifty-seventh
Parliament

Current as at 8 May 2019

Introduction

The purpose of this document is to collate the various rules establishing and dictating the operation of Legislative Council committees in the 57th Parliament. It includes:

- committee-related standing orders as amended by sessional orders
- committee-related resolutions of continuing effect
- resolutions establishing committees in the current parliament and the resolution referring the 2019-20 budget estimates inquiry to the Portfolio Committees
- the membership of the various committees established in the 57th Parliament.

Under the NSW Constitution, the Legislative Council has the power to make standing rules and orders to regulate its proceedings. From time to time the House adopts temporary rules that override, vary or supplement the standing orders. These are known as sessional orders. Sessional orders lapse at the end of a session (or at an earlier time if the House so decides) and may or may not be re-adopted in the following session. Where there is a conflict between a sessional order and a standing order, the sessional order takes precedence.

Part 1 of this document includes the committee-related standing orders as amended by sessional orders. Several new sessional orders were agreed to at the beginning of the current parliament. Some established new procedures, such as the sessional orders relating to orders for papers by committees, and debate on government responses to committee reports.

In addition to sessional orders, the House may also make orders that do not expire at the end of a session, unless amended or rescinded by the House. These are known as 'resolutions of continuing effect'. Part 2 of this document includes two resolutions of continuing effect that relate specifically to committee operations: the Broadcasting Resolution, which regulates the broadcasting, re-broadcasting and photographing of committee proceedings; and the resolution regarding Procedural Fairness for Inquiry Participants, which seeks to ensure proper process and fair treatment for people who participate in committee inquiries.

The final part of this document (Part 3 and Part 4) includes the resolutions establishing standing and select committees in the 57th Parliament, as well as their membership. The resolution referring the inquiry into the 2019-20 Budget Estimates is also included in this section.

For information regarding sessional orders and resolutions related to the operation of the House or the Parliament, please refer to ['Sessional Orders, Resolutions of Continuing Effect and Office Holders'](#).

David Blunt
Clerk of the Parliaments
May 2019

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Part 1 – Standing orders as amended by sessional order

CHAPTER 35 – COMMITTEES

204. Sessional committees

- (1) The House may establish sessional committees at the commencement of each session of Parliament to consider matters relating to the provision of services to members.
- (2) The functions and composition of any sessional committee will be as determined by the House from time to time.

205. Procedure committee

- (1) A Procedure Committee will be appointed at the commencement of each Parliament.
- (2) The committee may:
 - (a) consider on its own initiative any amendments to the standing orders,
 - (b) propose to the House changes in practice and procedures of the House, and
 - (c) consider any matter relating to the procedures referred to it by the House or the President.
- (3) The President, Deputy President, Leader of the Government and Leader of the Opposition are to be among the members of the committee.
- (4) Members may be appointed to the committee as substitutes for a member of the committee, by notice in writing to the Chair of the committee.
- (5) Nominations may be made by the Leader of the Government, the Leader of the Opposition, the Government and Opposition Whips, and Cross Bench Members, as applicable.

206. Standing committees

- (1) The House may establish standing committees which have power to sit during the life of the Parliament.
- (2) The functions, source of references and composition of any standing committee will be as determined by the House in the resolution appointing the committee.

207. Select committees

- (1) The House may appoint select committees to consider matters referred by the House. A select committee has power to sit during the life of the Parliament. When the committee completes its inquiry and presents its final report to the House, the committee ceases to exist.
- (2) The composition of any select committee will be as determined by the House.

208. Powers

Sessional order – Visits of inspection by committees – SO 208

A committee has **the** power:

- (a) to adjourn from time to time,
- (b) to adjourn from place to place,
- (c) to send for and examine persons, papers, records and things,
- (d) to make visits of inspection:
 - (i) within New South Wales
 - (ii) ~~and, if authorised by the House, with the approval of the President, elsewhere in Australia,~~
 - (iii) **if authorised by the House, with the approval of the President, and** outside Australia, and
- (e) to request the attendance of and examine members of the House.¹

Sessional order – Order for production of documents by committees

1. That this House notes that in 2018, the unredacted copy of the Government's Final Business Case for the Windsor Bridge replacement project was produced to Portfolio Committee No. 5 – Industry and Transport as part of its inquiry into the Windsor Bridge replacement project following assertion by the committee of the power of Legislative Council committees to order the production of State papers.
2. That this House notes that Portfolio Committee No. 4 – Legal Affairs in its report on the Budget Estimates 2018-2019, published the following legal advices in relation to the power of Legislative Council committees to order the production of State papers:
 - (a) Crown Solicitor, "Section 38 Public Finance and Audit Act and powers of parliamentary committees", 10 August 2018,
 - (b) Crown Solicitor, "Section 38 Public Finance and Audit Act and powers of parliamentary committees – Advice 2", 12 September 2018,
 - (c) Acting Crown Solicitor, "Draft report of Inspector of Custodial Services", 24 October 2018,
 - (d) Mr Bret Walker SC, "Initial advice documented in email from Clerk of the Parliaments to Clerk Assistant – Committees and Director – Committees", 25 October 2018,
 - (e) Acting Crown Solicitor, "Request by Committee for draft report of Inspector of Custodial Services", 29 October 2018,
 - (f) Solicitor General, "Question of powers of Legislative Council Committees to call for production of documents from witnesses", Advice SG 2018/23 (redacted), and
 - (g) Ms Anna Mitchelmore SC, "Powers of Legislative Council Portfolio Committee No 4 in the context of its Inquiry into Budget Estimates 2018-2019", 19 November 2018.
3. That this House notes that the Solicitor-General in her advice SG 2018/23 stated:

¹ Sessional order no. 116 Visits of inspection by committees – SO 208 (d), Resolved—LC Minutes 8 May 2019 pp. 85-86

I should add, however, that it is more likely than not, in my view, that, if this question of the powers of a parliamentary Committee were to be the subject of a decision of a court, a finding would be made that a Committee of the NSW parliament has the power to call for a witness to attend and give evidence, including by the production of a document, subject to claims of privilege, such as public interest immunity and legal professional privilege, that might be made by the witness. There may be some argument as to whether such a power resides in the Parliamentary Evidence Act, Standing Order 208(c) of the Legislative Council or a power based on reasonable necessity but, if the power does exist, it would be likely to emerge in any court proceedings on the basis that such proceedings would be difficult to confine to the limited question of the construction of the Parliamentary Evidence Act.

4. That this House welcomes and endorses the opinion of the Solicitor-General as an acknowledgement of the power of Legislative Council committees to order the production of documents.
5. That this House further affirms that whilst in the first instance Legislative Council committees will seek to obtain access to necessary documents by request, they do possess the power to order the production of documents which may be exercised in the event a request is declined.
6. That this House calls upon the Premier to reissue Premiers memorandum C2011-27 "Guidelines for Appearing before Parliamentary Committees" and M2017-02 "Guidelines for Government Sector Employees dealing with the Legislative Council's Portfolio Committees" in accordance with the Solicitor-General's opinion, and the procedures set out in this resolution.
7. That, notwithstanding anything to the contrary in the standing orders, for the duration of the current session:
 - (1) Whenever a committee resolves to order the production of documents under standing order 208(c):
 - (a) a copy of the order is to be communicated to the Department of Premier and Cabinet by the Clerk, and
 - (b) a summary of the terms of the order are to be reported to the House by the President on the next sitting day.
 - (2) The terms of the order agreed to by a committee must specify the inquiry to which the order relates, and the date by which the documents are to be returned.
 - (3) When returned, the documents will be lodged with the Clerk of the Parliaments and made available to members of the House.
 - (4) The committee may authorise the publication of documents received, subject to paragraphs (6) – (8).
 - (5) A return under the order is to include an indexed list of all documents returned, showing the date of creation of the document, a description of the document and the author of the document.

- (6) Where a document is considered to be privileged:
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege, and
 - (b) the documents are to be delivered to the Clerk of the Parliaments by the date and time required in the resolution of the committee and not published or copied without an order of the committee.
- (7) A member of the committee may, by communication in writing to the Clerk of the Parliaments, dispute the validity of the claim of privilege in relation to a particular document or documents. On receipt of such communication, the Clerk of the Parliaments is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report as to the validity of the claim.
- (8) The independent legal arbiter is to be appointed by the President and must be a Queen’s Counsel, a Senior Counsel or a retired Supreme Court Judge.
- (9) A report from the independent legal arbiter is to be lodged with the Clerk of the Parliaments and:
 - (a) made available only to members of the committee, and
 - (b) not published or copied without an order of the committee.
- (10) Documents returned to an order of a committee under standing order 208(c), which are in the custody of the Clerk of the Parliaments, are documents presented to the committee and form part of the evidence of the inquiry to which they relate.²

209. Must not sit while the House is sitting

- (1) A committee may sit during any adjournment of the House.
- (2) A committee must not sit while the House is sitting, unless the House otherwise orders.

210. Membership

Sessional order – Pecuniary interests and participation in committee inquiries – SO 210 (10)

- (1) The composition of each committee is to be determined by the House in the resolution appointing the committee.
- (2) Government members are to be nominated by the Leader of the Government.
- (3) Opposition members are to be nominated by the Leader of the Opposition.
- (4) Cross bench members are to be nominated by agreement between cross bench members.
- (5) In the absence of any agreement the representation on a committee is to be determined by the House.
- (6) Nominations for membership of the committees are to be in writing to the Clerk within seven days of the passing of the resolution appointing the committee.

² Sessional order no. 111 Orders for the production of documents by committees, Resolved—LC Minutes 8 May 2019 pp. 81-83

- (7) Members may also at any time, by motion on notice, be discharged by the House from attending a committee, and other members appointed or added.
- (8) The President may not be elected to any committee other than one of which the President is an ex officio member.
- (9) If the Deputy President is elected to serve on a committee and declines to do so, another member is to be elected.
- (10) ~~No member may take part in a committee inquiry where the member has a pecuniary interest in the inquiry of the committee.~~ **No member may take part in a committee inquiry where the member has a direct pecuniary interest in the inquiry of the committee, unless it is in common with the general public, or a class of persons within the general public, or it is on a matter of state policy.**³

Sessional order – Parliamentary secretaries

That, during the current session, standing order 25 be varied to read:

25. Parliamentary secretary

- (1) A parliamentary secretary may act as a Minister in the House in all respects.**
- (2) A parliamentary secretary may not ask questions without notice or written questions.**
- (3) A parliamentary secretary may not make a "Members' Statement".**
- (4) A parliamentary secretary may not be a Chair or Deputy Chair of a standing committee or Portfolio Committee.**
- (5) A parliamentary secretary may be required to attend to give evidence and answer questions at a budget estimates hearing, but may not substitute for a Minister at Budget Estimates.**⁴

³ Sessional order no. 19 Pecuniary interests and participation in committee inquiries – SO 210 (10), Resolved—LC Minutes 8 May 2019 p. 66

⁴ Sessional order no 106 Parliamentary secretaries, Resolved—LC Minutes 8 May 2019 p. 77

Sessional order – Substitute members

That, during the current session:

- (1) Except as provided for in the resolution establishing the Procedure Committee in relation to the Procedure Committee, members may be appointed to a committee as substitute members for any matter before the committee, by notice in writing to the Committee Clerk.**
- (2) Nominations for substitute government or opposition members are to be made by the Leader of the Government, Leader of the Opposition, Government or Opposition Whips or Deputy Whips, as applicable.**
- (3) Nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.⁵**

211. Chair and Deputy Chair

Sessional order – Chairs and Deputy Chairs – SO 211

- (1) Chairs and Deputy Chairs of Committees are to be appointed or elected by the committee in accordance with the resolution of the House appointing the committee.
- (2) The member nominated as Deputy Chair is to act as Chair when the Chair is absent from a meeting.
- (3) In the absence of both the Chair and Deputy Chair from a meeting of a committee, a member of the committee is to be elected by the members present to act as Chair for that meeting of the committee.
- (4) In the absence of the Deputy Chair from a meeting of a committee, a member of the committee may be elected by the members present to act as Deputy Chair of the meeting of the committee.**
- (45) The Chair, Deputy Chair or other member acting as Chair at a meeting of a committee has a deliberative vote and, in the event of an equality of votes, a casting vote.⁶

212. Priority of references

The priority to be accorded to a reference received by a committee may be determined by the Chair of the committee, unless the committee decides otherwise.

213. First meeting

- (1) The Clerk is to fix the time and place for the first meeting of each committee in such a manner as the Clerk thinks fit.
- (2) At the first meeting, before proceeding to any other business the Chair and Deputy Chair are to be elected, unless the resolution of the House appointing the committee provides otherwise.

⁵ Sessional order no. 22 Substitute members, Resolved—LC Minutes 8 May 2019 p. 67

⁶ Sessional order no. 20 Chairs and Deputy Chairs SO 211, Resolved—LC Minutes 8 May 2019 pp. 66-67

214. Quorum

- (1) Unless otherwise ordered, the quorum of a committee is three members.
- (2) If, after 15 minutes from the time appointed for the meeting of a committee, a quorum is not present, the meeting is adjourned and the Chair of the committee will fix the next meeting of the committee.
- (3) The clerk of the committee is to record the names of the members present.

Sessional order – Electronic participation in committee proceedings

That, during the current session:

1. A committee member who is unable to attend a deliberative meeting in person may participate by electronic communication and may move any motion and be counted for the purpose of any quorum or division, provided that:
 - (a) the Chair is present in the meeting room, and
 - (b) all members are able to speak to and hear each other at all times.
2. Notwithstanding paragraph 1, a member may not participate by electronic communication in a meeting to consider a draft report, except by resolution of a portfolio committee to consider a draft report on the budget estimates.⁷

215. Loss of a quorum during a meeting

If, during the sitting of a committee, the loss of a quorum is brought to the attention of the Chair by another committee member, after 10 minutes has elapsed the Chair will suspend the proceedings of the committee to a later hour. If a quorum is not then present, the committee will be adjourned to another day, to be fixed by the Chair.

216. Member attendance

- (1) A member must seek leave of the committee in order to be absent from four or more consecutive committee meetings.
- (2) If a member fails to attend four consecutive meetings of a committee without leave of the committee, the absence is to be reported by the Chair to the House.
- (3) If the member fails to attend the next meeting without leave of the committee, the Chair is to again inform the House. This procedure is to continue until the member attends a committee meeting.
- (4) These requirements do not apply to those committees for which the House has made provision for substitute members.

217. Sub-committees

- (1) Where the resolution appointing a committee makes provision for sub-committees, a committee has power to appoint sub-committees consisting of two or more of its members:
 - (a) to assist the committee in the exercise of any of its functions, or
 - (b) to investigate and report on any matter referred to the committee.

⁷ Sessional order no. 96 Electronic participation in committee proceedings, Resolved—LC Minutes 8 May 2019 pp. 73-74

- (2) A sub-committee has the same powers as the committee appointing it.
- (3) The committee is to appoint one of its members to act as Chair of any sub-committee and the member appointed has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (4) Unless otherwise ordered, the quorum of a sub-committee is two, of whom one must be a government member and one a non-government member.
- (5) A sub-committee is to report to the committee on any matter referred to it by the committee. The committee may adopt the report, reject the report, or adopt the report with variations.
- (6) A sub-committee is to conduct its meetings and business in the same manner as the committee appointing it.

218. Participation by members of the House and others

Sessional order – Participation by members of the House and others in committee inquiries – SO 218

- (1) Unless a committee decides otherwise, a member of the House who is not a member of the relevant committee may take part in the public **or private** proceedings of a committee and question witnesses but may not vote, move any motion or be counted for the purpose of any quorum or division.
- (2) Persons other than members of the House and officers of a committee may ~~attend a public meeting of a committee, but will not~~ **only** attend a private meeting ~~except by express invitation~~ **resolution** of the committee, and will always be excluded when the committee is deliberating.⁸

219. Meeting or joining with other committees

A committee or any sub-committee may:

- (a) join together with any other committee of the House or the Legislative Assembly to take evidence, deliberate and make joint reports on matters of mutual concern, and
- (b) meet with any other State or Commonwealth parliamentary committees to inquire into matters of mutual concern.

220. Joint committees

- (1) A proposal for a joint committee of the House and Legislative Assembly must contain the names of the members of the House appointed to serve on the committee.
- (2) Any such proposal agreed to by the House will be forwarded to the Legislative Assembly by message.
- (3) The proceedings of a joint committee will be reported to the House by one of the members appointed to serve on the committee.
- (4) At least three members of the House must be present at any meeting of a joint committee.
- (5) If the House agrees to a proposal from the Legislative Assembly to appoint a joint committee, the House will determine the time and place of the first meeting of the committee.

⁸ Sessional order no. 21 Participation by members of the House and others – SO 218, Resolved—LC Minutes 8 May 2019 p. 67

221. Submissions

Any person or body may make written or recorded submissions to a committee with respect to any inquiry being conducted by the committee.

222. Evidence

- (1) A committee is to take all evidence in public unless the committee decides otherwise.
- (2) A witness before a committee is to be given the opportunity of correcting their transcript of evidence, but corrections must be confined to verbal inaccuracies or explanations of answers. Corrections in substance can only be made by further giving of evidence.

223. Publishing submissions and evidence

- (1) A committee has power to authorise publication, before presentation to the House, of submissions received and evidence taken.
- (2) Evidence taken in camera may be published by resolution of the committee where it is in the public interest to do so.
- (3) A committee:
 - (a) may make available to any member of the public a copy of:
 - (i) any written submissions made to it,
 - (ii) the report of any inquiry carried out by it, or
 - (iii) the record of any evidence taken in public, and
 - (b) may charge a reasonable sum for making copies available.
- (4) A committee or sub-committee may authorise the tape recording of its public hearings.

224. Unauthorised disclosure of evidence and documents

- (1) The evidence taken by a committee and documents presented to it, which have not been reported to the House, may not, unless authorised by the House or committee, be disclosed to any person other than a member or officer of the committee.
- (2) Paragraph (1) does not apply to:
 - (a) any proceedings of the committee that are open to the public and news media,
 - (b) any member of the committee or officers of the House or committee in the exercise or performance of their duties,
 - (c) press releases or statements made by a member of the committee on the authority of the committee,
 - (d) written submissions presented to a select committee and authorised to be published by the committee,
 - (e) any submission or document of the committee referred to any person for comment to assist the committee in its inquiry, and
 - (f) any document authorised to be published by the committee.
- (3) Any person committing a breach of this standing order may be reported to the House.

225. No representation of witnesses

A person or body is not entitled or permitted to be represented by counsel or a solicitor at a hearing of a committee unless the committee decides otherwise.

226. Reports

- (1) A committee has leave to report to the House from time to time its proceedings, evidence taken in public, and recommendations as it deems fit.
- (2) A committee may include in any report made to the House a draft bill to give effect to the recommendations of the committee.
- (3) For the purposes of preparing a draft bill for incorporation in a report to the House, a committee may, with the consent of the relevant Minister, make use of the services of any staff of the Parliamentary Counsel's Office.
- (4) A committee may publish discussion papers for the purpose of any inquiry.

227. Consideration of reports

- (1) The Chair, on the request of the committee, is to prepare a draft report and submit it to the committee.
- (2) The draft report is to be considered at a meeting convened for that purpose and may be amended as the committee thinks fit. A report may be reconsidered and amended.
- (3) The report of a committee, as agreed to by the committee, must be signed by the Chair, or in the event of the Chair refusing, any other member appointed by the committee.

228. Members' opinions to be reflected

- (1) The report of a committee is, as far as practicable, to reflect a unanimity of opinion within a committee.
- (2) It is the responsibility of a committee Chair and all members of a committee to seek to achieve unanimity of opinion.
- (3) Where unanimity is not practicable, a committee's report should be prepared so as to reflect the views of all members of the committee.
- (4) Where unanimity is not practicable, any member may append to the report a brief statement of dissent, provided that:
 - (a) the member has sought to have their opinions included in the report agreed to by the committee,
 - (b) the statement of dissent is relevant to the committee's report and the terms of reference of the inquiry,
 - (c) the statement does not contain any matter which would unreasonably adversely affect or injure a person, or unreasonably invade a person's privacy,
 - (d) the statement of dissent is signed by the member or members making it,
 - (e) the statement of dissent is no more than 1,000 words in length.

229. Chair's foreword

A committee Chair's foreword must be approved by the committee prior to tabling of the committee's report in the House, if the committee so resolves.

230. Tabling reports

The report of a committee, with accompanying documents, is to be tabled in the House by the member signing the report, or in the absence of the member, by some other member of the committee, within 10 calendar days of the report being adopted by the committee.

231. Tabling out of session

- (1) If the House is not sitting when a committee wishes to report to the House, the committee is to present copies of its report to the Clerk.
- (2) A report presented to the Clerk is:
 - (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) to be printed by authority of the Clerk,
 - (c) for all purposes, deemed to be a document published by order or under the authority of the House, and
 - (d) to be recorded in the Minutes of the Proceedings of the House.

232. Debate on committee reports

Sessional Order – Scheduling and duration of debate on committee reports and government responses

- (1) On tabling of a report from a committee a motion may be moved without notice “That the House take note of the report”.
- (2) ~~At the conclusion of the speech of the mover, the debate is to be adjourned to the next day on which committee reports have been given precedence.~~ **On a Minister tabling, or the Clerk reporting receipt of a government response to a committee report, a motion may be moved without notice "That the House take note of the government response". The debate must then be immediately adjourned to a later hour or the next sitting day.**
- (3) ~~Unless otherwise ordered, the order of the day for the resumption of debates on committee reports is to be set down on the Notice Paper in the order in which the reports were presented.~~ **A notice of motion to take note of the government response is to be placed on the Notice Paper before orders of the day for committee reports and government responses, and when moved, the debate must be immediately adjourned to a later hour or the next sitting day.**
- (4) ~~The debate on committee reports on any day on which the debate has precedence is to be interrupted after one hour. The interrupted debate is to stand adjourned and be set down on the business paper for the next day on which it has precedence.~~ **Resumption of debate on a motion moved under this sessional order will be set down on the Notice Paper for the next sitting day that debate on committee reports and government responses takes precedence.**
- (5) **An interrupted debate is to stand adjourned and be set down on the business paper for the next day on which it has precedence.**
- (56) Each speaker in the debate on committee reports **and government responses** is to be limited to 10 minutes, except the ~~committee Chair~~ **mover** who is allowed 15 minutes and a further 10 minutes in reply.⁹

233. Government response

Sessional Order – Government responses – SO 233

- (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 Leader of the Government in the House who must within six months of a report being tabled, report to the House what

⁹ Sessional order no. 93 Scheduling and duration of debate on committee reports, Resolved—LC Minutes 8 May 2019 pp. 71-72, see also Standing Order 41 – Reports of committees – precedence.

action, if any, the government proposes to take in relation to each recommendation of the committee.

- (2) If, at the time at which the government seeks to report to the House, the House is not sitting, a Minister may present the response to the Clerk.
- (3) A response presented to the Clerk is:
 - (a) on presentation, and for all purposes, deemed to have been laid before the House,
 - (b) to be printed by authority of the Clerk,
 - (c) for all purposes, deemed to be a document published by order or under the authority of the House,
 - (d) to be recorded in the Minutes of the Proceedings of the House, and
 - (e) to be distributed by the clerk of the committee to inquiry participants.
- (4) The President is to report to the House when any government response has not been received within the six month deadline.
- (5) If a response does not address what action, if any, the government proposes to take in relation to each recommendation of the committee, the President is to inform the House on the next sitting day. The relevant Minister must immediately explain to the House the reason for non-compliance.**
- (6) If, after explanation in the House, the Minister has not provided a full government response with a period of one month, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until a full government response to each recommendation is provided.¹⁰**

234. Resources

- (1) A committee is to be provided with the resources necessary to carry out its functions.
- (2) A committee may, with the consent of the appropriate Minister, make use of the services of any staff or facilities of a government department, administrative office or public body.
- (3) A Chair of a committee may report to the President on any matter relating to the administration, functioning or operation of the committee.
- (4) The Clerk is to appoint an officer of the Council to act as clerk to the committee.
- (5) The clerk to a committee must record and include in the committee's report to the House:
 - (a) the names of the members attending each meeting of a committee,
 - (b) the proceedings of the committee and every motion or amendment moved and the name of the mover, and
 - (c) the names of the members voting on each side in a division.

¹⁰ Sessional order no. 118 Government responses, Resolved—LC Minutes 8 May 2019 pp. 86-87

Part 2 – Resolutions appointing committees

1. Procedure Committee

That notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. A Procedure Committee be appointed.

Membership

2. The committee consist of the following members:
 - (a) the President, the Deputy President, the Assistant President, the Leader of the Government, the Deputy Leader of the Government, the Leader of the Opposition, the Deputy Leader of the Opposition, the Government Whip, and the Opposition Whip,
 - (b) one other government member, and
 - (c) four crossbench members.

Substitute members

3.
 - (a) If one of the ex officio members, except the President, Deputy President or Assistant President, is unable to attend a meeting of the committee, the Leader of the Government or the Leader of the Opposition, as applicable, may nominate another member as a substitute member for that meeting by notice in writing to the Committee Clerk, and
 - (b) Members may be nominated as substitute members for the government member not being an ex officio member, or the crossbench members for any matter before the committee, by notice in writing to the Committee Clerk as follows:
 - (i) nominations for the substitute Government member are to be made by the Leader of the Government, Government Whip or Deputy Government Whip, and
 - (ii) nominations for substitute crossbench members are to be made by the substantive member or another crossbench member.

Chair

4. The Chair of the committee be the President.

[Resolved 8 May 2019, Minutes No. 2, Item 124, p. 88]

2. Privileges Committee

That notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. (a) A Privileges Committee be appointed.
- (b) The committee is the designated committee for the purposes of section 72B of the Independent Commission Against Corruption Act 1988, relating to parliamentary ethical standards.

Functions

2. The functions of the committee are to:
 - (a) consider and report upon any matters relating to privilege which may be referred to it by the House or the President,
 - (b) consider submissions referred by the President concerning rights of reply, and
 - (c) under section 72C of the Independent Commission Against Corruption Act 1988:
 - (i) prepare for consideration by the Legislative Council draft codes of conduct for members of the Legislative Council and draft amendments to codes already adopted,
 - (ii) carry out educative work relating to ethical standards applying to members of the Legislative Council,
 - (iii) give advice in relation to such ethical standards in response to requests for advice by the Legislative Council, but not in relation to actual or alleged conduct of any particular person, and
 - (iv) review the code of conduct at least once in each period of four years.

Membership

3. The committee is to consist of eight members, comprising:
 - (a) four government members,
 - (b) two opposition members, and
 - (c) two crossbench members.

Chair and Deputy Chair

4. (a) The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
- (b) The Chair of the committee is to be a non-government member.

Conduct of committee proceedings

5. Unless the committee decides otherwise:

- (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
- (b) attachments to submissions are to remain confidential,
- (c) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
- (d) transcripts of evidence taken at public hearings are to be published,
- (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
- (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

[Resolved 8 May 2019, Minutes No. 2, Item 125, pp. 89-91]

3. Subject Standing Committees

That notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. Three standing committees be appointed as follows:

- (a) Law and Justice Committee,
- (b) Social Issues Committee, and
- (c) State Development Committee.

Law and Justice Committee

2. The committee may inquire into and report on:

- (a) legal and constitutional issues in New South Wales, including law reform, parliamentary matters, criminal law, administrative law and the justice system, and
- (b) matters concerned with industrial relations and fair trading.

3. For the purposes of section 27 of the State Insurance and Care Governance Act 2015, the committee is the designated Legislative Council committee to supervise the operation of the insurance and compensation schemes established under New South Wales workers' compensation and motor accidents legislation:

- (a) the Workers' Compensation Scheme,
- (b) the Workers' Compensation (Dust Diseases) Scheme,
- (c) the Motor Accidents Scheme, and
- (d) the Motor Accidents (Lifetime Care and Support) Scheme.

4. In exercising the supervisory function outlined in paragraph 3, the committee:

- (a) does not have authority to investigate a particular compensation claim, and
- (b) must report to the House in relation to the operation of each of the schemes at least every two years every Parliament.

Social Issues Committee

5. The committee may inquire into and report on:

- (a) issues concerned with the social development and wellbeing of the people of New South Wales, including health, education, housing, ageing, disability, children's services and community services, and
- (b) matters concerned with citizenship, sport and recreation and gaming and racing.

State Development Committee

6. The committee may inquire into and report on:
 - (a) issues concerned with state, local and regional development in New South Wales, and
 - (b) matters concerned with planning, infrastructure, finance, industry, the environment, primary industry, natural resources, science, local government, emergency services and public administration.

Referral of inquiries

7. A committee:
 - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House,
 - (b) may inquire into and report on any matter relevant to the functions of the committee which is referred by a Minister of the Crown, and
 - (c) may inquire into and report on any annual report or petition relevant to the functions of the committee which has been laid upon the Table of the Legislative Council.
8. Whenever a committee resolves to inquire into a matter, under paragraph 7(b) or 7(c), the terms of reference or the resolution is to be reported to the House on the next sitting day.

Powers

9. The committee has power to make visits of inspection within New South Wales and, with the approval of the President, elsewhere in Australia and outside Australia.

Membership

10. Each committee is to consist of eight members, comprising:
 - (a) four government members,
 - (b) two opposition members, and
 - (c) two crossbench members.

Chair and Deputy Chair

11.
 - (a) The Leader of the Government is to nominate in writing to the Clerk of the House the Chair of each committee.
 - (b) The Leader of the Opposition is to nominate in writing to the Clerk of the House the Deputy Chair of each committee.

Quorum

12. The quorum of a committee is three members, of whom two must be government members and one a non-government member.

Sub-committees

13. A committee has the power to appoint sub-committees.

Conduct of committee proceedings

14. Unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (b) attachments to submissions are to remain confidential,
 - (c) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
 - (d) transcripts of evidence taken at public hearings are to be published,
 - (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
 - (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

[Resolved 8 May 2019, Minutes No. 2, Item 126, pp. 91-97]

4. Selection of Bills Committee

That, notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. A Selection of Bills Committee be appointed.

Functions

2. The Selection of Bills Committee is to consider all bills, other than an appropriation bill for the ordinary annual services of the government, introduced into either House and to report as to whether any bill should be referred to a standing committee of the House for inquiry and report.
3. A recommendation that a bill be referred to a committee must indicate:
 - (a) the committee to which the bill is referred,
 - (b) that the bill be referred:
 - (i) on the introduction of the bill in the Legislative Assembly,
 - (ii) on the receipt of a message from the Legislative Assembly conveying the bill,
 - (iii) at the conclusion of the mover's second reading speech, or
 - (iv) at the conclusion of the second reading debate,
 - (c) the date by which the committee must report.

Motion to implement the recommendations of the report

4.
 - (1) On the tabling of a report by the Selection of Bills Committee, the Chair of the committee, or a member of the committee on behalf of the Chair, may move without notice that the House agree to the recommendations of the committee.
 - (2) The motion may be debated and amended.
 - (3) A member may not speak for more than 5 minutes on the motion, and at the expiration of 30 minutes, if the debate is not sooner concluded, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. The President will then put every question necessary to dispose of the motion.
 - (4) A bill referred to a committee under this resolution may not be further considered by the House until the committee has reported.
 - (5) A motion to take note of a report under standing order 232 may not be moved to a report of the Selection of Bills Committee.

Further consideration of the bill by the House

5. On the tabling of the report by the specified standing committee, a motion may be moved without notice that the bill be restored to the Notice Paper at the stage it had reached prior to referral.

Membership

6. The Selection of Bills Committee is to consist of the following members:
 - (a) three government members, one of whom is the Government Whip,
 - (b) two opposition members, and
 - (c) one member from each crossbench party, and any independent member.

Chair and Deputy Chair

7. That, notwithstanding anything to the contrary in the standing and sessional orders preventing the appointment of Parliamentary Secretaries as Committee Chairs, the Government Whip is to be the Chair of the committee and the Opposition Whip is to be the Deputy Chair of the committee.

Quorum

8. The quorum of the Selection of Bills Committee is three members, two of whom must be government members and one a non-government member.

Committee may sit while the House is sitting

9. The Selection of Bills Committee may sit while the House is sitting.

[Resolved 8 May 2019, Minutes No. 2, Item 127, pp. 97 -99]

5. Regulation Committee

That, notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. A Regulation Committee be appointed.

Functions

2. The committee may inquire into and report on:
 - (a) any regulation, including the policy or substantive content of a regulation, and
 - (b) trends or issues that relate to regulations.

Referral of inquiries

3. The committee is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House.
4. Where a regulation referred to the committee is the subject of a notice of motion or order of the day for the disallowance of the regulation:
 - (a) the notice or order shall stand postponed until the tabling of the committee report,
 - (b) unless otherwise ordered, the committee must table its report within six weeks,
 - (c) on tabling of the committee report, the Clerk is to place the notice of motion or order of the day on the Notice Paper at the stage it had reached prior to the regulation being referred.

Membership

5. The committee is to consist of eight members, comprising:
 - (a) four government members,
 - (b) two opposition members, and
 - (c) two crossbench members.

Chair and Deputy Chair

6.
 - (1) The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
 - (2) The Chair of the committee is to be a non-government member.

Quorum

7. The quorum of a committee is three members, of whom two must be government members and one a non-government member.

Sub-committees

8. The committee has the power to appoint sub-committees.

Conduct of committee proceedings

9. Unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (b) attachments to submissions are to remain confidential,
 - (c) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
 - (d) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
 - (e) transcripts of evidence taken at public hearings are to be published,
 - (f) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
 - (g) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

[Resolved 8 May 2019, Minutes No. 2, Item 128, pp. 100-103]

6. Public Accountability Committee

That, notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. A Public Accountability Committee be appointed.

Functions

2. The functions of the committee are to inquire into and examine the public accountability, financial management, regulatory impact and service delivery of New South Wales government departments, statutory bodies or corporations.
3. In performing its functions under paragraph 2, the committee may:
 - (a) examine the consolidated financial statements and general government sector financial statements transmitted to the Legislative Council by the Treasurer,
 - (b) examine the financial reports of authorities of the State, being financial reports that have been:
 - (i) audited by the Auditor-General or an auditor appointed under section 47(1) of the Public Finance and Audit Act 1983, or
 - (ii) laid before the Legislative Council by a Minister of the Crown,
 - (c) examine the opinion or any report of the Auditor-General transmitted with the consolidated financial statements and general government sector financial statements or laid before the Legislative Council with the financial report of an authority of the State (including any documents annexed or appended to any such opinion or report),
 - (d) examine any report of the Auditor-General laid before the Legislative Council,
 - (e) report to the Legislative Council from time to time upon any item in, or any circumstances connected with, those financial reports, or reports or documents which the Committee considers ought to be brought to the notice of the Legislative Council,
 - (f) report to the Legislative Council from time to time any alteration which the Committee thinks desirable in the form of those financial reports or in the method of keeping them or in the method of receipt, expenditure or control of money relating to those financial reports, and
 - (g) inquire into expenditure by a Minister of the Crown made without Parliamentary sanction or appropriation or otherwise than in accordance with the provisions of the Public Finance and Audit Act 1983 or any other Act and report to the Legislative Council from time to time upon any matter connected with that expenditure which the Committee considers ought to be brought to the notice of the Legislative Council.
4. The functions of the committee do not extend to an examination of, inquiry into or report upon the estimates of any proposed expenditure by the State or by an authority of the State.

Referral of inquiries

5. The committee:
 - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
 - (b) may self-refer an inquiry into any matter relevant to the functions of the committee.
6. A committee meeting to consider a self-reference under paragraph 5(b) must be convened at the request of any three committee members in writing to the Committee Clerk.
7. The Committee Clerk must convene a meeting within seven days of the receipt of the request, providing that members are given at least 24 hours' notice.
8. A majority of committee members is required to adopt the self-reference.
9. Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.

Membership

10. The committee is to consist of seven members comprising:
 - (a) three government members,
 - (b) two opposition members, and
 - (c) two crossbench members.

Chair and Deputy Chair

11.
 - (1) The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
 - (2) The Chair of the committee is to be a non-government member.

Conduct of committee proceedings

12. Unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (b) attachments to submissions are to remain confidential,
 - (c) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,

- (d) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
- (e) transcripts of evidence taken at public hearings are to be published,
- (f) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
- (g) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

[Resolved 8 May 2019, Minutes No. 2, Item 129, pp. 103-108]

7. Public Works Committee

That, notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. A Public Works Committee be appointed.

Functions

2. The committee may inquire into and report on all public works to be executed (including works that are continuations, completions, repairs, reconstructions, extensions, or new works) where the estimated cost of completing such works exceeds \$10 million.
3. In examining such works the committee is to consider:
 - (a) the stated purpose of the work and the need to carry it out,
 - (b) the current and prospective public value of such work,
 - (c) the amount of revenue the work is expected to produce, where the purpose of the work is to increase revenue,
 - (d) the timeframe for carrying out the work, and
 - (e) any other related matter.

Referral of inquiries

4. The committee:
 - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
 - (b) may self-refer an inquiry into any matter relevant to the functions of the committee.
5. A committee meeting to consider a self-reference under paragraph 4(b) must be convened at the request of any three committee members in writing to the Committee Clerk.
6. The Committee Clerk must convene a meeting within seven days of the receipt of the request, providing that members are given at least 24 hours' notice.
7. A majority of committee members is required to adopt the self-reference.
8. Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.

Membership

9. The committee is to consist of seven members comprising:
 - (a) three government members,

- (b) two opposition members, and
- (c) two crossbench members.

Chair and Deputy Chair

- 10. (1) The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
- (2) The Chair of the committee is to be a non-government member.

Conduct of committee proceedings

- 11. Unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (b) attachments to submissions are to remain confidential,
 - (c) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
 - (d) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each,
 - (e) transcripts of evidence taken at public hearings are to be published,
 - (f) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
 - (g) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

[Resolved 8 May 2019, Minutes No. 2, Item 130 pp. 108-112]

8. Portfolio Committees

That notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. Seven portfolio committees reflecting government ministers' portfolio responsibilities be appointed as follows:
 - (a) **Portfolio Committee No. 1 – Premier and Finance**
Premier
Treasury
Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts
Finance and Small Business
Jobs, Investment, Tourism and Western Sydney
The Legislature
 - (b) **Portfolio Committee No. 2 – Health**
Health and Medical Research
Mental Health, Regional Youth and Women
 - (c) **Portfolio Committee No. 3 – Education**
Education and Early Childhood Learning
Skills and Tertiary Education
 - (d) **Portfolio Committee No. 4 – Industry**
Regional New South Wales, Industry and Trade
Agriculture and Western New South Wales
Water, Property and Housing
 - (e) **Portfolio Committee No. 5 – Legal Affairs**
Attorney General and Prevention of Domestic Violence
Police and Emergency Services
Counter Terrorism and Corrections
Sport, Multiculturalism, Seniors and Veterans
Families, Communities and Disability Services
 - (f) **Portfolio Committee No. 6 – Transport and Customer Service**
Regional Transport and Roads
Transport and Roads
Customer Service
Better Regulation and Innovation
 - (g) **Portfolio Committee No. 7 – Planning and Environment**
Planning and Public Spaces
Energy and Environment
Local Government.

Referral of inquiries

2. A committee:
 - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
 - (b) may self-refer an inquiry into any matter relevant to the public administration of portfolios allocated to the committee.
3. A committee meeting to consider a self-reference under paragraph 2(b) must be convened at the request of any three committee members in writing to the Committee Clerk.
4. The Committee Clerk must convene a meeting within seven days of the receipt of the request, providing that members are given at least 24 hours' notice.
5. A majority of committee members is required to adopt the self-reference.
6. Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.

Membership

7. Each committee is to consist of seven members, comprising:
 - (a) three government members,
 - (b) two opposition members, and
 - (c) two crossbench members.

Chair and Deputy Chair

8.
 - (1) The committee is to elect the Chair and Deputy Chair in accordance with the standing orders.
 - (2) The Chair of the committee is to be a non-government member.

Conduct of committee proceedings

9. Unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (b) attachments to submissions are to remain confidential,
 - (c) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,

- (d) the sequence of questions to be asked at hearings is to alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,
- (e) transcripts of evidence taken at public hearings are to be published,
- (f) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness, and
- (g) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

[Resolved 8 May 2019, Minutes No. 2, Item 131, pp. 112-117]

JOINT COMMITTEES (to be updated)

SELECT COMMITTEES (if applicable)

BUDGET ESTIMATES

9. Referral and hearing dates

1. That on tabling, the Budget Estimates and related papers for the financial year 2019 – 2020 presenting the amounts to be appropriated from the Consolidated Fund be referred to the Portfolio Committees for inquiry and report.
2. That for the purposes of the Budget Estimates inquiry 2019 – 2020:
 - (a) initial hearings be scheduled over 12 days from 29 to 30 August, 2 to 6 September and 9 to 13 September 2019, with the examination of portfolios on those days to be specified by further resolution of the House,
 - (b) supplementary hearings be scheduled over five days from 28 October to 1 November 2019, with the examination of portfolios on those days to be specified by further resolution of the House,
 - (c) further hearings be scheduled over 12 days from 6 to 7 February, 10 to 14 February and 17 to 21 February 2020, with the examination of portfolios on those days to be specified by further resolution of the House,
 - (d) each scheduled day for the initial, supplementary and further rounds of hearings will begin at 9.30 am and conclude by 8.30 pm, with ministers, parliamentary secretaries and officers giving evidence in the morning sessions and officers giving further evidence during the afternoon sessions,
 - (e) the committees must hear evidence in public,
 - (f) the committees may ask for explanations from ministers, parliamentary secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure,
 - (g) witnesses, including ministers, may not make an opening statement before the committee commences questions,
 - (h) members may lodge supplementary questions with the committee clerk by 5.00 pm within two days, excluding Saturday and Sunday, following a hearing,
 - (i) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members, and
 - (j) committees are to present a final report to the House by 30 June 2020.
3. That this House resolve to adopt a revised schedule for future budget estimates inquiries similar to the Senate estimates process comprised of:
 - (a) an initial round of estimates hearings over 12 days on the tabling of the Budget Estimates and related papers,
 - (b) supplementary hearings scheduled over five days in October or November of that year, and

- (c) further hearings scheduled over 12 days in February or March of the following year.—
put and passed.

[Resolved 8 May 2019, Minutes No. 2, Item 133, pp. 117-119]

Part 3 – Resolutions of continuing effect

1. Broadcast of Proceedings

Sound and audio-visual broadcast of proceedings of the House

1. That this House authorises the sound and audio-visual broadcast of the proceedings of the House:
 - (a) on the broadcast system within the precincts of Parliament House,
 - (b) by direct signal to the media gallery in Parliament House,
 - (c) to persons and organisations outside Parliament House approved by the President, on terms and conditions determined by the President from time to time, and
 - (d) by webcast on the Internet.

Broadcasting

2. The live broadcast or rebroadcast of proceedings of the Legislative Council is authorized on the following conditions, and any other terms and conditions, not inconsistent with this paragraph, determined by the President from time to time:
 - (a) excerpts may be taken from the proceedings of the House from the time of the meeting of the House until the adjournment of the House,
 - (b) recordings and broadcasts must only be made from the sound or audio-visual signal provided by the Legislative Council,
 - (c) broadcasts of excerpts must be used only for the purposes of fair and accurate reports of proceedings and must provide a balanced presentation of differing views,
 - (d) excerpts must not be used for:
 - (i) political party advertising or election campaigns,
 - (ii) the purpose of satire or ridicule,
 - (iii) commercial sponsorship or commercial advertising,
 - (e) excerpts of proceedings which are subsequently withdrawn may be broadcast if the withdrawal is also broadcast,
 - (f) excerpts must be placed in context,
 - (g) where audio excerpts of proceedings are used on radio and television, commentators must identify Members by name,

- (h) where audio excerpts of proceedings are used on television, their use may be that of audio over still frames, or overlay material,
- (i) where excerpts are used on commercial stations, the station must ensure that advertising before and after excerpts is of an appropriate nature,
- (j) events in the Galleries are not part of the proceedings and excerpts of those events must not be used,
- (k) access to proceedings for the purpose of recording is on the basis of an undertaking to observe these conditions. A breach of these conditions by a station may result in the suspension or withdrawal of permission by the President for the station to broadcast excerpts of the proceedings of the House,
- (l) the instructions of the President or delegated representatives, on the use of recorded excerpts, must be observed at all times, and
- (m) the President may approve filming, on request, by persons or organisations, according to the terms and conditions set out in this resolution.

Still photography

- 3. That this House authorises access to the proceedings of the Legislative Council by still photographers on the following terms and conditions:
 - (a) photographers from the print media who are accredited members of the Parliamentary Press Gallery may, with the approval of the President, take photographs during Question Time and at other times,
 - (b) photographers who are accredited members of the Parliamentary Press Gallery require the approval of the President and a signed undertaking to comply with the terms and conditions set out in this resolution,
 - (c) accreditation passes are to be worn and clearly visible at all times whilst a photographer is on the Parliamentary premises,
 - (d) photographs must be used only for the purposes of fair and accurate reports of proceedings and must provide a balanced presentation of differing views,
 - (e) photographs must not be used for:
 - (i) political party advertising or election campaigns,
 - (ii) the purpose of satire or ridicule,
 - (iii) commercial sponsorship or commercial advertising,
 - (f) photographs must be placed in context,
 - (g) photographs of individual Members, not speaking in debate, are not permitted,
 - (h) photographs taken with telephoto lenses or zoom lenses must not show any Member closer than at “head and shoulders” distance,

- (i) telephoto lenses or zoom lenses must not be used to inspect Members' documents or computer screens, and close up photographs of Members' documents or computer screens must not be taken,
- (j) photographs of persons in the galleries must not be taken, with the only exception being photographs of distinguished visitors at the time they are welcomed to the House by the Chair,
- (k) photographs of disturbances by visitors or any other persons is not permitted,
- (l) the use of flash or other sources of additional lighting and motor driven cameras is not permitted,
- (m) photographs are not to be digitally enhanced, touched up or altered in any form,
- (n) cropping from single or group photographs is not permitted,
- (o) as a general rule, photographers should be as unobtrusive as possible and not disturb the view of visitors in the galleries,
- (p) photographers shall observe the instructions of the President, or the President's delegate, at all times, and
- (q) non-compliance with these conditions by a photographer or media organisation may result in the suspension or withdrawal of accreditation.

Sound and audio-visual broadcast of proceedings and still photography of committee proceedings

- 4. That this House authorises a committee, by a vote of the committee, to:
 - (a) authorise the filming and broadcasting and still photography of its public proceedings by accredited members of the Parliamentary Press Gallery,
 - (b) authorise the filming and broadcasting and still photography of its public proceedings by a person or organisation not an accredited member of the Parliamentary Press Gallery on an undertaking by the person or organisation, in writing, to comply with the terms and conditions set out in this resolution and any other terms and conditions determined by the committee,
 - (c) authorise the broadcast and rebroadcast of its public proceedings in the Legislative Council chamber on the terms and conditions set out in paragraph 2,
 - (d) give instructions for the observance of terms and conditions determined not inconsistent with this resolution, and
 - (e) order that part of its proceedings not be recorded or broadcast.
- 5. That if a committee authorises the filming or broadcast or still photography of proceedings, a witness who is to appear before the Committee in those proceedings must be given a reasonable opportunity, before appearing in the proceedings, to object to the broadcasting or televising of proceedings. The witness may state the grounds of the objection. The Committee must consider

an objection having regard to the protection of the witness and the public interest in the proceedings. If the Committee decides to permit the broadcast or rebroadcast of proceedings despite an objection of a witness, the witness must be informed before appearing in the proceedings of the Committee.

Details of organisations and terms and conditions

6. That the President is to report to the House:
 - (a) details of the persons and organisations authorised from time to time to receive the sound and audio-visual broadcast, and
 - (b) details of additional terms and conditions determined under this resolution.

[Resolved—LC Minutes 18 October 2007 pp. 279-281]

2. Procedural Fairness for Inquiry Participants

1. That the House adopts the following procedures to provide procedural fairness for inquiry participants:
 1. **Inviting and summoning witnesses**

A witness will be invited to give evidence at a hearing unless the committee decides that a summons is warranted.
 2. **Information for witnesses**

A witness will normally be given reasonable notice of their hearing and will be provided with the inquiry terms of reference, a list of committee members and a copy of these procedures.
 3. **Opportunity to make a submission before a hearing**

A witness will normally be given the opportunity to make a submission before their hearing.
 4. **Opportunity to request a private (*in camera*) hearing**

A witness may request, before or during their hearing, that some or all of their evidence be heard in private (*in camera*). The committee will consider this request and if it declines, will advise the witness of the reasons why.
 5. **Publication of evidence taken in private (*in camera*)**

Prior to their private (*in camera*) hearing, a witness will be informed that the committee and the Legislative Council have the power to publish some or all of the evidence given. If the committee intends to publish, it will normally consult the witness, advise them of the outcome, and give reasonable notice of when the evidence will be published.
 6. **Attendance with a legal adviser**

With the prior agreement of the committee, a witness may be accompanied by and have reasonable opportunity to consult a legal adviser during their hearing. The legal adviser cannot participate in the hearing and will not be sworn in or give evidence, unless the committee decides otherwise.

7. **Attendance with a support person**
With the prior agreement of the committee, a witness may be accompanied at their hearing by a support person. The support person will not be sworn in or give evidence, unless the committee decides otherwise.
8. **Witnesses to be sworn**
At the start of their hearing a witness will, unless the committee decides otherwise, take an oath or affirmation to tell the truth, and the provisions of the *Parliamentary Evidence Act 1901* will then apply.
9. **Chair to ensure relevance of questions**
A committee chair will ensure that all questions put to witnesses are relevant to the inquiry.
10. **Questions to public officials**
Public officials will not be asked to give opinions on matters of policy, and will be given reasonable opportunity to refer questions to more senior officials or to a minister.
11. **Questions on notice**
A witness may request to take a question on notice and provide the answer in writing at a later date to be determined by the committee.
12. **Objections to answering questions**
Where a witness objects to answering a question, they will be invited to state the grounds for their objection. If a member seeks to press the question, the committee will consider whether to insist on an answer, having regard to the grounds for the objection, the relevance of the question to the inquiry terms of reference, and the necessity to the inquiry of the information sought. If the committee decides that it requires an answer, it will inform the witness of the reasons why and may consider allowing the witness to answer the question on notice or in private (*in camera*).

Witness appearing by invitation

- (a) If a witness who appears by invitation continues to refuse to answer the question, the committee may consider summoning the witness to reappear later, and will advise the witness that as they will be under oath and so subject to section 11 of the *Parliamentary Evidence Act 1901*, they may be compelled to answer the question.

Witness appearing under summons

- (b) The continued refusal by a witness, having been summoned, to answer the question while under oath, may constitute a contempt of parliament under the *Parliamentary Evidence Act 1901*, and the committee may report the matter to the Legislative Council.

13. **Evidence that may seriously damage the reputation of a third party**

Evidence about to be given

- (a) Where a committee anticipates that evidence about to be given may seriously damage the reputation of a person or body, the committee may consider hearing the evidence in private (*in camera*).

Evidence that has been given

- (b) Where a witness gives evidence in public that may seriously damage the reputation of a person or body, the committee may consider keeping some or all of the evidence confidential.

Opportunity to respond

- (c) Where a witness gives evidence that may seriously damage the reputation of a person or body, the committee may give the person or body reasonable access to the evidence, and the opportunity to respond in writing or at a hearing.

14. **Evidence that places a person at risk of serious harm**

Where a witness gives evidence that places a person at risk of serious harm, the committee will immediately consider expunging the information from the transcript of evidence.

15. **Tendering documents**

A witness may tender documents during their hearing. The committee will decide whether to accept and to publish such documents.

16. **Inviting and ordering the production of documents**

A witness will be invited to produce documents unless the committee decides that an order to produce the documents is warranted.

17. **Requests for confidentiality**

A person or body may request that documents provided to a committee be kept confidential in part or in full. The committee will consider the request and if it declines, will advise the person or body of the reasons why, and give reasonable notice of when the documents will be published.

18. **Transcripts**

A witness will be given the opportunity to correct transcription errors in their transcript of evidence. Amendments to or clarifications of evidence may be requested in writing.

19. **Treatment of witnesses**

Witnesses will be treated with courtesy at all times.

20. **Improper treatment of inquiry participants**

Where a committee has reason to believe that a person has been improperly influenced in respect of the evidence they may give to a committee, or has been penalised, injured or threatened in respect of evidence given, the committee will take all reasonable steps to ascertain the facts of the matter. If the committee is satisfied that such action may have occurred, the committee may report the matter to the Legislative Council.

21. **Inquiry participants before the Privileges Committee**

Where the Privileges Committee inquires into a matter which may involve an allegation of contempt, the committee may adopt additional procedures as it sees fit in order to ensure procedural fairness and the protection of inquiry participants.

2. That this resolution have continuing effect until amended or rescinded.

[Resolved—LC Minutes 25 October 2018 pp. 3138-3140]

Part 4 – Committee Membership

PROCEDURE COMMITTEE

Nominations to be reported.

PRIVILEGES COMMITTEE

Nominations to be reported

STANDING COMMITTEES

STANDING COMMITTEE ON LAW AND JUSTICE

Nominations to be reported

STANDING COMMITTEE ON SOCIAL ISSUES

Nominations to be reported

STANDING COMMITTEE ON STATE DEVELOPMENT

Nominations to be reported

PORTFOLIO COMMITTEES

PORTFOLIO COMMITTEE NO. 1 – PREMIER AND FINANCE

Nominations to be reported

PORTFOLIO COMMITTEE NO. 2 – HEALTH

Nomination to be reported

PORTFOLIO COMMITTEE NO. 3 – EDUCATION

Nominations to be reported

PORTFOLIO COMMITTEE NO. 4 – INDUSTRY

Nominations to be reported

PORTFOLIO COMMITTEE NO. 5 – LEGAL AFFAIRS

Nomination to be reported

PORTFOLIO COMMITTEE NO. 6 – TRANSPORT AND CUSTOMER SERVICE

Nomination to be reported

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

Nomination to be reported

SELECTION OF BILLS COMMITTEE

Nominations to be reported

REGULATION COMMITTEE

Nominations to be reported

PUBLIC ACCOUNTABILITY COMMITTEE

Nominations to be reported

PUBLIC WORKS COMMITTEE

Nominations to be reported

SELECT COMMITTEES (if applicable)

JOINT STATUTORY COMMITTEES (to be updated)

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Council

Assembly

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Council

Assembly

COMMITTEE ON INDEPENDENT COMMISSION AGAINST CORRUPTION

Council

Assembly

**COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT
COMMISSION & THE CRIME COMMISSION**

Council

Assembly

LEGISLATION REVIEW COMMITTEE

Council

Assembly

JOINT STANDING COMMITTEES (to be updated)

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Council

Assembly

JOINT STANDING COMMITTEE ON ROAD SAFETY

Council

Assembly

JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER- GENERAL

Council

Assembly