Chapter 16. Standing, select and joint committees

Chapter outline

This chapter provides for committees of Members to be established:

- domestic and investigative standing committees
- special purpose select committees, and
- joint committees.

The chapter also provides for the operation of committees.

Standing committees

214 Appointment of standing committees

Standing committees shall be appointed at the beginning of each Parliament.

215 General purpose standing committees

(a) The following general purpose standing committees shall be appointed:

(i) Standing Committee on Agriculture and Water Resources;
(ii) Standing Committee on Communications and the Arts;
(iii) Standing Committee on Economics;
(iv) Standing Committee on Employment, Education and Training;
(v) Standing Committee on the Environment and Energy;
(vi) Standing Committee on Health, Aged Care and Sport;
(vii) Standing Committee on Indigenous Affairs;
(viii) Standing Committee on Industry, Innovation, Science and Resources;
(ix) Standing Committee on Infrastructure, Transport and Cities;
(x) Standing Committee on Social Policy and Legal Affairs; and
(xi) Standing Committee on Tax and Revenue.

(b) A committee appointed under paragraph (a) may inquire into and report on any matter referred to it by either the House or a Minister, including any pre-legislation proposal, bill, motion, petition, vote or expenditure, other financial matter, report or document.

(c) A committee may make any inquiry it wishes to make into annual reports of government departments and authorities and reports of the Auditor-General presented to the House. The following qualifications shall apply to these inquiries:

(i) Reports shall stand referred to committees under a schedule presented by the Speaker to record the areas of responsibility of each committee.

(ii) The Speaker shall determine any question about responsibility for a report or part of a report.

(iii) The period during which an inquiry into an annual report may be started by a committee shall end on the day the next annual report of the department or authority is presented to the House.

(iv) If a committee intends to inquire into all or part of a report of the Auditor-General, the committee must notify the Joint Committee of Public Accounts and Audit of its intention, in writing.

(d) Each committee appointed under paragraph (a) shall consist of eight members: five government Members and three non-government Members, except for the Standing Committee on Economics, the Standing Committee on Employment, Education and Training and the Standing Committee on Infrastructure, Transport and Cities, which shall consist of ten members: six government Members, three opposition Members and one non-aligned Member. Each committee may have its membership supplemented by up to four members for a particular inquiry, with a maximum of two extra government and two extra opposition or non-aligned Members. Supplementary members shall have the same participatory rights as other members, but may not vote.

216 Committee of Privileges and Members' Interests

(a) A Committee of Privileges and Members' Interests shall be appointed to:

(i) inquire into and report on complaints of breach of privilege or contempt which may be referred to it by the House under *standing order 51* or by the Speaker under *standing order 52*, or any other related matter referred to it by or in accordance with a resolution of the House;

(ii) inquire into and report on the arrangements made for the compilation, maintenance and accessibility of a Register of Members' Interests;

(iii) consider proposals by Members and others on the form and content of the Register of Members' Interests;

(iv) consider specific complaints about registering or declaring interests;

(v) consider possible changes to any code of conduct adopted by the House; and

(vi) consider whether specified persons (other than Members) ought to be required to register and declare their interests.

(b) The committee shall consist of 11 members: the Leader of the House or his or her nominee, the Deputy Leader of the Opposition or his or her nominee and nine other members, five government and four non-government Members. When the Opposition is composed of two parties, the non-government Members shall consist of at least one member of the smaller opposition party.

(c) The committee may call for witnesses and documents, but when considering a matter concerning the registration or declaration of Members' interests it must not exercise that power or undertake an investigation of a person's private interests unless the action is approved by at least six members of the committee other than the Chair.

(d) The committee may report when it sees fit, and must report to the House on its operations in connection with the registration and declaration of Members' interests during the year as soon as possible after 31 December each year.

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219 Publications Committee

(a) A Publications Committee shall be appointed to consider all documents presented to the House which have not been made a Parliamentary Paper by either House of the Parliament. The committee may report when it sees fit and may recommend a document be made a Parliamentary Paper, in whole or in part.

(b) The committee shall consist of seven members.

(c) If conferring with a similar committee of the Senate the committee may inquire into and report on the publication and distribution of parliamentary and government publications and on matters referred to it by a Minister.

220 Standing Committee on Petitions

(a) A Standing Committee on Petitions shall be appointed to receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.

(b) The committee shall consist of eight members: five government and three non-government members.

221 Standing Committee on Procedure

(a) A Standing Committee on Procedure shall be appointed to inquire into and report on the practices and procedures of the House and its committees.

(b) The committee shall consist of seven members: four government and three non-government Members.

222 Selection Committee

(a) A Selection Committee shall be appointed to:

(i) arrange the timetable and order of committee and delegation business and private Members' business for each sitting Monday in accordance with *standing orders 39 to 41*;

(ii) select private Members' notices and other items of private Members' and committee and delegation business for referral to the Federation Chamber, or for return to the House; and

(iii) select bills that the committee regards as controversial or as requiring further consultation or debate for referral to the relevant standing or joint committee in accordance with *standing order 143*.

(b) The committee shall consist of 12 members: the Speaker, or in the absence of the Speaker the Deputy Speaker, the Chief Government Whip or his or her nominee, the Chief Opposition Whip or his or her nominee, five government Members, three opposition Members and one non-aligned Member. The Chief Nationals Whip shall be a member of the committee. The Speaker shall be the Chair of the committee. A quorum shall be three members of the committee.

(c) For committee and delegation business and private Members' business, the committee may determine the order of consideration of the matters, and the times allotted for debate on each item and for each Member speaking.

(d) In relation to committee and delegation business and private Members' business the committee must report its determinations to the House in time for its decisions to be published on the Notice Paper of the sitting Thursday before the Monday being considered. In relation to bills the committee must report its determinations as soon as practical in respect of each bill or each group of bills.

(e) Reports of the committee under paragraph (d) shall be treated as having been adopted when they are presented. Reports shall be published in Hansard.

(f) A referral by determination of the Selection Committee pursuant to paragraph (a)(ii) or (a)(iii), once the determination has been reported to the House, is deemed to be a referral by the House.

222A House Appropriations and Administration Committee

(a) A House Appropriations and Administration Committee shall be appointed to:

(i) consider estimates of the funding required for the operation of the Department of the House of Representatives each year;

(ii) provide to the Speaker for presentation to the House and transmission to the Minister for Finance and Deregulation, the committee's estimates of amounts for inclusion in appropriation and supply bills for the Department of the House of Representatives;

(iii) consider proposals for changes to the administration of the Department of the House of Representatives or variations to services provided by the Department;

(iv) consider and report to the Speaker on any other matters of finance or services as may be referred to it by the Speaker;

(v) consider and report to the House on any other matters of finance or services as may be referred to it by the House;

(vi) consider and report to the Speaker on matters relating to the provision of facilities in Parliament House affecting the House, its committees or its Members;

(vii) make an annual report to the House on its operations;

(viii) consider the administration and funding of security measures affecting the House and advise the Speaker and the House as appropriate; and

(ix) consider any proposals for works in the parliamentary precincts that are subject to parliamentary approval and report to the House on them as appropriate.

(b) When conferring with the Senate Standing Committee on Appropriations and Staffing, the House Appropriations and Administration Committee may:

(i) consider estimates of the funding required for the operation of the Department of Parliamentary Services each year; and

(ii) provide to the Speaker for presentation to the House and transmission to the Minister for Finance and Deregulation, estimates of amounts for inclusion in appropriation and supply bills for the Department of Parliamentary Services.

(c) The committee shall consist of nine members: the Speaker as Chair, four government Members and four non-government/non-aligned Members. A quorum shall be three members of the committee.

(d) The committee shall be assisted by the Clerk, Serjeant-at-Arms and officers of the Department of the House of Representatives appropriate to any matters under consideration.

Select committees

223 Appointment of select committees

The House may appoint select committees by motion, and must set a day for the reporting of the proceedings of a committee to the House. A member of the committee must present a report of the committee on or before the set day, unless the House grants an extension of time.

Joint committees

224 Appointment of joint committees

(a) The House may agree to a proposal for a joint committee of the House and the Senate. The proposal must state the number of Members the House will appoint to serve on the committee, and be sent to the Senate by message.

(b) After receipt of a message from the Senate agreeing to appoint a joint committee in the same terms as agreed to by the House, the House shall appoint the Members to serve on the committee.

225 Quorum of joint committee

The House may set the quorum of its Members required for a sitting of a joint committee. A joint committee may set its own quorum, subject to any requirement of the House.

226 Report of joint committee

(a) The proceedings of a joint committee shall be reported to the House by one of the Members it has appointed to serve on the committee.

(b) If the House is not sitting when a joint committee has completed a report of an inquiry the special arrangements provided under *standing order 247(c)* shall apply.

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Operation of committees

228 Rules for House apply to committees

The rules applying to the House shall also apply to committees, subject to the standing orders in this chapter: *see standing order 3 (application of the standing orders)*.

229 Appointment of committee members

(a) Members shall be appointed to or discharged from a committee by motion moved on notice.

(b) Special arrangements are required for a change in membership when the House is not sitting and is not expected to meet for at least two weeks. The relevant whip must nominate any appointment or discharge of a member of a committee in writing to the Speaker. The change in membership shall take effect from the time the Speaker receives the written nomination. At the next sitting, the Speaker shall report the change to the House and the House shall resolve the membership of the committee.

(c) If a committee is considering a bill referred under *standing order 143*, one or more members of the committee may be replaced by other Members by motion moved on notice. This does not affect the ability of a general purpose standing committee to have its membership supplemented under *standing order 215(d)*.

(d) Any Member appointed as a Minister immediately ceases to be a member of all committees.

230 Speaker and Deputy Speakers on committees

The Speaker, the Deputy Speaker or the Second Deputy Speaker shall only be appointed to a committee if a standing or other order requires the appointment, or if the officeholder consents.

231 Member with pecuniary interest not to sit on inquiry

No Member may sit on a committee if he or she has a particular direct pecuniary interest in a matter under inquiry by the committee. If the right of a Member to sit on a committee is challenged, the committee may report the matter to the House for resolution.

232 Appointment of committee Chair and deputy Chair

(a) Before the start of business and at any time a vacancy occurs, a committee shall be informed of the name of the member who has been appointed by the Prime Minister to be its Chair. The Chair shall have a casting vote only.

(b) A committee shall also be informed of the name of the member who has been appointed by the Leader of the Opposition to be its deputy Chair. The deputy Chair shall act as Chair of the committee whenever the Chair is not present at a meeting. If neither the Chair nor deputy Chair is present at a meeting, the members present shall elect another member to act as Chair at the meeting.

233 Quorum of committees

(a) A quorum of a committee is three members. When a quorum is not present, the Chair shall suspend proceedings until a quorum is present or adjourn the committee.

(b) If a quorum is not present within 15 minutes of the time appointed for the meeting of a committee, the members present may retire, and their names shall be entered in the minutes. The secretary of the committee shall then notify members of the next meeting.

234 Subcommittees

(a) A committee may appoint subcommittees of three or more of its members and may refer to a subcommittee any matter which the committee may examine.

(b) A committee shall appoint the Chair of each subcommittee, who shall have a casting vote only. If the Chair of a subcommittee is not present at a meeting of the subcommittee, the members of the subcommittee present shall elect another member of that subcommittee to act as Chair at the meeting.

(c) A quorum of a subcommittee is two of its members.

(d) Members of the committee who are not members of a subcommittee may participate in the public proceedings of the subcommittee but may not vote, move any motion or be counted for the purpose of a quorum.

235 Proceedings and sittings of committee

(a) A committee or a subcommittee may conduct proceedings using any means approved by the House and in the following manner:

(i) in private meeting;
(ii) by hearing witnesses, either in public or in private; and
(iii) in the form of any other meeting, discussion or inspection conducted under the practice of committees of the House.

(b) A committee may conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location. A committee may resolve for a subcommittee to use audio visual or audio links.

(c) A committee or a subcommittee may conduct proceedings at any time or place as it sees fit, and whether or not the House is sitting.

236 Power to call for witnesses and documents

(a) A committee or a subcommittee may call for witnesses to attend and for documents to be produced.

(b) The Chair of a committee or subcommittee shall direct the secretary of the committee or subcommittee to invite or summon witnesses and to request or require documents to be produced as determined by the committee or subcommittee.

237 Use of records of previous committees

A committee or a subcommittee may consider and make use of the evidence and records of similar committees appointed during previous Parliaments.

238 Conferring with Senate committees

A committee may confer with a similar committee of the Senate.

239 Records of proceedings and documents

(a) The secretary shall record the proceedings of the committee or subcommittee in the minutes of proceedings. The minutes shall be confirmed by the committee or subcommittee and then signed by the Chair.

(b) Documents presented to the committee or subcommittee shall be signed by the secretary.

240 Admission of visitors

(a) A committee or a subcommittee may admit visitors when it is examining a witness or gathering information in other proceedings.

(b) All visitors must leave if:

- (i) the Chair asks them to;
- (ii) the committee or subcommittee resolves that they leave; or
- (iii) the committee or subcommittee is deliberating or hearing witnesses in private.

241 Admission of other Members

Other Members, who are not members of the committee, may be admitted when a committee or subcommittee is examining a witness, or gathering information in other proceedings. Other Members must leave when the committee or subcommittee is deliberating, or hearing witnesses in private, or if the committee or subcommittee resolves that they leave.

242 Publication of evidence

(a) A committee or subcommittee may authorise publication of evidence given before it or documents presented to it.

(b) A committee's or subcommittee's evidence, documents, proceedings and reports may not be disclosed or published to a person

(other than a member of the committee or parliamentary employee assigned to the committee) unless they have been:

(i) reported to the House; or

(ii) authorised by the House, the committee or the subcommittee.

(c) A committee may resolve to:

(i) publish press releases, discussion papers or other documents, or preliminary findings; or

(ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment.

(d) A committee may resolve to authorise a member of the committee to give public briefings on matters related to an inquiry. An authorised member may not disclose evidence, documents proceedings or reports which have not been authorised for publication. The committee shall determine the limits of the authorisation.

243 Power to report from time to time

A committee may report from time to time.

244 Report consideration

(a) The Chair of a committee shall prepare a draft report and present it to the committee at a meeting convened for report consideration.

(b) The report may be considered at once if copies have been circulated in advance to each member of the committee. The report shall be considered paragraph by paragraph. When consideration of the chapters of the report is completed, the appendices shall be considered in order.

(c) After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

(d) A member objecting to any portion of the report may vote against it or move an amendment when the particular paragraph or appendix is under consideration.

(e) A member protesting about the report or dissenting from all or part of it may add a protest or dissenting report to the main report.

245 Alternative draft report

A member other than the Chair, may give a draft report to the committee, and the committee must decide which report it will consider.

246 Chair signs adopted report

(a) When a committee has completed its consideration of a draft report, it shall resolve to adopt the report.

(b) The Chair shall sign each report of a committee.

(c) Any protest or dissenting report shall be signed by the member or members protesting or dissenting.

247 Report presented

(a) A member of the committee must present the report of the committee together with the minutes of proceedings, to the House or Federation Chamber.

(b) When a report is presented, it may be ordered to be made a Parliamentary Paper with or without the documents accompanying it.

(c) Special arrangements are required for times when the House is not sitting and a committee has completed a report of an inquiry. The committee may send the report to the Speaker, or to the Deputy Speaker if the Speaker is unavailable. When the Speaker or the Deputy Speaker receives the report:

(i) the report may be published; and

(ii) he or she may give directions for the printing and circulation of the report.

The committee must then present the report to the House or Federation Chamber as soon as possible.

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