



10 January 2020

Ms Maddison Evans
Committee Clerk
Standing Committee on Environment and Public Affairs

By email env@parliament.wa.gov.au

Dear Ms Evans

**SUBMISSION TO INQUIRY INTO THE FUNCTIONS, PROCESSES AND PROCEDURES
OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS**

On behalf of Mr Adrian Pederick, the Presiding Member of the Environment Resources and Development Committee (ERDC) I would like to thank you for your invitation to provide a submission to the above inquiry. At the ERDC meeting on 30 November 2019 the Committee resolved that the Parliamentary Officer would provide an outline of the processes used by the ERDC in undertaking its function to inquire into matters concerning the environment that may be of interest to your Committee.

The ERDC is one of 10 Standing Committees of the Parliament of South Australia established under the *Parliamentary Committees Act 1991* (the Act).

The required membership of the ERDC is in accordance with section 8 of the Act, with a total of 6 members (comprising three from the House of Assembly and three from the Legislative Council) with the House of Assembly member appointed as Presiding Member with a casting vote.

The functions of the Committee are set out in section 9 of the Act and reproduced below.

Section 9

- (a) to inquire into, consider and report on such of the following matters as are referred to it under this Act:
- (i) any matter concerned with the environment or how the quality of the environment might be protected or improved;
 - (ii) any matter concerned with the resources of the State or how they might be better conserved or utilised;
 - (iii) any matter concerned with planning, land use or transportation;
 - (iv) any matter concerned with the general development of the State;
- (b) to perform such other functions as are imposed on the Committee under this or any other Act or by resolution of both Houses.

In addition to the functions prescribed by the *Parliamentary Committees Act 1991* the Committee has responsibilities pursuant to the following Acts:

- Adelaide Parklands Act 2005
- Aquaculture Act 2001
- Commissioner for Kangaroo Island Act 2014
- Development Act 1993
- Environment Protection Act 1993
- Native Vegetation Act 1991
- Nuclear Waste Storage Facility (Prohibition) Act 2000
- Planning, Development and Infrastructure Act 2016
- Urban Renewal Act 1995
- Wilderness Protection Act 1992

The role (and extent of the work) of parliamentary scrutiny prescribed under the above Acts varies between the specific legislative provisions. The most significant work undertaken by the ERDC has been in the scrutiny of Development Plan Amendments under the *Development Act 1993* and now replaced by the review of “designated instruments” under the *Planning, Development and Infrastructure Act 2016*.

The powers of the ERDC in relation to scrutiny of designated instruments under the *Planning, Development and Infrastructure Act 2016* (the PDI Act) can be found in section 74. Under the PDI Act the ERDC has the power to suggest amendments to instruments to the Minister for Planning which may be accepted or rejected by the Minister. If the Minister rejects the changes, and the ERDC resolves to object to a designated instrument copies of the instrument must be laid before both Houses of Parliament.

In addition to its statutory functions and referral of inquiries by resolution of both Houses of Parliament the Committee has the power to initiate its own inquiries and has commenced two inquiries in this 54th Parliament, an inquiry into Heritage Reform (completed) and an inquiry into the recycling industry (ongoing). The Committee also has a significant function in the oversight of the State’s current planning reform process.

The annual and inquiry reports available on the Parliaments website <https://www.parliament.sa.gov.au/Committees/Committees-Detail> may be useful for further information.

In terms of processes used by the ERDC to undertake its statutory and inquiry functions that may be of interest to your Committee, the ERDC conducts itself generally and consistently with the principles under which Parliamentary Committees operate in the Westminster system and I am not sure there are any processes specific to the ERDC that will necessarily be different to processes and innovations by other Parliaments. I have however outlined two areas below that may be of interest to your Committee.

In terms of communication, the ERDC (together with the House of Assembly) has sought to engage more broadly with the public in the 54th Parliament through the use of Facebook and Twitter, including producing short videos used to launch and promote its inquiries. The Committee sees engagement with the public, and engagement with rural communities in particular, as a key role. The Committee has conducted its deliberative meetings and heard witnesses at Parliament House in Adelaide but has also held regional hearings and conducted regional site visits as part of its inquiry processes, including 3 regional hearings in 2019.

Another matter of interest in respect of the ERDC (and the other Standing Committee's established under the *Parliamentary Committees Act*) is that under section 19 of the Act the responsible Minister/s are required to respond to the recommendations of the Committee within 4 months, and must include in their response which recommendations will be carried out and which recommendations will not be carried out and the reasons for this.

To achieve ongoing parliamentary oversight of the implementation of its recommendations for reform the Report of the Inquiry into Heritage Reform recommended that the responsible Ministers report back to both Houses of Parliament in respect of implementation of the reforms. In their joint ministerial response the Minister for Planning and the Minister for Environment and Water agreed to this recommendation and will be reporting to Parliament in mid 2020 in respect of a staged approach to heritage reform.

If you would like any further information in respect of the above please contact me in the first instance.

Kind regards



Joanne Fleer
Parliamentary Officer
Environment Resources and Development Committee