



10 February 2020

The Hon Matthew Swinbourn MLC  
Chair, Standing Committee on Environment and Public Affairs  
Legislative Council of Western Australia

Via email: [env@parliament.wa.gov.au](mailto:env@parliament.wa.gov.au)

Dear Mr Swinbourn

### **Inquiry into the functions, processes and procedures of the Western Australian Legislative Council Standing Committee on Environment and Public Affairs**

Thank you for your letter of 25 October 2019 inviting the House of Representatives Standing Committee on the Environment and Energy (the Committee) to make a submission to your committee's inquiry into its functions, processes and procedures. I apologise for the delay in responding, but hope that this late submission might be of use.

The following provides a brief overview of the history and operation of the Committee, and its practices and procedures in relation to the reference and conduct of inquiries.

#### **History and operation of the Committee**

The House of Representatives has had a Standing Committee with responsibility for the environment since 1973, and its ongoing existence was formalised with the establishment of the comprehensive House committee system in 1987. The name of the Committee has changed from time to time in line with changes in respective governments' portfolio arrangements:

- Standing Committee on Environment and Conservation (1973-1987)
- Standing Committee on Environment, Recreation and the Arts (1987-1998)
- Standing Committee on Environment and Heritage (1999-2007)
- Standing Committee on Climate Change, Water, Environment and the Arts (2008-2013)
- Standing Committee on the Environment (2013-2016)
- Standing Committee on the Environment and Energy (2016-present).

The Committee is established by the House under Standing Order 215. The Committee is appointed for the life of each Parliament. As a creation of the House, the Committee is ultimately responsible to the Chamber.

In accordance with Standing Orders, the Committee consists of eight members, five government and three non-government members. Members are appointed or discharged

from the Committee by motion of the House. The Chair of the Committee is appointed from among its members by the Prime Minister, and the Deputy Chair is appointed by the Leader of the Opposition. The Chair has a casting vote only. Quorum of the Committee is three members.

The Committee may be supplemented by up to two government members and two non-government members for a particular inquiry. Supplementary members can participate fully in the inquiry, but may not vote.

### **References and inquiries**

Standing Order 215 delegates the Committee:

- to 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; and
- to make any inquiry it wishes into annual reports of government departments and authorities and reports of the Auditor-General presented to the House, within the Committee's areas of responsibility.

The list of departments and authorities whose annual reports stand referred to each committee is set out in a schedule presented to the House by the Speaker.

In practice, inquiries are rarely referred to the Committee by the House. Most inquiries are referred by a Minister, or initiated by the Committee into matters connected to the annual report of a relevant government department or authority.

It is rare that bills are referred to the Committee for consideration: bills before the Australian Parliament are more frequently referred to relevant Senate committees. On the occasions that a bill is referred to this Committee, it is usually referred by the House via recommendation of its Selection Committee.

When a matter is referred to a committee, the committee normally formally resolves to accept the reference. It is not usual practice for a committee to reject a ministerial reference, but committees can and do discuss proposed terms of reference with the minister, and amend them, prior to adopting the inquiry.

Once the Committee has agreed to proceed with an inquiry that has been formally referred, the usual process is for the terms of reference to be advertised and submissions invited from relevant stakeholders and the general public.

The Committee may resolve to hold public hearings, often to hear additional evidence based on written submissions. Evidence can be heard in private and also by teleconference or audio-visual link. The Committee may also resolve to undertake site inspections to gather further evidence.

The Committee may augment the normal hearing process for an inquiry by a range of other formal or informal proceedings, such as briefings, seminars, conferences or workshops. At the conclusion of an inquiry a Chair's draft report is prepared and presented to the Committee by the Chair for consideration. Once adopted by the Committee, the report is presented to the House.

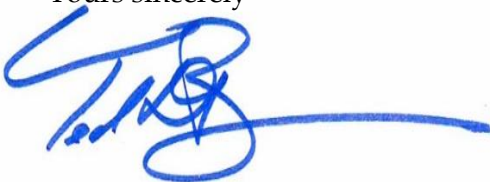
Under a continuing resolution of the House, governments are required to respond formally to committee reports within six months of their presentation. The Speaker periodically tables a schedule of reports for which responses are overdue.

### **Petitions**

This Committee does not consider or inquire into matters raised in petitions. Petitions submitted to the House of Representatives are received and dealt with by the House's Petitions Committee.

I hope this information is of assistance and wish your committee well with its inquiry. If you have any questions in relation to this submission, your or your staff may contact the Committee secretariat on ph: 02 6277 4580, or email: [environment.reps@aph.gov.au](mailto:environment.reps@aph.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Ted O'Brien', with a long horizontal flourish extending to the right.

Ted O'Brien MP  
Chair