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PARLIAMENT OF WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

Legislative Council

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Tabled May 2 1996

REPORT ON THE RESTRUCTURING

OF THE

STANDING COMMITTEE ON

GOVERNMENT AGENCIES

Presented by the Hon Barry House (Chairman)



Members of the Committee

Hon Barry House (Chairman)
Hon Murray Criddle
Hon Barbara Scott
Hon Doug Wenn
Hon Kim Chance
Hon Tom Stephens

Staff of the Committee

Mr Chris Richards (Advisory/Research Officer)
Mr Jason Agar (Committee Clerk)



Report on the Restructuring of the Standing Committee on Government Agencies

5 This report is a companion to the 36th report of the Committee dealing with the nature and functions of agencies¹. The committee stated in that report that it would bring up this separate report dealing with the future structure of this committee.

10 The committee believes that the current restraints on its jurisdiction work against a comprehensive overview of public administration and the role played by agencies in that context. As the committee has pointed out, some agencies are part of departments and the dividing line can be blurred. For this reason, and others, the committee proposes that all State instrumentalities will come within its purview, not simply those that may be described as "government agencies" as that expression is currently defined.

The committee has taken the opportunity to recommend that the standing orders under which it operates be revoked and those applicable to the other standing committees be applied to this committee under the name of the *Standing Committee on Public Administration*.

15 In this context, the committee acknowledges the support and recommendations of the Commission on Government² but has not included COG's proposed terms of reference in this present proposal. Questions such as the committee's participation in the appointments process for officers of State require extensive consideration in their own right. To try and deal with them as part of the committee's restructure would be counter-productive and delay the committee's "reformation". Conversely, such a term of reference can be added later once
20 the House has determined its own attitude towards such issues.

The committee recommends that the House endorse the amendments set out in the Schedule.



Hon Barry House
Chairman

25 May 1996

¹ *Agencies, Their Nature and Function* April 1994, Government Agencies Committee, 36th Report.

² Commission on Government report #2 - Part 2, ch 9, recommendation 115.



Schedule

NOTICE OF MOTION

Hon Barry House to move that:

- 5 1. Schedule 2 of standing orders is amended by inserting after the part relating to the *Legislation Committee*, the following part:

Standing Committee on Public Administration

1. A Standing Committee on Public Administration is established.

2. The committee consists of 6 members.

3. The functions of the committee are:

10 (1) to inquire into and report to the House on the means of establishing State agencies, the roles, functions, efficiency, effectiveness, and accountability of State agencies and, generally, the conduct of public administration by or through State agencies, including the relevance and effectiveness of applicable law and administrative practises;

15 (2) notwithstanding any rule or order to the contrary, to consider and report to the House on any bill providing for the creation, alteration or abolition of an agency, including abolition or alteration by reason of privatization.

4. In this order:

20 "Agency" means -

(a) an agent or instrumentality of the State Government, established for the purpose of developing, implementing or administering any program or policy with a public purpose or any such program or policy that relies substantially for its development, implementation or administration on public monies or revenue;

(b) any person empowered by a written law to make a decision enforceable at law whether by that person or otherwise,

30 and, where appropriate, includes any agency officer or employee acting, or having ostensible authority to act, as the agent or delegate of the agency, but does not include:

(c) a House of the Parliament, or any committee or member of either House, or any officer or employee of a department of the Parliament;

35 (d) a court of law or a court of record, or a judge or other member



of either court;

5 (e) any person whose functions are solely of an advisory nature and the failure to obtain or act in accordance with advice given by that person does not invalidate or make voidable a decision made by another person;

(f) a police officer or other person in the course of exercising a power conferred by a written law to arrest or charge a person with the commission of an offence, or to enter premises and seize or detain any object or thing;

10 (g) a local authority subject to the *Local Government Act 1995*;

2. Standing orders 310-337 are consequentially repealed.

