



**THIRTY-EIGHTH PARLIAMENT**

**REPORT 25**  
**STANDING COMMITTEE ON PROCEDURE AND**  
**PRIVILEGES**  
**REFERENCE FROM THE HOUSE - AUDITOR**  
**GENERAL ACT 2006**

Presented by Hon. Barry House MLC (Chair)

November 2012

## STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

**Date first appointed:** 24 May 2001

**Terms of Reference (as amended by the House on 1 December 2011):**

### **7. Procedure and Privileges Committee**

- 7.1 *A Procedure and Privileges Committee* is established.
- 7.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.
- 7.3 With any necessary modifications, Standing Order 163 applies to a co-opted Member.
- 7.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the House or its Committees.

### **Members as at the time of this inquiry:**

Hon. Barry House MLC (Chair)	Hon. Nick Goiran MLC
Hon. Matt Benson-Lidholm MLC (Deputy Chair)	Hon. Giz Watson MLC
Hon. Wendy Duncan MLC	

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**REPORT OF THE  
STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES  
IN RELATION TO THE  
REFERENCE FROM THE HOUSE - AUDITOR GENERAL ACT 2006**

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**1 REFERENCE**

- 1.1 On 12 September 2012, the Legislative Council resolved the following reference to the *Procedure and Privileges Committee*:

*That, Consideration of Committee Reports Item No. 1, Standing Committee on Public Administration — Special Report be referred to the Procedure and Privileges Committee, so as to inquire into the impact of sections 4, 23 and 46 of the Auditor General Act 2006, and to report back to the Council by no later than Tuesday, 27 November 2012.*

**2 BACKGROUND TO THE REFERENCE**

- 2.1 The *Standing Committee on Public Administration* tabled its Special Report in the Legislative Council on 27 June 2012. The report was debated during the course of Consideration of Committee Reports on Wednesday, 12 September 2012. As outlined in the Committee’s report and emphasised by Members during the course of the debate, two sections of the *Auditor General Act 2006* – sections 23 and 46 – were of particular concern. In particular, section 46, which provides that the Auditor General may communicate confidential information to three specific parliamentary committees, may be considered to qualify parliamentary privilege (specifically the right for all committees to send for persons and papers). Without repeating the full content of the Committee’s report and subsequent debate in this report, the ‘interim outcome’ determined by the House was to refer the above reference to the *Procedure and Privileges Committee*, and to direct that Committee to review the matter on behalf of the House.

**3 REVIEW OF THE AUDITOR GENERAL ACT 2006**

- 3.1 Section 43 of the *Auditor General Act 2006* provides that the Parliament shall establish a *Joint Standing Committee on Audit*. Section 48 of the Act provides that this Joint Standing Committee shall review the Act “as soon as practicable after ... the fifth anniversary of its commencement”. Since the commencement of the Act, a number of attempts to establish the Joint Committee, both formal and informal, proved unsuccessful. The matter was progressed on 1 September 2011, when the Legislative Council resolved to create the *Joint Standing Committee on Audit*, communicated this resolution to the Legislative Assembly and invited that House to pass a similar resolution.

3.2 Following a subsequent exchange of messages between the Houses regarding this matter, the Legislative Assembly agreed to this resolution on 18 October 2012. The Legislative Council appointed its members to the Committee on 25 October 2012, and the Legislative Assembly appointed its members to the Committee on 13 November 2012.

3.3 The consequent establishment of the *Joint Standing Committee on Audit* means that this Joint Committee can commence to discharge its statutory responsibilities, which include the comprehensive review of the *Auditor General Act 2006*.

#### **4 ACTION RECOMMENDED BY THE COMMITTEE**

4.1 The Committee notes the serious concerns raised by the *Public Administration Committee* in its Special Report, and supported by Members of that Committee and other Members subsequent to the reference to the *Procedure and Privileges Committee* agreed to by the House on 12 September 2012.

4.2 Without diminishing those concerns, the Committee does not consider it would be prudent to inquire into several discrete aspects of the *Auditor General Act 2006*, when the Houses have now established a Joint Standing Committee which will, amongst other things, undertake a comprehensive review of the Act.

4.3 Accordingly, the Committee recommends that the *Joint Standing Committee on Audit* consider those matters raised in the Legislative Council regarding the *Auditor General Act 2006* and parliamentary privilege as part of the Joint Committee's review pursuant to section 48 of the Act.

#### **Recommendation 1:**

That the serious concerns raised by the Public Administration Committee regarding sections 4, 23 and 46 of the *Auditor General Act 2006* be included as a component of the *Joint Standing Committee on Audit's* comprehensive review of that Act.



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**Hon. Barry House MLC**  
**Chair**  
**15 November 2012**