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Authorised Version No. 026
Parliamentary Committees Act 2003
No. 110 of 2003
Authorised Version incorporating amendments as at 1 August 2015

The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

(a) to establish certain parliamentary committees;

(b) to set out the functions, powers and procedures of certain parliamentary committees;

(c) to repeal the Parliamentary Committees Act 1968.

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 Definitions

In this Act—

Assembly means the Legislative Assembly;

audio link means facilities (including telephone) that enable audio communication between persons at different locations;

audio visual link means facilities (including closed-circuit television) that enable audio and visual communication between persons at different locations;
Commissioner has the same meaning as it has in section 3 of the Independent Broad-based Anti-corruption Commission Act 2011;

Council means the Legislative Council;

House Committee means the joint committee of the Council and of the Assembly established by section 38;

IBAC means the Independent Broad-based Anti-corruption Commission established under the Independent Broad-based Anti-corruption Commission Act 2011;

IBAC Committee means the Independent Broad-based Anti-corruption Commission Committee established under section 5(fa);

IBAC personnel has the meaning given in section 3(1) of the Victorian Inspectorate Act 2011;

Inspector has the same meaning as it has in section 3 of the Victorian Inspectorate Act 2011;

Joint House Committee means a committee established by section 5;

Joint Investigatory Committee means—
(a) a Joint House Committee; or
(b) a Specific Purpose Committee;
Parliamentary Committees Act 2003
No. 110 of 2003
Part 1—Preliminary

* * * * *

* * * * *

S. 3 def. of Library Committee repealed by No. 20/2005 s. 40(1).

Ombudsman officer has the meaning given in section 2(1) of the Ombudsman Act 1973;

S. 3 def. of Ombudsman officer inserted by No. 82/2012 s. 259.

Parliamentary precincts has the same meaning as in the Parliamentary Precincts Act 2001;

President means the President of the Council;

S. 3 def. of regional Victoria inserted by No. 10/2015 s. 3, substituted as rural and regional Victoria by No. 18/2015 s. 17(1).

rural and regional Victoria has the meaning given in section 3(1) of the Regional Development Victoria Act 2002 and includes any other geographical area prescribed by regulations referred to in section 3(2) of that Act in the circumstances (if any) prescribed by those regulations;

S. 3 def. of sub-committee amended by No. 70/2013 s. 3(Sch. 1 item 40).

Speaker means the Speaker of the Assembly;

Specific Purpose Committee means a committee referred to in section 18;

S. 3 def. of VAGO officer inserted by No. 82/2012 s. 221(1).

sub-committee means a sub-committee of a Joint Investigatory Committee;

VAGO officer has the meaning given in section 3(1) of the Audit Act 1994;
4 Application of standing orders and practices of the Council and the Assembly

(1) The standing orders, joint standing orders and the practices of the Council and the Assembly apply to the committees referred to in this Act to the extent that they are not inconsistent with any provision of this Act.

(2) The power and privileges of the Council and the Assembly to establish committees and to confer functions and powers on committees are not limited by this Act.
Part 2—Establishment, terms and functions of Joint Investigatory Committees

Division 1—Joint House Committees

5 Establishment of Joint House Committees

There are established by this Act the following Joint House Committees—

(aa) the Accountability and Oversight Committee;

(b) the Economic, Education, Jobs and Skills Committee;

(ca) the Electoral Matters Committee;

(d) the Environment, Natural Resources and Regional Development Committee;

(e) the Family and Community Development Committee;
S. 5(f) substituted by No. 29/2013 s. 3(c), repealed by No. 10/2015 s. 4(d).

S. 5(fa) inserted by No. 66/2011 s. 39.

S. 5(g) repealed by No. 29/2013 s. 3(a), new s. 5(g) inserted by No. 10/2015 s. 4(e).

(fa) the Independent Broad-based Anti-corruption Commission Committee;

(g) the Law Reform, Road and Community Safety Committee;

(h) the Public Accounts and Estimates Committee;

(k) the Scrutiny of Acts and Regulations Committee.

6 Term of Joint House Committees

A Joint House Committee holds office and may exercise all the powers conferred on it by any Act or by Parliament for the Parliament during which its members are appointed and until the dissolution or other lawful determination of the Assembly.
6A Accountability and Oversight Committee

(1) The functions of the Accountability and Oversight Committee are—

(a) to monitor and review the performance of the functions and exercise of the powers of the Freedom of Information Commissioner; and

(b) to consider and investigate complaints concerning the Freedom of Information Commissioner and the operation of the office of the Freedom of Information Commissioner; and

(c) to report to both Houses of Parliament on any matter relating to—

(i) the performance of the functions and the exercise of the powers of the Freedom of Information Commissioner; and

(ii) any complaint concerning the Freedom of Information Commissioner and the operation of the office of the Freedom of Information Commissioner—

that requires the attention of Parliament; and

(d) to examine the annual report of the Freedom of Information Commissioner and any other reports by the Commissioner and report to Parliament on any matters it thinks fit concerning those reports; and

(e) to inquire into matters concerning freedom of information referred to it by the Parliament and to report to Parliament on those matters;

(f) to monitor and review the performance of the duties and functions of the Victorian Inspectorate in respect of Ombudsman officers; and

S. 6A inserted by No. 6/2012 s. 49.

S. 6A(1)(c) amended by No. 82/2012 s. 260(1)(a).

S. 6A(1)(e) amended by No. 82/2012 s. 260(1)(b).

S. 6A(1)(f) inserted by No. 82/2012 s. 260(1)(c).
Parliamentary Committees Act 2003
No. 110 of 2003
Part 2—Establishment, terms and functions of Joint Investigatory Committees

(g) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the Victorian Inspectorate in respect of Ombudsman officers that require the attention of the Parliament; and

(h) to examine any reports made by the Victorian Inspectorate in respect of Ombudsman officers; and

(i) the functions conferred on the Committee by the Ombudsman Act 1973.

(2) Despite anything to the contrary in subsection (1), the Accountability and Oversight Committee cannot—

(a) reconsider a decision of the Freedom of Information Commissioner in relation to a review of a particular matter; or

(b) reconsider any recommendations or decisions of the Freedom of Information Commissioner in relation to a complaint under the Freedom of Information Act 1982; or

(c) investigate a matter relating to particular conduct the subject of any report made by the Victorian Inspectorate in respect of an Ombudsman officer; or

(d) review any decision to investigate, not to investigate or to discontinue an investigation of, a particular complaint made to the Victorian Inspectorate in accordance with the Victorian Inspectorate Act 2011 in respect of an Ombudsman officer; or
(e) review any findings, recommendations, determinations or other decisions of the Victorian Inspectorate in relation to a particular complaint made to, or investigation conducted by, the Victorian Inspectorate in accordance with the **Victorian Inspectorate Act 2011** in respect of an Ombudsman officer; or

(f) disclose any information relating to the performance of a duty or function or exercise of a power by the Victorian Inspectorate which may—

(i) prejudice any criminal proceedings or criminal investigations; or

(ii) prejudice an investigation being conducted by the Ombudsman, the IBAC or the Victorian Inspectorate; or

(iii) contravene any secrecy or confidentiality provision in any relevant Act.

* * * * *

8 Economic, Education, Jobs and Skills Committee

(1) The functions of the Economic, Education, Jobs and Skills Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

(a) economic development, industrial affairs or infrastructure;

(b) the provision of services to new urban regions;
(c) the development or expansion of new urban regions;
(d) education or training.

(2) In this section—

_urban regions_ means any part of Victoria developed for urban purposes that is not within rural and regional Victoria.

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### 9A Electoral Matters Committee

(1) The functions of the Electoral Matters Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

(a) the conduct of parliamentary elections and referendums in Victoria;

(b) the conduct of elections of Councillors under the _Local Government Act 1989_;

(c) the administration of, or practices associated with, the _Electoral Act 2002_ and any other law relating to electoral matters.

(2) Nothing in this section is intended to repeal, alter or vary section 94F or 94G of the _Constitution Act 1975_.

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### 10 Environment, Natural Resources and Regional Development Committee

The functions of the Environment, Natural Resources and Regional Development Committee are, if so required or permitted under this Act, to
inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

(a) the environment;
(b) natural resources;
(c) planning the use, development or protection of land;
(d) the provision of services to rural and regional Victoria;

(e) the development of rural and regional Victoria.

11 Family and Community Development Committee

The functions of the Family and Community Development Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on—

(a) any proposal, matter or thing concerned with—
   (i) the family or the welfare of the family;
   (ii) community development or the welfare of the community;

(b) the role of Government in community development and welfare, including the welfare of the family.

* * * * * *
12A IBAC Committee

(1) The functions of the IBAC Committee are—

(a) to monitor and review the performance of the duties and functions of the IBAC;

(b) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the IBAC that require the attention of the Parliament;

(c) to examine any reports made by the IBAC;

(d) to consider any proposed appointment of a Commissioner and to exercise a power of veto in accordance with the Independent Broad-based Anti-corruption Commission Act 2011;

(e) to carry out any other function conferred on the IBAC Committee by or under this Act or the Independent Broad-based Anti-corruption Commission Act 2011;

(f) to monitor and review the performance of the duties and functions of the Victorian Inspectorate, other than those in respect of VAGO officers or Ombudsman officers;

(g) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the Victorian Inspectorate that require the attention of the Parliament, other than those in respect of VAGO officers or Ombudsman officers;

(h) to examine any reports made by the Victorian Inspectorate, other than reports in respect of VAGO officers or Ombudsman officers;
(i) to consider any proposed appointment of an Inspector and to exercise a power of veto in accordance with the *Victorian Inspectorate Act 2011*.

(1A) Despite anything to the contrary in subsection (1), the IBAC Committee cannot—

(a) investigate a matter relating to the particular conduct the subject of—

   (i) a particular complaint or notification made to the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or

   (ii) a particular disclosure determined by the IBAC under section 26 of the *Protected Disclosure Act 2012*, to be a protected disclosure complaint;

(b) review any decision by the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011* to investigate, not to investigate or to discontinue the investigation of a particular complaint or notification or a protected disclosure complaint within the meaning of that Act;

(c) review any findings, recommendations, determinations or other decisions of the IBAC in relation to—

   (i) a particular complaint or notification made to the IBAC under the *Independent Broad-based Anti-corruption Commission Act 2011*; or

   (ii) a particular disclosure determined by the IBAC under section 26 of the *Protected Disclosure Act 2012*, to be a protected disclosure complaint; or
(iii) a particular investigation conducted by the IBAC under the Independent Broad-based Anti-corruption Commission Act 2011;

(c) review any determination by the IBAC under section 26(3) of the Protected Disclosure Act 2012;

(d) disclose any information relating to the performance of a function or the exercise of a power by the IBAC which may—

(i) prejudice any criminal investigation or criminal proceedings; or

(ii) prejudice any investigation being conducted by the IBAC; or

(iii) contravene any secrecy or confidentiality provision in any relevant Act.

(2) Despite anything to the contrary in subsection (1), the IBAC Committee cannot—

(a) investigate a matter relating to particular conduct the subject of any report made by the Victorian Inspectorate;

(b) review any decision to investigate, not to investigate, or to discontinue the investigation of a particular complaint made to the Victorian Inspectorate in accordance with the Victorian Inspectorate Act 2011;

(c) review any findings, recommendations, determinations or other decisions of the Victorian Inspectorate in relation to a particular complaint made to, or investigation conducted by, the Victorian Inspectorate in accordance with the Victorian Inspectorate Act 2011;
(d) disclose any information relating to the performance of a function or exercise of a power by the Victorian Inspectorate which may—

(i) prejudice any criminal investigation or criminal proceedings; or

(ii) prejudice an investigation being conducted by the IBAC; or

(iii) contravene any secrecy or confidentiality provision in any relevant Act.

13 **Law Reform, Road and Community Safety Committee**

(1) The functions of the Law Reform, Road and Community Safety Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

(a) legal, constitutional or parliamentary reform;

(b) the administration of justice;

(c) law reform;

(d) the use of drugs, including the manufacture, supply or distribution of drugs;

(e) the level or causes of crime or violent behaviour;

(f) road trauma;

(g) safety on roads and related matters.

(2) It is not a function of the Law Reform, Road and Community Safety Committee to inquire into, consider or report to the Parliament on any proposal, matter or thing concerned with—
14 Public Accounts and Estimates Committee

(1) The functions of the Public Accounts and Estimates Committee are—

(a) if so required or permitted under this Act, to inquire into, consider and report to the Parliament on—

(i) any proposal, matter or thing concerned with public administration or public sector finances;

(ii) the annual estimates or receipts and payments and other Budget papers and any supplementary estimates of receipts or payments presented to the Assembly and the Council;

(iii) audit priorities for the purposes of the Audit Act 1994;

(b) to monitor and review the performance of the duties and functions of the Victorian Inspectorate in respect of VAGO officers;

(c) to report to both Houses of the Parliament on any matter connected with the performance of the duties and functions of the Victorian Inspectorate in respect of VAGO officers that requires the attention of the Parliament;

(d) to examine any reports made by the Victorian Inspectorate in respect of VAGO officers;

(b) the functions conferred on the Committee under the Audit Act 1994 and Part V of the Constitution Act 1975.
(2) Despite anything to the contrary in subsection (1), the Public Accounts and Estimates Committee cannot—

(a) investigate a matter relating to particular conduct the subject of any report made by the Victorian Inspectorate in respect of VAGO officers;

(b) review any decision to investigate, not to investigate, or to discontinue the investigation of a particular complaint made to the Victorian Inspectorate in accordance with the Victorian Inspectorate Act 2011 in respect of a VAGO officer;

(c) review any findings, recommendations, determinations or other decisions of the Victorian Inspectorate in relation to a particular complaint made to, or investigation conducted by, the Victorian Inspectorate in accordance with the Victorian Inspectorate Act 2011 in respect of a VAGO officer;

(d) disclose any information relating to the performance of a duty or function or exercise of a power by the Victorian Inspectorate which may—

(i) prejudice any criminal investigation or criminal proceedings; or

(ii) prejudice an audit being conducted by the Auditor-General or an investigation being conducted by the IBAC or the Victorian Inspectorate; or

(iii) contravene any secrecy or confidentiality provision in any relevant Act.

S. 14(2) inserted by No. 82/2012 s. 223(2).
17 Scrutiny of Acts and Regulations Committee

The functions of the Scrutiny of Acts and Regulations Committee are—

(a) to consider any Bill introduced into the Council or the Assembly and to report to the Parliament as to whether the Bill directly or indirectly—

(i) trespasses unduly on rights or freedoms;

(ii) makes rights, freedoms or obligations dependent on insufficiently defined administrative powers;

(iii) makes rights, freedoms or obligations dependent on non-reviewable administrative decisions;

(iv) unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the **Privacy and Data Protection Act 2014**;

(v) unduly requires or authorises acts or practices that may have an adverse effect on privacy of health information within the meaning of the **Health Records Act 2001**;
(vi) inappropriately delegates legislative power;

(vii) insufficiently subjects the exercise of legislative power to parliamentary scrutiny;

(viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities;

(b) to consider any Bill introduced into the Council or the Assembly and to report to the Parliament—

(i) as to whether the Bill directly or indirectly repeals, alters or varies section 85 of the Constitution Act 1975, or raises an issue as to the jurisdiction of the Supreme Court;

(ii) if a Bill repeals, alters or varies section 85 of the Constitution Act 1975, whether this is in all the circumstances appropriate and desirable;

(iii) if a Bill does not repeal, alter or vary section 85 of the Constitution Act 1975, but an issue is raised as to the jurisdiction of the Supreme Court, as to the full implications of that issue;

(c) to consider any Act that was not considered under paragraph (a) or (b) when it was a Bill—

(i) within 30 days immediately after the first appointment of members of the Committee after the commencement of each Parliament; or

S. 17(a)(viii) inserted by No. 43/2006 s. 47(Sch. item 3.1).

S. 17(c) substituted by No. 44/2006 s. 18.
(ii) within 10 sitting days after the Act receives Royal Assent—
whichever is the later, and to report to the Parliament with respect to that Act or any matter referred to in those paragraphs;

(d) the functions conferred on the Committee by the Subordinate Legislation Act 1994;

(e) the functions conferred on the Committee by the Environment Protection Act 1970;

(f) the functions conferred on the Committee by the Co-operative Schemes (Administrative Actions) Act 2001;

(fa) the functions conferred on the Committee by the Charter of Human Rights and Responsibilities;

(g) to review any Act in accordance with the terms of reference under which the Act is referred to the Committee under this Act.

Division 2—Specific Purpose Committees

18 Specific Purpose Committees

There are such Specific Purpose Committees as are appointed by a resolution of the Council and the Assembly.

19 Term of Specific Purpose Committees

A Specific Purpose Committee holds office and may exercise all the powers conferred on it by any Act or by Parliament from the day of the resolution under which it was appointed and until—
(a) the dissolution or other lawful determination of the Assembly; or
(b) a day specified in a resolution of the Council and the Assembly—
whichever occurs first.

20 Functions of Specific Purpose Committees

The functions of a Specific Purpose Committee are the functions specified by the Council and the Assembly in the resolution under which it was appointed or in any later resolution.
Part 3—Constitution and procedure of Joint Investigatory Committees

Division 1—Constitution

21 Membership of Joint Investigatory Committees

(1) A Joint Investigatory Committee must consist of not less than 5 members and not more than 10 members of whom—

(a) at least 1 must be a member of the Legislative Assembly; and

(b) at least 1 must be a member of the Legislative Council.

(2) As soon as practicable after the commencement of each Parliament, the members of a Joint Investigatory Committee must be appointed according to the practice of Parliament relating to the appointment of members to joint select committees.

(3) A member of the Council or Assembly ceases to be a member of a Joint Investigatory Committee if—

(a) the member's seat becomes vacant; or

(b) the member resigns by writing delivered to the President and Speaker.

(4) If a vacancy occurs in the appointed members of a Joint Investigatory Committee, it must be filled upon motion in the usual manner provided that any requirements of this Act relating to representation on the Committee of members of the Council and of the Assembly are observed in the filling of the vacancy.
22 **Election of chairperson and deputy chairperson**

(1) A Joint Investigatory Committee must elect one of its members to be chairperson.

(2) A Joint Investigatory Committee may elect one of its members to be deputy chairperson.

(3) In the absence or illness of the chairperson, the deputy chairperson has all the powers, and may perform all the duties, of the chairperson.

### Division 2—Procedure

### 23 Quorum

(1) The quorum of a Joint Investigatory Committee is a majority of the members appointed to it.

### 24 Voting by members

(1) A question arising at a meeting of a Joint Investigatory Committee must be determined by a majority of votes of members present and voting on that question.

**Note**

A question of a kind referred to in section 28(5) or 32(1) that arises at a meeting must be determined unanimously by members present and voting on that question.

(2) Each member of a Joint Investigatory Committee has a deliberative vote.

(3) In the event of an equality of votes on any question, the chairperson of a Joint Investigatory Committee has a casting vote in addition to a deliberative vote.
25 Sittings

(1) Subject to this section, a Joint Investigatory Committee may sit and transact business—
   (a) at times (including times when either House of the Parliament is not actually sitting); and
   (b) in places in Victoria or elsewhere—that are convenient for the proper and speedy dispatch of business.

(2) If a House of the Parliament is actually sitting, a Joint Investigatory Committee must not sit—
   (a) except by leave of the House; and
   (b) in any place, other than a place that is within the Parliamentary precincts.

(3) Business may only be transacted at a meeting of a Joint Investigatory Committee if a quorum is present.

(4) Subject to subsection (5), a Joint Investigatory Committee may conduct all or any part of a meeting at which one or more members participate by audio link or audio visual link.

(5) A Joint Investigatory Committee may only use an audio link or audio visual link if—
   (a) the Joint Investigatory Committee has by a unanimous resolution approved the use of the audio link or audio visual link; and
   (b) the Joint Investigatory Committee is satisfied that the quality of the audio link or audio visual link will enable members who are present at a meeting to verify the identity of a member participating by the audio link or audio visual link.
26 Presence of members of Parliament and the public

(1) A Joint Investigatory Committee or a sub-committee may invite a member of the Council or the Assembly or a member of the public to be present for a specified purpose at the whole or a part of a particular meeting of the Committee.

(2) Only members of a Joint Investigatory Committee or sub-committee may vote on a question arising at a meeting of the Committee or sub-committee.

27 Public hearings

(1) A Joint Investigatory Committee may hold a public hearing on any proposal, matter or thing being inquired into or being considered by the Committee.

(2) A Joint Investigatory Committee may refuse to hear evidence at a public hearing that in the opinion of the Committee—

(a) is irrelevant to the proposal, matter or thing being inquired into or being considered by the Committee; or

(b) is unnecessary to be given because of other information at the disposal of the Committee.

(3) Unless both the Council and the Assembly otherwise resolve in relation to a particular case, a person or other body may not be represented by an Australian lawyer at a public hearing held by a Joint Investigatory Committee.

(4) A person (including an Australian lawyer) may give evidence on behalf of himself or herself or on behalf of a body of which the person is a member or an employee.

(5) Despite anything in this section, a Joint Investigatory Committee may deliberate in private.
28 Evidence

(1) A Joint Investigatory Committee has power to send for persons, documents and other things.

(2) Subject to subsection (3), a Joint Investigatory Committee must take all evidence in public.

(3) A Joint Investigatory Committee may take evidence in private if the Committee resolves that special circumstances make it desirable to take the evidence in private and for this purpose, part or whole of a public hearing may be held in private.

(3A) A Joint Investigatory Committee may take evidence in any manner that the Joint Investigatory Committee considers appropriate including by means of audio link, audio visual link or any other electronic means.

(3B) A Joint Investigatory Committee must determine what weight or value to give to evidence received by different means in accordance with subsection (3A).

(4) Without limiting or affecting the generality of section 19A of the Constitution Act 1975, evidence given before a Joint Investigatory Committee must, if the Committee so requires, be given on oath or affirmation.

(4A) An oath to be sworn or affirmation to be made by a witness who is to give evidence by audio link or audio visual link may be administered either—

(a) by means of the audio link or audio visual link, in as nearly as practicable the same way as if the witness were to give evidence at the place at which the Joint Investigatory Committee is sitting; or
(b) at the direction of, and on behalf of, the Joint Investigatory Committee at the place where the witness is located by a person authorised by the Joint Investigatory Committee.

(5) A Joint Investigatory Committee may empower a specified member or members of the Committee to send for persons, documents and other things and to take evidence with respect to any proposal, matter or thing which is referred to the Committee for consideration and report if the Committee unanimously agrees so to empower the member or members.

(6) When sending for persons, documents and other things or when taking evidence under subsection (5), a member of a Joint Investigatory Committee has all the privileges, immunities and powers of the Joint Investigatory Committee.

(7) A person who is required by a Joint Investigatory Committee to attend as a witness is, in prescribed circumstances, entitled to receive prescribed expenses.

(8) Any person may make a written submission to a Joint Investigatory Committee with respect to any proposal, matter or thing being inquired into or being considered by the Committee.

(9) A Joint Investigatory Committee must keep a record of all evidence given before it and determinations made by it.
29 Evidence may be considered by other Joint Investigatory Committees

If the term of a Joint Investigatory Committee ends before the Committee makes a report to the Parliament, evidence taken by the Committee may be considered by another Joint Investigatory Committee if the second-mentioned Committee has the same name or functions as the first-mentioned Committee.

30 Engagement of research staff

(1) Subject to authorisation by the President or the Speaker, a Joint Investigatory Committee may commission a person to investigate and report to the Joint Investigatory Committee on any aspect of a proposal, matter or thing being inquired into or being considered by the Committee.

(2) With the consent of the Premier, a Joint Investigatory Committee may make use of the services of an employee within the meaning of the Public Administration Act 2004 for the purpose of investigating and reporting to the Committee on any aspect of a proposal, matter or thing being inquired into or being considered by the Committee.

Division 3—Sub-committees

31 Appointment and procedures

(1) A Joint Investigatory Committee may appoint a sub-committee of at least 4 members, of whom one is appointed by the Committee as chairperson of the sub-committee.

(2) The quorum of a sub-committee is the majority of the members appointed to it.

(3) Business may only be transacted at a meeting of a sub-committee if a quorum is present.
(4) A question arising at a meeting of a sub-committee must be determined by a majority of votes of members present and voting on that question.

(5) Each member of a sub-committee has a deliberative vote.

(6) In the event of an equality of votes on any question, the chairperson of the sub-committee has a casting vote in addition to a deliberative vote.

32 Evidence and reporting

(1) A Joint Investigatory Committee may empower a specified member or members of the sub-committee to send for persons, documents and other things and to take evidence with respect to any proposal, matter or thing which is referred to the sub-committee for consideration and report if the Committee unanimously agrees so to empower the member or members.

(2) When taking evidence under subsection (1), a member of a sub-committee has all the privileges, immunities and powers of the Joint Investigatory Committee.

(3) A sub-committee, in relation to any proposal, matter or thing referred to it by a Joint Investigatory Committee for consideration and report has all the privileges, immunities and powers, (except the powers specified in section 30) of the Joint Investigatory Committee.

(4) A sub-committee must report to the Joint Investigatory Committee which may adopt a report of the sub-committee or reject its report or adopt its report with variations.
Part 4—Referrals, reports and responses

33 Referrals to Joint Investigatory Committees

(1) A Joint Investigatory Committee must inquire into, consider and report to the Parliament on any proposal, matter or thing that is relevant to its functions and has been referred to the Committee—

(a) by resolution of the Council or the Assembly; or

(b) by Order of the Governor in Council published in the Government Gazette.

(2) A resolution of the Council or the Assembly referred to in subsection (1)(a) may specify a period of time within which the Joint Investigatory Committee must make a final report to the Parliament on the proposal, matter or thing.

(3) A Joint Investigatory Committee may inquire into, consider and report to the Parliament on any annual report or other document relevant to the functions of the Committee that is laid before either House of the Parliament in accordance with an Act.

(4) In carrying out its functions, a Joint Investigatory Committee must—

(a) give priority before all other proposals, matters or things being inquired into or being considered by the Committee—

(i) first to those proposals, matters or things referred to it by resolution of the Council or the Assembly; and

(ii) second, to those proposals, matters or things referred to it by Order of the Governor in Council published in the Government Gazette; and
(b) comply with any limitation of time specified under subsection (2).

34 Interim reports, discussion papers, minority reports and draft Bills

(1) Before making a final report to the Parliament on any proposal, matter or thing, a Joint Investigatory Committee may—

(a) make one or more interim reports to the Parliament on the proposal, matter or thing; or

(b) publish a document in relation to the proposal, matter or thing.

(2) A Joint Investigatory Committee must include with a report made by it to the Parliament any minority report on behalf of a member of the Committee if so requested by the member.

(3) A Joint Investigatory Committee may include in any report made by it to the Parliament a draft Bill to give effect to those recommendations of the Committee that cannot be given effect to otherwise than by an Act.

(4) For the purposes of preparing a draft Bill under subsection (3), a Joint Investigatory Committee may, with the consent of the Minister administering the relevant Department, make use of the services of any employee in the Department.

35 Reports before Parliament

(1) After a report of a Joint Investigatory Committee is adopted by the Committee, the chairperson of the Committee must—

(a) cause the report to be laid before each House of the Parliament within 10 sitting days; or
(b) if the Parliament is not sitting within 21 days of the adoption of the report and the Committee unanimously so resolves, give the report to the clerk of each House.

(2) If a report is received by the clerk of a House under subsection (1)(b), the clerk must—

(a) as soon as practicable after the report is received, notify each member of the House of the receipt of the report and advise that the report is available upon request; and

(b) give a copy of the report to any member of the House upon request to the clerk; and

(c) cause the report to be laid before the House on the next sitting day of the House.

(3) A report that is given to the clerks under subsection (1)(b) is taken to have been published by order, or under the authority, of the Houses of the Parliament.

36 Government responses

(1) If a Joint Investigatory Committee's report to the Parliament recommends that the Government take a particular action with respect to a matter, within 6 months of the report being laid before both Houses of the Parliament or being received by the clerks of both Houses of the Parliament, the appropriate responsible Minister must provide the Parliament with a response to the Committee's recommendations.

(1A) If a House of the Parliament is not sitting within the period specified in subsection (1), the appropriate responsible Minister must give a response to the report to the clerk of each House.
(2) If a response is received by the clerk of a House under subsection (1A), the clerk must—

(a) as soon as practicable after the response is received, notify each member of the House of the receipt of the response and advise that the response is available upon request; and

(b) give a copy of the response to any member of the House upon request to the clerk; and

(c) cause the response to be laid before the House on the next sitting day of the House.

(3) A response that is given to the clerks under subsection (1A) is taken to have been published by order, or under the authority, of the Houses of the Parliament.

37 Submissions and reports of investigations to be published

(1) Subject to subsection (2), if a member of the public so requests and a Joint Investigatory Committee is not of the opinion that special circumstances exist that make it undesirable to do so, a Joint Investigatory Committee must make available to the member of the public—

(a) a copy of any written evidence, or a transcript of any oral evidence, given to the Committee; or

(b) a copy of the report of any investigation carried out under section 30; or

(c) a copy of any determination made by the Committee.

(2) A Joint Investigatory Committee must not make available a document referred to in subsection (1) if the document contains evidence which at the time that it was given to the Committee, the Committee informed the person giving the
Part 4—Referrals, reports and responses

evidence that it is received by the Committee on the basis that it remain private.

(3) A Joint Investigatory Committee may charge a member of the public a reasonable sum for a copy of a document that does not exceed the cost of making the document available.

37A Evidence given in private under section 28(3)

(1) Section 37(1) applies to the publishing of evidence given in private under section 28(3) if the Committee has informed the person giving the evidence that it is received by the Committee on the basis that it will be made public.

(2) Section 37(2) applies to the publishing of evidence given in private under section 28(3) if the Committee has informed the person giving the evidence that it is received by the Committee on the basis that it remain private.
Part 5—The House Committee

Division 1—House Committee

38 Establishment of the House Committee

There is established by this Act a joint committee of the Council and the Assembly to be called the House Committee.

39 Term of the House Committee

The House Committee holds office and may exercise all the powers conferred on it by any Act or by Parliament for the Parliament during which its members are appointed and until the dissolution or other lawful determination of the Assembly.

40 Functions of the House Committee

(1) The functions of the House Committee are—

(a) to manage the refreshment rooms and the Parliament gardens; and

(b) to manage the maintenance, renewal and extension of the Parliament buildings; and

(c) to advise the Speaker and, if appropriate, the President on the management of Parliamentary services, including any thing concerned with information technology.

(2) The Department of Parliamentary Services of the Parliament and the Secretary of that Department must provide the House Committee with any assistance and services that the House Committee requires to enable it to carry out its functions.
41 Membership of the House Committee

(1) The House Committee consists of—
   (a) the President and the Speaker; and
   (b) 5 members of the Council; and
   (c) 6 members of the Assembly.

(2) As soon as practicable after the commencement of each Parliament, the members of the House Committee (other than the President and the Speaker) must be appointed according to the practice of Parliament relating to the appointment of members to select committees.

(3) A member of the Council or Assembly ceases to be a member of the House Committee if—
   (a) the member's seat becomes vacant; or
   (b) the member resigns by writing delivered to the President and Speaker.

(4) If a vacancy occurs in the appointed members of the House Committee, it must be filled upon motion in the usual manner provided that any requirements of this Act relating to representation on the House Committee of members of the Council and of the Assembly are observed in the filling of the vacancy.

42 Procedure of the House Committee

(1) The House Committee may elect either the President or the Speaker to be chairperson.

(1A) The deputy chairperson of the House Committee is the President or the Speaker, if he or she is not chairperson.

(2) In the absence or illness of the chairperson, the deputy chairperson has all the powers, and may perform all the duties, of the chairperson.
(3) The quorum of the House Committee is 7 members.

(4) A quorum of the House Committee must not consist exclusively of members of the Council or the Assembly.

(5) A question arising at a meeting of the House committee must be determined by a majority of votes of members present and voting on that question.

(6) Each member of the House Committee has a deliberative vote.

* * * * *
Part 6—General

45 Discussions on functioning of Joint Investigatory Committees

(1) There is established by this Act a committee consisting of the President, the Speaker and the chairperson of each Joint Investigatory Committee.

(2) The committee established under this section or any 2 or more chairpersons of a Joint Investigatory Committee may meet and hold discussions with a view to securing the more efficient functioning of Joint Investigatory Committees generally, or any one or more of those Committees in particular, and to avoid the duplication by one Committee of the work of another Committee.

(3) For any purpose referred to in subsection (2), the chairperson of a Joint Investigatory Committee may disclose to the committee established under this section, or to any other chairperson of a Joint Investigatory Committee—

(a) any evidence taken by the Joint Investigatory Committee; or

(b) any document presented to the Joint Investigatory Committee; or

(c) any proceeding or report of the Joint Investigatory Committee—irrespective of whether that evidence, document, proceeding or report has been reported to the Parliament.

46 Expenditure of Joint Investigatory Committees

Except as otherwise provided in this Act, any expenditure incurred by or on behalf of a Joint Investigatory Committee that is authorised and
certified by the President or the Speaker, must be paid from the Consolidated Fund which is appropriated by this section to the necessary extent.

* * * * *

50 Application of parliamentary privilege

(1) The proceedings of a Joint Investigatory Committee or any recommendations or reports made by a Joint Investigatory Committee or any documents published by a Joint Investigatory Committee—

(a) do not give rise to a cause of action in law;

(b) must not be the subject of, or in any way be called into question in, a proceeding before a court, tribunal, Royal Commission, Board of Inquiry or Formal Review.

(2) In this section—

Board of Inquiry has the same meaning as in the Inquiries Act 2014;

Formal Review has the same meaning as in the Inquiries Act 2014;

Royal Commission means—

(a) a Royal Commission established under the Inquiries Act 2014; or

(b) a Royal Commission established under the prerogative of the Crown.

51 Supreme Court—limitation of jurisdiction

(1) It is the intention of section 50 to alter or vary section 85 of the Constitution Act 1975.
(2) It is the intention of section 50, as it has effect on and after the commencement of sections 38 and 39 of the Parliamentary Administration Act 2005, to alter or vary section 85 of the Constitution Act 1975.

52 Regulations

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed for carrying out or giving effect to this Act.
### Part 8—Parliamentary Committees Amendment Act 2013

#### 65 Definitions

In this Part—

*Amendment Act* means the *Parliamentary Committees Amendment Act 2013*;

*commencement date* means 1 August 2013;

*former committee* means a committee established under this Act as in force immediately before the commencement date specified in column 1 of the Table;

*successor committee*, in relation to a former committee, means the committee specified in column 2 of the Table opposite the former committee.

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<tr>
<th>Column 1</th>
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<tbody>
<tr>
<td><strong>Former committee</strong></td>
<td><strong>Successor committee</strong></td>
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<tr>
<td>Drugs and Crime Prevention Committee</td>
<td>Law Reform, Drugs and Crime Prevention Committee</td>
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<tr>
<td>Economic Development and Infrastructure Committee</td>
<td>Economic Development, Infrastructure and Outer Suburban/Interface Services Committee</td>
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<tr>
<td>Law Reform Committee</td>
<td>Law Reform, Drugs and Crime Prevention Committee</td>
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</table>
66 Savings and transitional provisions

(1) Despite the amendment of this Act by the Amendment Act—

(a) a successor committee is deemed to be the same body as the former committee;

(b) except as expressly provided in this section, all persons, things and circumstances appointed or created by or under this Act or existing or continuing under this Act immediately before the commencement date continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if this Act had not been amended by the Amendment Act.

(2) On the commencement date—

(a) a member of a former committee ceases to be a member of the former committee and does not become a member of the successor committee unless he or she has been appointed to be a member of the successor committee;

(b) a sub-committee of a former committee ceases to exist.

(3) Despite subsection (1)—

(a) a resolution by a former Committee to use an audio or audio visual link under section 25(5); or
(b) an invitation to a member of the Council or the Assembly or to a member of the public under section 26(1) to be present at a meeting of a former Committee; or

(c) a requirement under section 28(1) by a former Committee to attend or produce a document or thing; or

(d) the empowerment of a specified member or members of a former Committee under section 28(5)—

cesses to have any effect on the commencement date.
Part 9—Parliamentary Committees and Inquiries Acts Amendment Act 2015

67 Definitions

In this Part—

*commencement day* means the day after the day on which the Parliamentary Committees and Inquiries Acts Amendment Act 2015 receives the Royal Assent;

*former committee* means a committee established by this Act, as in force immediately before the commencement day, that is specified in column 1 of the Table;

*successor committee*, in relation to a former committee, means the committee established by this Act that is specified in column 2 of the Table opposite the former committee.

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<td>Education and Training Committee</td>
<td>Economic, Education, Jobs and Skills Committee</td>
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<td>Environment and Natural Resources Committee</td>
<td>Environment, Natural Resources and Regional Development Committee</td>
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<td>Law Reform, Drugs and Crime Prevention Committee</td>
<td>Law Reform, Road and Community Safety Committee</td>
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<td>Road Safety Committee</td>
<td>Law Reform, Road and Community Safety Committee</td>
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<tr>
<td>Rural and Regional Committee</td>
<td>Environment, Natural Resources and Regional Development Committee</td>
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</tbody>
</table>

Pt 9 (Heading and ss 67, 68) inserted by No. 10/2015 s. 11.

S. 67 inserted by No. 10/2015 s. 11.
68  Transitional provisions

(1) On the commencement day—

(a) a member of a former committee becomes a member of the successor committee; and

(b) a sub-committee of a former committee becomes a sub-committee of the successor committee.

(2) A referral to a former committee under section 33 that is current immediately before the commencement day continues in force, on and after that day, as if it were a referral to the successor committee.

(3) For the purposes of subsection (2), a referral is current if the former committee has not made a final report to the Parliament on the proposal, matter or thing referred.

(4) On and after the commencement day—

(a) a resolution by a former committee to use an audio or audio visual link under section 25(5) that was in force immediately before that day continues in force as if it were a resolution of the successor committee; and

(b) an invitation to a member of the Council or the Assembly or to a member of the public under section 26(1) to be present at a meeting of a former committee or a sub-committee of a former committee that was in force immediately before that day continues in force as if it were an invitation by the successor committee or a sub-committee of the successor committee; and
(c) a requirement under section 28(1) by a former committee to attend or produce a document or thing that was in force immediately before that day continues in force as if it were a requirement by the successor committee; and

(d) the empowerment of a specified member or members of a former committee under section 28(5) that was in force immediately before that day continues in force as if it were an empowerment of the member or members by the successor committee.

(5) A reference in any Act (other than this Act), subordinate instrument, agreement, deed or other document to a former committee must be construed as a reference to the successor committee—

(a) so far as the reference relates to any period on or after the commencement day; and

(b) if not inconsistent with the subject matter.
Endnotes

1 General information


Minister's second reading speech—

Legislative Assembly: 6 November 2003
Legislative Council: 2 December 2003

The long title for the Bill for this Act was "to establish certain parliamentary committees, to set out the functions, powers and procedures of certain parliamentary committees and to repeal the Parliamentary Committees Act 1968 and for other purposes."

The Parliamentary Committees Act 2003 was assented to on 9 December 2003 and came into operation on 10 December 2003: section 2.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

• Headings

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).
• **Examples, diagrams or notes**
All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

• **Punctuation**
All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

• **Provision numbers**
All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

• **Location of "legislative items"**
A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

• **Other material**
Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).
2 Table of Amendments

This publication incorporates amendments made to the Parliamentary Committees Act 2003 by Acts and subordinate instruments.

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- **Assent Date:** 21.12.04
- **Commencement Date:** S. 117(1)(Sch. 3 item 148) on 5.4.05: Government Gazette 31.3.05 p. 602
- **Current State:** This information relates only to the provision/s amending the Parliamentary Committees Act 2003

**Legal Profession (Consequential Amendments) Act 2005, No. 18/2005**
- **Assent Date:** 24.5.05
- **Commencement Date:** S. 18(Sch. 1 item 77) on 12.12.05: Government Gazette 1.12.05 p. 2781
- **Current State:** This information relates only to the provision/s amending the Parliamentary Committees Act 2003

**Parliamentary Administration Act 2005, No. 20/2005**
- **Assent Date:** 24.5.05
- **Commencement Date:** Ss 38, 39, 42 on 25.5.05: s. 2(1); ss 40, 41 on 17.7.05: s. 2(4)
- **Current State:** This information relates only to the provision/s amending the Parliamentary Committees Act 2003

**Charter of Human Rights and Responsibilities Act 2006, No. 43/2006**
- **Assent Date:** 25.7.06
- **Commencement Date:** S. 47(Sch. item 3) on 1.1.07: s. 2(1)
- **Current State:** This information relates only to the provision/s amending the Parliamentary Committees Act 2003

**Electoral and Parliamentary Committees Legislation (Amendment) Act 2006, No. 44/2006**
- **Assent Date:** 25.7.06
- **Commencement Date:** Ss 17–22 on 26.7.06: s. 2
- **Current State:** This information relates only to the provision/s amending the Parliamentary Committees Act 2003

**Parliamentary Legislation Amendment Act 2007, No. 4/2007**
- **Assent Date:** 20.3.07
- **Commencement Date:** Ss 3–8 on 21.3.07: s. 2
- **Current State:** This information relates only to the provision/s amending the Parliamentary Committees Act 2003

**Parliamentary Committees Amendment Act 2011, No. 7/2011**
- **Assent Date:** 12.4.11
- **Commencement Date:** Ss 3, 4 on 13.4.11: s. 2
- **Current State:** All of Act in operation
Regional Growth Fund Act 2011, No. 8/2011

Assent Date: 12.4.11
Commencement Date: S. 16 on 1.6.11: Special Gazette (No. 150) 17.5.11 p. 1
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003


Assent Date: 29.11.11
Commencement Date: Ss 38–40 on 1.7.12: s. 2(2)
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Victorian Inspectorate Act 2011, No. 70/2011

Assent Date: 29.11.11
Commencement Date: S. 44 on 1.7.12: s. 2(2)
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012, No. 6/2012

Assent Date: 6.3.12
Commencement Date: Ss 48, 49 on 7.11.12: Special Gazette (No. 373) 7.11.12 p. 1
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003


Assent Date: 20.3.12
Commencement Date: S. 10 on 10.2.13: Special Gazette (No. 32) 6.2.13 p. 1
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Integrity and Accountability Legislation Amendment Act 2012 No. 82/2012

Assent Date: 18.12.12
Commencement Date: Ss 221–223, 259, 260 on 10.2.13: Special Gazette (No. 32) 6.2.13 p. 2
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Protected Disclosure Act 2012 No. 85/2012

Assent Date: 18.12.12
Commencement Date: S. 143 on 10.2.13: Special Gazette (No. 32) 6.2.13 p. 2
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003
Parliamentary Committees Act 2003
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Parliamentary Committees Amendment Act 2013, No. 29/2013
Assent Date: 15.5.13
Commencement Date: 1.8.13: s. 2
Current State: All of Act in operation

Parliamentary and Public Administration Legislation Amendment Act 2013, No. 37/2013
Assent Date: 18.6.13
Commencement Date: S. 19 on 1.7.13: s. 2
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Statute Law Revision Act 2013, No. 70/2013
Assent Date: 19.11.13
Commencement Date: S. 3(Sch. 1 item 40) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Assent Date: 25.3.14
Commencement Date: S. 160(Sch. 2 item 69) on 1.7.15: Special Gazette (No. 151) 16.6.15 p. 1
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Privacy and Data Protection Act 2014, No. 60/2014
Assent Date: 2.9.14
Commencement Date: S. 140(Sch. 3 item 34) on 17.9.14: Special Gazette (No. 317) 16.9.14 p. 1
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Inquiries Act 2014, No. 67/2014
Assent Date: 23.9.14
Commencement Date: Ss 136, 137 on 15.10.14: Special Gazette (No. 364) 14.10.14 p. 2
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003

Parliamentary Committees and Inquiries Acts Amendment Act 2015, No. 10/2015
Assent Date: 21.4.15
Commencement Date: Ss 3–11 on 22.4.15: s. 2
Current State: This information relates only to the provision/s amending the Parliamentary Committees Act 2003
### Regional Development Victoria Amendment (Jobs and Infrastructure) Act 2015, No. 18/2015

- **Assent Date:** 2.6.15
- **Commencement Date:** S. 17 on 1.7.15: Special Gazette (No. 183) 30.6.15 p. 2
- **Current State:** This information relates only to the provision/s amending the *Parliamentary Committees Act 2003*

### Statute Law Revision Act 2015, No. 21/2015

- **Assent Date:** 16.6.15
- **Commencement Date:** S. 3(Sch. 1 item 37) on 1.8.15: s. 2(1)
- **Current State:** This information relates only to the provision/s amending the *Parliamentary Committees Act 2003*
3 Amendments Not in Operation

Not updated for this publication.
4 Explanatory details

No entries at date of publication.