

APPENDIX 2

ECONOMIC INCLUSION ADVISORY COMMITTEE ACT 2023





Economic Inclusion Advisory Committee Act 2023

No. 112, 2023

An Act to establish the Economic Inclusion Advisory Committee, and for related purposes

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Economic Inclusion Advisory Committee Act 2023

No. 112, 2023

An Act to establish the Economic Inclusion Advisory Committee, and for related purposes

[Assented to 8 December 2023]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the *Economic Inclusion Advisory Committee Act 2023*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	9 December 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Simplified outline of this Act

There is to be an Economic Inclusion Advisory Committee.

The Committee's function is to give a written report to the Joint Ministers, ahead of each Commonwealth Government budget, on matters related to the Commonwealth Government's policies, programs and responsibilities for enhancing economic inclusion and participation.
The Committee is to consist of up to 14 part-time members, including a Chair, appointed by the Minister for terms of up to 3 years.
This Act is to be reviewed every 5 years.

4 Definitions

In this Act:

Chair means the Chair of the Committee.

Committee means the Economic Inclusion Advisory Committee established by section 7.

Indigenous person means a person who is:

- (a) a member of the Aboriginal race of Australia; or
- (b) a descendant of an Indigenous inhabitant of the Torres Strait Islands.

Joint Ministers means the Minister and the Treasurer.

5 Functions or powers of Joint Ministers

If this Act gives a function or a power to the Joint Ministers, the function or power is to be performed or exercised by both Ministers jointly.

Part 2—Economic Inclusion Advisory Committee

Division 1—Introduction

6 Simplified outline of this Part

This Part establishes the Economic Inclusion Advisory Committee.

The Committee's function is to give a written report to the Joint Ministers, ahead of each Commonwealth Government budget, on matters related to the Commonwealth Government's policies, programs and responsibilities for enhancing economic inclusion and participation.

There are provisions providing for the appointment of the members of the Committee and for the terms and conditions of those members.

Committee members must include an academic social security expert and an economist, as well as members representing a range of organisations that advocate for, or provide services to, persons affected by the matters on which the Committee is to provide advice.

Committee members are not remunerated, but may be paid allowances.

The Committee is to hold meetings, as necessary, for the performance of its function.

Division 2—Committee establishment and function

7 Establishment of Economic Inclusion Advisory Committee

The Economic Inclusion Advisory Committee is established by this section.

8 Committee's function—reports ahead of Commonwealth Government budgets

- (1) The Committee's function is to give a written report to the Joint Ministers ahead of each Commonwealth Government budget.

Contents of report

- (2) The report must consist of advice prepared by the Committee about one or more of the following matters as they relate to the policies, programs and responsibilities of the Commonwealth Government:
 - (a) economic inclusion, including approaches to boost economic participation through the following:
 - (i) policy settings, systems and structures in the social security system;
 - (ii) other relevant programs and policies;
 - (b) the adequacy, effectiveness and sustainability of income support payments, including options to boost economic inclusion and tackle disadvantage;
 - (c) options to reduce barriers and disincentives to work, including in relation to social security and employment services;
 - (d) options for tailored responses to address barriers to economic inclusion for long term unemployed and disadvantaged groups, including place-based approaches at the local level, having regard to the split between Commonwealth, State, Territory and local government responsibilities;
 - (e) the impact of economic inclusion policies on people with barriers to work, including (without limitation) the following:
 - (i) people with caring responsibilities;
 - (ii) Indigenous persons;
 - (iii) people with disability;
 - (f) the impact of economic inclusion policies on gender equality;
 - (g) the trends of inequality markers in Australia and international comparisons.
- (3) In preparing the report, the Committee must have regard to the following matters:
 - (a) the Commonwealth Government's economic and fiscal outlook and fiscal strategy;
 - (b) workforce participation;
 - (c) relevant Commonwealth Government policies;
 - (d) the long-term sustainability of the social security system.
- (4) The Committee must demonstrate in the report how the Committee had regard to those matters.

Timing of report

- (5) The Committee must give the report at a time that allows adequate time for the Joint Ministers to consider the report before the Commonwealth Government budget is delivered in the House of Representatives.

Direction by Joint Ministers

- (6) The Joint Ministers may, by written notice to the Chair, direct the Committee to ensure that a particular report under this section at least addresses specified matters mentioned in subsection (2).
- (7) The Committee must comply with any direction given under subsection (6).
- (8) A direction under subsection (6) is not a legislative instrument.

Publication

- (9) The Minister must, in relation to a report given by the Committee under this section, cause the Committee's findings to be published on the Department's website at least 14 days before the Commonwealth Government budget is delivered in the House of Representatives.

9 Committee's powers

The Committee has power to do all things necessary or convenient to be done for, or in connection with, the performance of its function.

Division 3—Committee members

10 Number of Committee members

The Committee consists of the following members:

- (a) a Chair;
- (b) up to 13 other members.

11 Appointments

- (1) The Chair and other members of the Committee are to be appointed by the Minister by written instrument, on a part-time basis.

Note: A member may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

Membership requirements

- (2) In appointing the Chair and other members of the Committee, the Minister must ensure that each member is one of the following and that there is at least one of each of the following:
 - (a) an academic expert in social security;
 - (b) an economist;
 - (c) a representative of an organisation which advocates, or which consists of individuals with lived experience, in relation to a matter relevant to the performance of the Committee's function;
 - (d) a representative of the community sector involved in assisting or supporting persons who are economically disadvantaged;
 - (e) a representative of a trade union or a peak trade union body;
 - (f) a representative of an employer or business association or a peak employer or business association.
- (3) The Minister must also:
 - (a) ensure that at least one of those members is an Indigenous person; and
 - (b) have regard to the desirability of the membership of the Committee reflecting the diversity of the general community.

12 Term of appointments

A member of the Committee holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

Note: A member may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

13 Acting appointments

Appointment to act during vacancy

- (1) The Minister may, by written instrument, appoint a person to act as the Chair, for a specified period of not more than 12 months, during a vacancy in the office of the Chair, whether or not an appointment has previously been made to the office.
- (2) The Minister may, by written instrument, appoint a person to act as a member of the Committee other than the Chair, for a specified period of not more than 150 days, during a vacancy in the office of a member of the Committee other than the Chair, whether or not an appointment has previously been made to the office.

Appointment to act during absence etc.

- (3) The Minister may, by written instrument, appoint a person to act as a member of the Committee during any period, or during all periods, when a member of the Committee:
 - (a) is absent from duty or from Australia; or
 - (b) is, for any reason, unable to perform the duties of the office.

Acting appointment requirements

- (4) Subsections 11(2) and (3) (membership requirements) apply in relation to the appointment of a person under this section in the same way as they apply to the appointment of a person under subsection 11(1).

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

14 Allowances

- (1) A member of the Committee is not to be paid any remuneration.
- (2) However, a member of the Committee is to be paid the allowances that are prescribed by the regulations.
- (3) The office of a member of the Committee is not a public office within the meaning of the *Remuneration Tribunal Act 1973*.

15 Leave of absence

Chair

- (1) The Minister may grant leave of absence to the Chair on the terms and conditions that the Minister determines.

Other members

- (2) The Chair may grant leave of absence to another member of the Committee on the terms and conditions that the Chair determines.
- (3) The Chair must notify the Minister if the Chair grants another member of the Committee leave of absence for a period that exceeds 3 months.

16 Disclosure of interests to Joint Ministers

A member of the Committee must give written notice to the Joint Ministers of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's functions.

17 Disclosure of interests to Committee

- (1) A member of the Committee who has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by the Committee must disclose the nature of the interest to a meeting of the Committee.
- (2) The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge.
- (3) Unless the Committee otherwise determines, the member:
 - (a) must not be present during any deliberation by the Committee on the matter; and
 - (b) must not take part in any decision of the Committee with respect to the matter.
- (4) For the purposes of making a determination under subsection (3), the member:
 - (a) must not be present during any deliberation of the Committee for the purpose of making the determination; and
 - (b) must not take part in making the determination.

18 Resignation of appointment

- (1) A member of the Committee may resign the member's appointment by giving the Joint Ministers a written resignation.
- (2) The resignation takes effect on the day it is received by the Joint Ministers or, if a later day is specified in the resignation, on that later day.

19 Termination of appointment

- (1) The Minister may terminate the appointment of a member of the Committee:
 - (a) for misbehaviour; or
 - (b) if the member is unable to perform the duties of the member's office because of physical or mental incapacity.
- (2) The Minister may terminate the appointment of a member of the Committee if:
 - (a) the member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with the member's creditors; or
 - (b) the member is absent, except on leave of absence, from 3 consecutive meetings of the Committee; or
 - (c) the member fails, without reasonable excuse, to comply with section 16 (disclosure of interests to Joint Ministers) or section 17 (disclosure of interests to Committee).
- (3) The Minister may terminate the appointment of a member of the Committee if the Minister is satisfied that, because of a change of circumstances occurring after the member's appointment, the member is no longer a representative of the kind covered by subsection 11(2).

20 Other terms and conditions

A member of the Committee holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

Division 4—Committee’s operation

21 Holding meetings

The Committee must hold such meetings as are necessary for the efficient performance of its function.

22 Quorum

- (1) At a meeting of the Committee, a quorum is constituted by 7 members.
- (2) However, if:
 - (a) because of the operation of section 17, a member of the Committee is not present during deliberation by the Committee on a matter; and
 - (b) when the member of the Committee leaves the meeting concerned there is no longer a quorum present;

the remaining members of the Committee at the meeting constitute a quorum for the purpose of deliberation or decision at that meeting with respect to that matter.

23 Conduct of meetings

The Committee may, subject to this Division, regulate proceedings at its meetings as it considers appropriate.

Note: Section 33B of the *Acts Interpretation Act 1901* contains further information about the ways in which Committee members may participate in meetings.

24 Departmental Secretary and Treasury Secretary to attend meetings and provide advice or assistance

- (1) The following persons are to attend each meeting of the Committee:
 - (a) the Secretary of the Department administered by the Minister;
 - (b) the Secretary of the Department of the Treasury.
- (2) The Secretary of a Department mentioned in subsection (1) may nominate an SES employee, or an acting SES employee, in that Department to attend a particular meeting of the Committee instead of that Secretary.
- (3) The Secretary of a Department mentioned in subsection (1) or a nominee under subsection (2):
 - (a) may provide any reasonable advice or assistance requested by the Chair for the purposes of the performance of the Committee’s function; but
 - (b) must not take part in any decision of the Committee about matters or advice to be included by the Committee in a report under section 8.

24A Joint Ministers to attend meetings and provide advice or assistance

- (1) The Minister is to attend 1 meeting of the Committee each financial year.
- (2) The Treasurer is to attend 1 meeting of the Committee each financial year.
- (3) The Joint Ministers:
 - (a) may provide any reasonable advice or assistance requested by the Chair for the purposes of the performance of the Committee’s function; but
 - (b) must not take part in any decision of the Committee about matters or advice to be included by the Committee in a report under section 8.

Part 3—Other matters

25 Simplified outline of this Part

This Part deals with the staff who are to assist the Committee, the decisions of the Minister that require consultation with the Treasurer, periodic reviews of this Act and the making of regulations.

26 Staffing

The staff required to assist the Committee are to be APS employees made available for the purpose by:

- (a) the Secretary of the Department administered by the Minister; or
- (b) the Secretary of the Department of the Treasury.

27 Minister to consult the Treasurer

The Minister must consult the Treasurer before the Minister does the following:

- (a) appoints a member of the Committee under section 11;
- (b) appoints a person to act as a member of the Committee under section 13;
- (c) terminates the appointment of a member of the Committee under section 19;
- (d) agrees to the persons who are to undertake a review under section 28.

28 Periodic reviews of the operation of this Act

- (1) The Minister must cause independent reviews to be conducted of the operation of this Act.
- (2) The persons who are to undertake a review must be agreed between the Minister and the Chair.
- (3) Without limiting subsection (1), a review must consider whether the Committee is carrying out its function effectively.

First review

- (4) The first review under subsection (1) must be completed within 3 years after the commencement of this section.

Later reviews

- (5) Each later review under subsection (1) must be completed within 5 years after the completion of the previous review.

Report of a review

- (6) The persons undertaking a review must give the Minister a written report of the review no later than 6 months after the review starts.
- (7) The Minister must give a copy of the report to the Chair as soon as practicable after receiving the report.
- (8) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.

29 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

*[Minister's second reading speech made in—
House of Representatives on 19 October 2023
Senate on 4 December 2023]*

(127/23)