

Address by
His Excellency the Honourable Bill Hayden, AC
Governor-General of the Commonwealth of Australia
on the occasion of a dinner for the Conference
Senate Committees and Responsible Government

Canberra, Wednesday, October 3rd 1990

May I say at once how pleased I am - if a little apprehensive - that you have invited me here tonight to join you for this dinner and to speak at the conclusion of your Conference on *Senate Committees and Responsible Government*. Apprehensive, if only because by tradition after-dinner speeches are meant to be light and humorous affairs, rather like a dessert.

I know that you have already had a heavy day of discussion on the topic. And yet, to be frank with you, whatever else may be said about Senate Committees they have never been regarded as terribly amusing by those witnesses, ministers or public servants called to give evidence before them. Important, yes. To be taken seriously, of course. An invaluable source of information, advice and sometimes unwelcome scrutiny, certainly. But as an entertainment, no.

In any case, I am doubtful whether as Governor-General, or as a Member of the House of Representatives for twenty-seven years, it would be considered proper for me, in front of this audience, to make light at the expense of the Senate - the third component of the Australian federal Parliament - and one very conscious of its role and traditions as a House of Review.

But having said that, and apologised in advance for the scarcity of many jokes, let me go on to say what a pleasure it is for me to be with you tonight among so many old friends and colleagues.

I don't often come to the Parliament any more. Indeed, I had no sooner moved into my office here in this vast new building two years ago, when my appointment as Governor-General was announced and I immediately had to move out again. I had no chance at all to find my way around the labyrinthine corridors. And so I dare say it's just as well, on those few occasions when I return in my present job, that ceremony requires I be escorted by the Usher of the Black Rod and various other male and female attendants - some of them from time to time, including my own staff, wearing swords. I assume it is to ensure that I don't get lost, rather than any risk that I might cut and run for it.

And yet as a parliamentarian, and as one who throughout my public life has been committed to the concept of responsible parliamentary government, the purpose of today's Conference and this dinner is one that I hold in very high esteem. For it is to commemorate the twentieth anniversary of the establishment of the Senate's Legislative and General Purpose Standing Committees, and also of the Estimates Committees - as distinct from the select committees set up from time to time to examine specific references.

However daunting these permanent committees may sometimes appear to those called before them (and I daresay sometimes even to those who serve on them), there is general agreement that by and large their contribution to what has been

called the 'watchdog' role of the Parliament has been extremely important, both to the Senate and the institution as a whole.

It's true enough that there was some scepticism when the standing committees were established twenty years ago. I know that the party of which I was a member and our Senate Leader, Senator Murphy as he then was, were very strong supporters of the innovation - although I seem to recall some cautionary voices whispering at the time: 'Lionel, don't do it!' But a right once asserted and used is very difficult to unassert and withdraw. This is especially so in a parliamentary context where precedent counts, and where the competing forces between the parties and between the houses for the exercise and limitation of power, are in a constant state of change and evolution.

This is a time, in fact, when we hear a great deal about what is sometimes called 'the decline of Parliament' - of the pre-eminence of the executive, the bureaucracy and the party system, and of the corresponding loss of independence by the backbench. And yet as I remarked when I was here just under eighteen months ago to open a conference of Australian Delegated Legislation Committees, it is through the committee system - Standing as well as Select - that the life and work of the parliamentary institution continues vigorously and unabated.

I think we are all aware that many - perhaps most - members of the public are under the impression that the *only* function of Parliament is to debate and vote on legislation, and who are consequently dismayed when they come here to see half-empty chambers at other than question time. But as you well know, the legislative function is only the part of it, and the parliamentary ritual only the most visible part of it for Members and Senators. The far greater part of the work is done *outside* the chambers. There is ministerial or 'shadow' ministerial policy and administrative work; interviews and requests on behalf of constituents; the endless travelling to keep in touch with the electorate; the demands of parliamentary and party committee enquiries. And even with the legislative program, on most important issues today the *real* debate is conducted in the party forums with pre-determined positions translated to the chambers.

This is not to denigrate the public role of Parliament as a place where the logic and the merit of both policies and personalities may be questioned and tested - and even in the Senate, where majorities can fluctuate, as a place for persuasion, if I may use that polite expression. These functions are still of the greatest importance within the Westminster system of responsible government.

But it is to suggest that with the development of the committee system, and especially of the standing committees over the past two decades - first in the Senate and latterly in the House of Representatives - the focus of some of Parliament's most constructive and useful work has tended to shift. To shift, that is to say, away from the adversarial arena of the two chambers, where one is usually trying like mad to gain the attention of the media and one's political colleagues (or not, as the case may be), to the more considered and often bi-partisan atmosphere of the committee rooms. Or generally so. If there is one cautionary note I would sound this evening, it is of the need for members to resist any temptation to misuse the very great powers of the committees at the expense of witnesses who usually are at a disadvantage. Politics, under our system, is for politicians; and responsibility is assumed by ministers. Fortunately, most members acknowledge this and fulfill their committee obligations conscientiously: to pursue issues at length; to examine evidence not merely on details

of policy and administration but, perhaps of equal if not surpassing importance, on many general questions of great public moment.

I was interested to notice that over the past two decades only about twenty-five bills have been referred to the Senate standing committees for report - although I am aware that new procedures introduced only this year will enable much more legislation to be referred under recommendation from the Referral of Bills Committee. Even so, during those same twenty years the standing committees have produced some 287 reports on general issues of the greatest significance to Australians. Just taking a few at random from the current list, I see that the Senate committees are enquiring into the Australian tourism industry, the employment of people with disabilities, Australia's relations with India, the implications for Australia and the region of economic and political reform in the Soviet Union, debt recovery and, of particular interest I think, the cost of legal services and litigation.

In the House of Representatives, if I may refer briefly to another place, there are enquiries into Aboriginal and Islander community services, literacy needs in the workplace - a subject of much importance in this international literacy year. There are committee hearings into corporate practices and the rights of shareholders, equal opportunity and the status of women, Australia's relations with Papua New Guinea, Australia's foreign debt and current account, and so on.

I will not belabour you with an exhaustive list. I merely make the point that the breadth and depth of the subjects investigated by the parliamentary committees is considerable and often of profound relevance to this country, its citizens, and those charged with decision-making. So that people who sometimes complain that parliamentarians are not doing very much because they are not sitting in the chambers throughout the year, quite frankly miss the point. I do not necessarily blame them. For one thing, not a great deal appears about committees in the public media - unless there is some clash of personalities, so much easier for most journalists than the difficult business of concentrating minds on abstract analysis and review. And for another, most Australians have only a limited knowledge of how the parliamentary system works - and that, too often, grounded in the teaching of late 19th Century notions when the floor of the House really *was* a place where the decisions of independently-minded men were influenced by the sway of public argument. I might add that I also suspect, in this age of cultural internationalism, that Australian perceptions of *Parliament* are more than a little affected by the United States Congressional system (as dramatised for us on television), where the legislature and the executive are quite distinct bodies, and all senior appointments must be ratified by Congress. Perhaps the decision to televise question time in the Senate, such is the power of the medium, may do something to restore the balance.

Whether the past or present, the Congressional or the Westminster systems are to be preferred, is a matter of opinion. I have known no other than the one we have today, and as I say I believe it works well.

But it does seem to me that we must all deplore the sometimes quite abysmal levels of ignorance about Australian political institutions and practice - especially among young people - as outlined in last year's report on 'Education for Active Citizenship' by the Senate Standing Committee on Employment, Education and Training.¹ I must tell you that I have referred to this report frequently in my speeches to youngsters

¹ Commonwealth Parliament, Senate Standing Committee on Employment, Education and Training, Education for Active Citizenship in Australian Schools and Youth Organisations, Parliamentary Paper 121/1989

visiting Canberra. And while it may only be wishful thinking, it would be nice to hope that one day Australians might grow up with the same passionate conviction about their Constitution, their history and their political institutions as people in the United States have in theirs.

However that may be, I suppose one question exercising your minds is how *effective* the Standing and Estimates Committees have been over these past twenty years? Speaking subjectively, and as a former minister, one would have to say that the experience has been varied. Sometimes they have been an irritant. Sometimes a source of valuable second thoughts. Sometimes - to be honest with you - a useful delaying tactic to stall the necessity to make an unpalatable decision.

But even where one might, in the end, not have accepted recommendations for various reasons, always I found the committee reports to be repositories of much important information and advice, and in themselves notable contributions to the development of public policy. I was very glad to see that this personal view was more or less echoed by my late friend, Professor Gordon Reid, in his bicentennial book *Australia's Commonwealth Parliament*² published last year and which I had the privilege of launching here in the Parliament House. It is true that Professor Reid remarked that the record of the committees had been a mixed one in terms of their contribution to the legislative process. Indeed, political attitudes on the floor have rarely been moderated by even the most comprehensive and well-considered report. But he went on to say this - and I hope you will bear with me if I read two sentences from Gordon's book:

Collectively, the work of these committees has made an important contribution towards the attainment of a parliamentary control of the Executive, but as with all committee activities, there can be only subjective judgements about how much control exists and about its value in government as a whole. There can be no doubt, however, that the extensive range of enquiries undertaken and reports presented have widened the knowledge of participating senators, focused interest upon the subjects that the committees have addressed, stimulated officials to keep abreast of topics which are the subject of enquiry, and increased substantially the flow of literature about aspects of government in Australia.

Ladies and gentlemen, I don't want to detain you for very much longer. But it does seem to me that this passage bears very directly upon the other aspect of the subject you've been discussing today - parliamentary committees and their impact upon concepts of *responsible government*. It's true that the definition of 'responsible government' is by its very nature an imprecise one - a much easier doctrine to preach than it is to practice, as Gordon Reid pointed out in his book. Does it mean merely that governments are responsible to the electorate through the ballot box? Or simply that Ministers - the executive - must be chosen from Members of Parliament to whom they are directly answerable? Does it mean, on the fundamental question of money supply, that governments must possess the confidence of one house - the 'popular' house - or, in the Australian federal system, of both? These questions of principle and practice have been a source of much contention and divided opinion over the years, as even a cursory reading of the constitutional convention debates a century ago makes quite clear.

² op. cit., pp.375-6

Much as I might be tempted, I do not propose to express a view on these issues tonight, other than to say this: I think that Gordon Reid touched the heart of the matter when he spoke in the passage I quoted from the chapter on *Parliamentary Control of the Executive*. The forms and practices by which this is achieved may have changed and evolved over the years, as I remarked earlier in my speech. But surely it is evidence of a dynamic and flexible system of government that it *can* develop and adapt itself to new circumstances, while all the time remaining relevant and faithful to the central democratic idea: that it is the people, through their representatives, who ultimately control the executive, and not the other way around.

In the evolution of parliamentary government in Australia, I believe that the development of the committee system in the Senate and the House of Representatives over the past twenty years has made a profoundly important contribution as I've tried to indicate. It's for this reason that I was so pleased to be able to join you this evening - even if we all acknowledge that the system as it has so far evolved does not necessarily represent the apogee of human achievement, but rather is another step in a continuing process. How the parliamentary system, and of the committees within it, may develop in future is a subject on which you are now far better qualified than I am to express an opinion. But in a sense, forms and institutions are less important in my view than those deeply held beliefs of a free, open, and democratic society they seek to express.

I have referred already to the debates of the constitutional conventions. And I should like to conclude this evening with a remark by the statesman, Alfred Deakin, who expressed the thought far more eloquently than myself.

Speaking at Adelaide in 1897 Deakin said this: 'The forces of national life are not to be confined by artificial forms. The power of ideas is the true power behind the people and behind the throne.' Thank you.