

Welcome and Opening Address by the President of the Senate

The PRESIDENT — Honourable senators, former senators, parliamentary colleagues, distinguished guests, ladies and gentlemen, I am very pleased to be here this morning among former and current colleagues from the Senate to open this much anticipated conference on the committee system of the Australian Senate. Originally scheduled to be held at the end of July, it was postponed due to the federal election. I must say I feel particularly at home today being in the Main Committee Room, where I have spent so much time in Senate estimates, but even more warmly at home because of the presence of a number of whiteboards, as you will see in this room.

I would like to start my remarks by acknowledging the traditional custodians of the Canberra area, the Ngunawal and Ngamberri peoples, and by paying my respects to their elders past and present.

This conference is being held to celebrate 40 years of the modern Senate committee system. In preparing to speak to you today I looked back at the proceedings of the conference held in 1991 to mark the then 20th anniversary of the Senate committee system, opened by my distinguished predecessor the Hon. Kerry Sibraa. In his opening remarks, the then President quoted from a report in the *Courier-Mail* of 3 April 1971, and it is worth quoting again from that same article:

For some time the Senate has been trying to emulate its United States counterpart as a public watchdog, through the development of special committees.

Its bark has been heard as the fondly-nurtured puppy grew.

Now its mature bite has been felt.

Describing the work of the then Senate Select Committee on Securities and Exchange, the article went on to state:

Whatever it finally reveals in its report, the fact remains that a Senate committee has begun to look as important as its elder United States brother.

If committees become televised, as is mooted, they will over-shadow the Senate itself.

The article continues:

No longer can Senators be given a scornful blanket label of ‘those elderly gentlemen in another place’ by members of the House of Representatives ...

How things have changed.

The Senate is, of course, one of the most important democratic institutions. It is a house of review and a place where, particularly through the Senate committee system, much of the real work of the Parliament is undertaken. At 2 pm on each day, all sides of politics, as we know, gear themselves up for that part of the parliamentary schedule that most people are familiar with: question time. This is certainly one of the most visible parts of my role as President. Most people only see a small proportion of the work of Parliament, such as question time, yet there is much other productive work that goes on—in committee work, in debates in both the House and the Senate, and behind the scenes.

Of course, if something is worked out through careful debate and compromise, it rarely merits a headline. So the media is much more likely to cover the theatre of question time than the work of the committees. The role of Senate committees in particular is an area of work of the Parliament that sometimes does not get the full recognition it deserves. I hope that this conference, celebrating the first 40 years of the modern committee system, goes some way towards rectifying that.

Parliamentary committees are as old as federal parliament itself, dating to 1901 when a Senate select committee reported on steamship communication between Tasmania and the Australian mainland. I still think we are waiting for a government response on that! The Senate Regulations and Ordinances Committee was established in 1932 following a dispute between the Scullin Government and the Senate over the government’s power to make regulations. However, it was not until 1970 that a system of standing or permanent committees was established.

The modern committee system was established following a resolution of the Senate on the evening of 11 June 1970. Two groups of committees were established—the legislative and general purpose standing committees, and the estimates committees. At the time, a *Sydney Morning Herald* editorial predicted, ‘The introduction of a wide-ranging committee system will make the red-carpeted Upper House potentially the most powerful parliamentary chamber in Australia’.

The decision made in June 1970 brought the Senate into line with other modern legislatures. Ultimately this influenced the development of a similar committee system in the House of Representatives. Whilst I do not wish to comment in detail on the House committee system, I will note that many of the changes now taking place with their committees under the new paradigm are modelled on committee processes in the Senate.

The legislative and general purpose standing committees and estimates committees continued to function as envisaged through the 1970s and the 1980s. During much of this period, the Senate made little use of the committees to consider bills. In fact, before 1970 only three bills had been referred to committees, and all three were select committees. A significant development, therefore, was the establishment in 1990 of a formal process for the referral of bills to committees—the Selection of Bills Committee. Some 20 years on, the Senate now routinely refers approximately 50 per cent of all bills to Senate committees for detailed scrutiny.

The committee system was restructured in 1994, with the establishment of a paired system of legislation and reference committees, with both government and non-government chairs and with estimates functions being absorbed by the legislation committees. This system remained in place until 11 September 2006, when the government of the day, enjoying an absolute majority in the Senate, restructured the references and legislation committees into single committees with government chairs—in effect, returning to the pre-1994 system. This experiment was short-lived, and the system has again reverted to the arrangement of paired committees, coming into effect on 14 May 2009.

There are huge pressures on the Senate chamber, as we know—76 senators, all vying for time to either promote or prosecute their issues. As a result, the Senate chamber delegates certain activities to committees. It is important to remember that Senate committees do not have powers of their own. Their powers and proceedings are creatures of the Senate standing orders. A great deal of the Senate's business is carried out by committees. During 2009, for example, Senate committees met for two and a half thousand hours, whereas the Senate chamber itself met for 500 hours. Some 1000 of those committee hours were taken up with public hearings. That is something that is generally completely lost, out there in the real world of politics.

The scrutiny of policy and legislative and financial measures is a principal role of the committees. Senate committees can be thought of as multipurpose bodies undertaking policy-related inquiries, examining the performance of government departments and agencies, and considering the details of proposed legislation. Specialist scrutiny committees—Regulations and Ordinances and Scrutiny of Bills—enable the Senate to properly monitor delegated legislation made by the executive government and to ensure

that all proposed legislation does not trespass against fundamental personal rights and liberties. Committees also provide an opportunity for senators to pursue special interests and gain expertise in aspects of public policy, enhancing the quality for debate and providing a solid grounding for backbenchers who aspire to be committee chairs or to hold ministerial or shadow ministerial positions.

An important theme of this conference is the recognition of the community as a participant in the legislative process, not least through submissions to committees. While many bills that come before the Parliament implement government policies, it is worth remembering that they often have their genesis in events or concerns in the wider community. The Mabo legislation and the gun-control measures in the wake of the Port Arthur shootings are good examples. The Senate committee system is a vital part of our democratic process. The important opportunity it gives to members of the public to have an input into legislation or issues crucial to them before the Parliament should not be underestimated. It is an opportunity for their voice to be heard. I have felt this personally and in a very open way with people, long after an inquiry has been concluded, in a very public place coming up and throwing their arms around you and very emotionally telling you how that was their opportunity to have closure on the death of a loved one. We do have an impact and we do make a difference but, unfortunately, as I say, I do not really think that that difference is recognised.

This clearly is one of the aspects that makes Parliament directly relevant to the people—directly relevant, and that is not understood. It is most commented on by people who have never been involved in a committee inquiry before and come to know and understand the interface between the public and the Parliament. I note that with one or two exceptions all those speaking at the conference today and tomorrow are either former or current senators, which is testament, I believe, to the importance in which the role of a Senate committee system is held within not only the Senate but also the broader community. I also take this opportunity to pay tribute to those former senators who have joined us at this conference for their contribution to the Senate and to the development of the committee system over the years. It is not just something that is simply a manifestation of one or two people but of a whole range of people who have contributed to its success.

I congratulate the Department of the Senate for organising this conference and I take great pleasure in formally welcoming everyone here today and in opening the conference. I look forward to participating in a session at 10.45 am, when I will give my own view on Senate estimates itself. I now officially declare the conference open and I invite the first panel up to the table. Thank you.