

## **Response from the Government to the House of Representatives Standing Committee on Procedure report *Inquiry into the effectiveness of the House committee system***

### **Opening Statement**

The Government thanks the Committee for its work on the practices and procedures of the House and its committees.

The Government's response to the recommendations is as follows:

### **Recommendation 1**

*The Committee recommends that:*

- *the Leader of the House act to establish a bipartisan House Committee on Appropriations and Staffing, chaired by the Speaker, to make recommendations to the House on: estimates of the funding required for the operation of the Department of the House of Representatives; such estimates, once agreed by the House, are to be conveyed by the Speaker to the Minister for Finance and Deregulation; proposals for changes to the administrative structure of, or service provision by, the Department of the House of Representatives; administration and funding of security measures affecting the House; and any other matters of finance or services referred to it by the Speaker or the House; and*
- *the Liaison Committee of Chairs and Deputy Chairs have a more active role in monitoring the resources available to committees, with the Chair to report to the House Committee on Appropriations and Staffing on committee activities and resource levels.*

### **Response**

The Government notes that the House adopted a motion to establish the Appropriations and Administration Committee under Standing Order 222A on 29 September 2010.

The Government notes that the Liaison Committee meets on an as needs basis as determined by the Chair and members. The Government further notes that the Committee includes within its remit committee activities and resource levels.

### **Recommendation 2**

*The Committee recommends that:*

- *prior to the commencement of the 43rd Parliament, the Speaker arrange for an external review of staffing levels within the Department of the House of Representatives Committee Office, incorporating a work analysis to determine the nature and level of secretariat support necessary for the ongoing and inquiry work of committees, to ensure that the House committee system is supported by an adequate number of appropriately qualified staff;*
- *the ongoing funding for committees supported by the Department of the House of Representatives be restored to pre-1995–96 levels, in real terms; and*
- *the Department of the House of Representatives and the Department of Finance and Deregulation undertake negotiations to establish a sound basis for funding the work of committees supported by the Department of the House of Representatives, that provides greater certainty and is more responsive to the House's needs, with a view to a new system being implemented in time for the 2011–12 budget process.*

### Response

The Government notes that the *House of Representatives Committee Office Review of Staffing Levels* was completed in March 2011. Arrangements to ensure committees are appropriately resourced have been implemented.

### **Recommendation 3**

*The Committee recommends that the Speaker develop options for providing induction to Members on their roles as committee members, Chairs and Deputy Chairs. Such induction should include information on roles and responsibilities, powers, communication and committee resources. These initiatives should be in place for the commencement of the 43rd Parliament.*

### Response

The Government notes that while there are no formal processes for the induction of members on their role as committee members, new members are offered the following opportunities for information on committee activities by the Department of the House of Representatives:

- a session on committees at the new members' seminar run before each new parliament
- the series of House Briefings run for members and their staff, one of which is on committees
- seminars for the staff of new members, which include presentations on 'supporting your member in their committee work'
- the booklets *Working with Parliamentary Committees: A Guide for Members*; *Working with Parliamentary Committees: A Guide for Committee Chairs*; and *Working with Parliamentary Committees: A Guide for Members' Staff*
- extensive briefing notes on committee operations provided by committee secretariats prior to the first meetings of each committee
- the Members' Drop-in Centre, open for one hour each sitting Tuesday at which members and their staff can stop by to ask any questions
- the provision of ongoing support by the relevant committee secretaries or any of the departmental executive for committee related advice.

### **Recommendation 4**

*The Committee recommends that the phrase 'resolve to' be omitted from standing order 235(b).*

### Response

The Government notes that this recommendation has been adopted.

### **Recommendation 5**

*The Committee recommends that the Speaker arrange for:*

- *an investigation of the adequacy of teleconferencing and videoconferencing facilities available to committees; and*
- *consideration of any upgrades or additional facilities required to meet current and anticipated future demand from committees.*

### Response

The Government notes that a review of the teleconferencing and videoconferencing facilities is currently underway by the Department of Parliamentary Services in consultation with the Departments of the House of Representatives and the Senate.

### **Recommendation 6**

*The Committee recommends that the House, through a motion introduced by the Leader of the House, adopt guidelines for committees' interactions with witnesses, in the terms contained in Appendix E of this report.*

### Response

The Government notes that this recommendation has been adopted.

### **Recommendation 7**

*The Committee recommends that the standing orders be amended to provide for committee Chairs to make short statements during private Members' business time, informing the House of new inquiries being undertaken by the committee. The standing orders should also provide for the whips to allocate the time for each such statement.*

### Response

The Government notes that this recommendation has been adopted.

### **Recommendation 8**

*The Committee recommends that the Speaker investigate the adequacy of the infrastructure available for audiovisual recording and broadcasting committee proceedings within Parliament House and for the development of low cost audio-visual recording of interstate public hearings.*

### Response

The Government notes that a review of the teleconferencing and videoconferencing facilities is currently underway by the Department of Parliamentary Services in consultation with the Departments of the House of Representatives and the Senate.

### **Recommendation 9**

*The Committee recommends that the Liaison Committee of Chairs and Deputy Chairs broaden its role to include advising Chairs and Deputy Chairs of emerging technologies that may be used in the conduct of committee inquiries, and any issues that committees may encounter in seeking to make use of these technologies. The Liaison Committee might include new technologies as a standing agenda item, to enable monitoring and advice to be provided on emerging technologies.*

### Response

The Government notes that the Liaison Committee discusses emerging technologies when and as required. The Office of the Clerk Assistant (Committees) assists the Committee by providing advice and briefing as required.

## **Recommendation 10**

*The Committee recommends that, for general purpose standing committees and the Petitions Committee, membership be reduced to seven: four government Members, and three non-government Members.*

### Response

The Government does not support this recommendation and has determined, through amendments to the Standing Orders of 13 November 2013, that membership be 10 members – 6 government and 4 non-government.

## **Recommendation 11**

*The Committee recommends that:*

- *the standing orders be amended to: increase to four the maximum number of supplementary members for each general purpose standing committee inquiry; and give supplementary members full participatory rights, including being counted for quorum purposes, but no voting rights, for the inquiry for which they have been appointed to the committee;*
- *supplementary members, when travelling for committee purposes, be eligible for the relevant entitlements; and*
- *as soon as possible after one year of these changes being made to the standing orders, a review be undertaken by the Standing Committee on Procedure.*

### Response

The Government notes that this recommendation has been adopted. The first two points were adopted through amendments to Standing Order 215(d) and the third through a review conducted by the Standing Committee on Procedure and reported in February 2012 *Interim Report No.3: Monitoring and review of procedural changes implemented in the 43<sup>rd</sup> Parliament*.

## **Recommendation 12**

*The Committee recommends that the standing orders be amended as follows:*

- *standing order 234 (a) and (c) to read:*

*(a) A committee may appoint subcommittees of three or more of its members, at least two of whom being permanent members of the committee and at least one of whom being a Chair or Deputy Chair of the committee, and may refer to a subcommittee any matter which the committee may examine.*

*(c) A quorum of a subcommittee is two of its members, at least one of whom being a Chair or Deputy Chair of the committee.*

- *insert new standing order 234A:*

### *234A Inquiry subcommittees*

*(a) A committee appointed under standing order 215 may appoint inquiry subcommittees of three or more of its members, at least two of whom being permanent members of the committee and at least one of whom being a Chair or Deputy Chair of the committee, and may refer to an inquiry subcommittee any inquiry being undertaken by the committee.*

*(b) A committee appointed under standing order 215 shall appoint the Chair of each inquiry subcommittee, who shall be drawn from the Chair or Deputy Chairs of the committee, who shall have a casting vote only. If the Chair of an inquiry subcommittee is not present at a meeting of the subcommittee, the members of the subcommittee present shall elect another member of that subcommittee to act as Chair at the meeting.*

*(c) Members of the committee who are not members of an inquiry subcommittee may participate in the public proceedings of the subcommittee but may not vote, move any motion or be counted for the purpose of a quorum.*

#### Response

The Government does not support this recommendation as the recommended amendments are more restrictive than those currently in place.

#### **Recommendation 13**

*The Committee recommends that the number of Deputy Chairs on general purpose standing committees be increased to two, and that one Deputy Chair be drawn from government Members of the committee, while the other be a non-government Member of the committee. The Committee recommends that, after these arrangements have been in place for approximately 12 months, a review be conducted by the Procedure Committee.*

#### Response

The Government does not support this recommendation.

#### **Recommendation 14**

*The Committee recommends that standing order 241 be amended to read:*

##### *241 Participation of other Members*

*Other Members, who are not members of the committee, may participate, with the explicit approval of the committee, when a committee or subcommittee is examining a witness, or gathering information in other proceedings. Other Members must leave when the committee or subcommittee is deliberating, or hearing witnesses in private, or if the committee or subcommittee resolves that they leave.*

#### Response

The Government supports this recommendation as it would enable the participation of other members, for example local members, when a committee is holding hearings interstate.

#### **Recommendation 15**

*The Committee recommends that the standing orders be amended to provide that the quorum of a general purpose standing committee is three members, at least one of whom being a Chair or Deputy Chair of the committee.*

#### Response

The Government does not support this recommendation as it would limit the committee's capacity to undertake business.

## **Recommendation 16**

*The Committee recommends that the number of general purpose standing committees be reduced to eight, comprising standing committees on:*

- *Aboriginal and Torres Strait Islander Affairs (membership comprising at least one Chair or Deputy Chair from each of the committees below);*
- *Economics and Industry;*
- *Education and Employment;*
- *Environment and the Arts;*
- *Health;*
- *Infrastructure and Population;*
- *Legal Affairs; and*
- *Social Policy.*

### Response

The Government notes that this recommendation has been overtaken by subsequent decisions of the House, and considers that the current arrangement of nine committees is appropriate.

## **Recommendation 17**

*The Committee recommends that the House of Representatives and Senate together undertake a review of the number and subject coverage of joint committees, with a view to reducing the number of committees, and take any legislative or other action necessary to effect such a reduction. The review should address, in particular, whether:*

- *there is scope to combine the functions of the Parliamentary Joint Committee for Law Enforcement Integrity and the Parliamentary Joint Committee on the Australian Crime Commission; and*
- *for each current joint committee, there is a specific, ongoing need that cannot be satisfied by any other committee.*

### Response

The Government notes that changes to the roles of joint committees occur as required and does not support a formal review at this stage.

## **Recommendation 18**

*The Committee recommends that the role of the House of Representatives Standing Committee on Publications be added to the remit of the House of Representatives Standing Committee on Procedure.*

### Response

The Government does not support this recommendation, noting that arrangements are currently working well.

### **Recommendation 19**

*The Committee recommends that general purpose standing committees be given the power to initiate their own inquiries, and that any disputes between committees over policy coverage continue to be resolved by the Speaker.*

#### Response

The Government does not support this recommendation and considers the current arrangements for the initiation of inquiries to be appropriate.

### **Recommendation 20**

*The Committee recommends that standing order 238 be amended to read:*

*238 Conferring with Senate committees*

*A committee may confer with a similar committee of the Senate to discuss relevant issues, receive briefings or gather evidence to an inquiry.*

#### Response

The Government does not support this recommendation as it adds little to the standing order as currently applied.

### **Recommendation 21**

*The Committee recommends that standing order 237 be amended as follows:*

*237 Use of records of previous committees*

*A committee or a subcommittee may consider and make use of the evidence and records of similar committees appointed during previous Parliaments. A committee may, with the prior consent of the Speaker, alter the status of such evidence and records.*

#### Response

The Government does not support this recommendation and considers that evidence and records of previous committees should not be subject to alteration.

### **Recommendation 22**

*The Committee recommends that the Government consider increasing references to House committees for inquiry and report in areas such as:*

- *bills and pre-legislation proposals, including draft bills, green papers, white papers and other investigative inquiries; and*
- *post-legislation issues, including delegated legislation and matters relevant to policy implementation.*

#### Response

The Government notes the recommendation that it consider increasing references to House committees.

### **Recommendation 23**

*The Committee recommends that the standing and sessional orders be amended to give the Standing Committee on Petitions the power to refer petitions to the relevant House committee, which may then choose to inquire into a petition referred to it and report to the House.*

#### Response

The Government does not support this recommendation and considers that the current arrangements whereby a Minister can refer a petition is appropriate as this provides an additional decision point relating to the value of such a referral.

### **Recommendation 24**

*The Committee recommends that:*

- *the standing orders be amended to provide for: a period of committee and delegation business and private Members' business to be given priority in the Chamber on Mondays from 10 a.m. to 12 noon, beginning with Petitions Committee report and statement(s) for 10 minutes; the Main Committee to regularly meet on Mondays from 10.30 a.m. to 1.30 p.m., commencing with a 30 minute period of three minute constituency statements as provided by standing order 193, followed by committee and delegation reports and private Members' business being given priority; quorums and divisions called during the period of committee and delegation business and private Members' business being deferred until the conclusion of Question Time; 90 second statements to take place in the Chamber from 1.45 p.m. on Mondays, instead of in the Main Committee; and the adjournment to be proposed at 8.30 p.m. on Mondays, and the House adjourning at 9 p.m.;*
- *the whips: continue to recommend the order of consideration of matters and the times allocated for each item and for each Member speaking during periods of committee and delegation reports and private Members' business in the Chamber on Mondays, in line with the provisions of standing order 41A; and consider allocating time for the presentation of committee and delegation reports such that a short time be provided in the Chamber for presentation and referral of the report to the Main Committee, with statements and debate taking place as soon as practicable in the Main Committee; and*
- *the impact of changes be reviewed by the Procedure Committee as soon as practicable after six months of implementation.*

#### Response

The Government notes that this recommendation has been overtaken by subsequent decisions of the House (as per Standing Order amendments of 13 November 2013 and 19 March 2014).

### **Recommendation 25**

*The Committee recommends that:*

- *the standing orders be amended to require that, within three months of a House or joint committee report being presented in the House, a government response be tabled in the House and, if no such response has been received within four months of such a report being presented in the House, to allow a permanent member of the committee, at the conclusion of Question Time, to ask the Speaker to write to the Minister concerned, seeking reasons for the delay in responding;*



- *Ministers inform the relevant committee Chair immediately a government response is presented in the House;*
- *the Speaker present his schedule of outstanding responses to committee reports at least three times a year; and*
- *through the Liaison Committee of Chairs and Deputy Chairs, Members be reminded of a committee's power, under standing order 249, to invite a Minister to appear before it.*

#### Response

The Government notes that this recommendation has been overtaken by subsequent decisions of the House, in particular adoption of the *Government responses to committee reports* resolution of 29 September 2010.