

Introduction

- 1.1 Since the 1920s, the Parliament has appointed committees to investigate and report on various issues. Both the House of Representatives and the Senate established their own committees as the necessity arose.¹ From time to time, joint committees of both houses were also appointed, either by resolution or by legislation.²
- 1.2 In the 1970s, following a rapid increase in committee activity, there was a growing concern that these *ad hoc* committee systems were not as effective as they could be:
- Committees have proliferated but there has been little concern with their integration into the parliamentary system. In 1975 there were 44 parliamentary committees. Even 44 committees gave the Parliament only a token capacity to scrutinise governmental activity and administration.³
- 1.3 A joint committee was therefore established in 1974 to inquire into and make recommendations for a balanced system of parliamentary committees, the integration of the committee system into the procedures of the Parliament, and the most suitable arrangements for committee meetings.⁴ The Joint Committee on the Parliamentary Committee System

1 For example, House standing committees on: Environment and Conservation; Aboriginal Affairs; Expenditure; and Road Safety; and House Select Committee on Voting Rights of Aborigines.

2 For example, joint standing committees on: Prices; and New and Permanent Parliament House; and joint select committees on: Northern Territory; and Family Law.

3 Joint Committee on the Parliamentary Committee System, *A new parliamentary committee system*, Australian Government Publishing Service, Canberra, 1976, p. 1. The recommendations of this report are listed at Appendix A.

4 Resolutions of appointment: Senate, *Journals*, No. 17, 17 September 1974, and No. 12, 18 March 1976; and House of Representatives, *Votes and Proceedings*, No. 5, 17 July 1974, and No. 11, 17 March 1976.

conducted its inquiry over two Parliaments⁵, presenting its final report on 26 May 1976 in both the House and the Senate.

- 1.4 Despite the recommendations contained in the report, committees continued to be established on an *ad hoc* basis for the next 10 years. In September 1987, the House committee system was restructured to provide a comprehensive series of general purpose standing committees to enable the House to monitor all government departments and agencies.
- 1.5 In 1998, the Procedure Committee conducted a review of the operation of the committee system in the decade since its establishment.⁶ As a result, the following reforms were made to the House committee system:
- a reduction in the number of positions on general purpose standing committees;
 - a greater role for general purpose standing committees in examining audit reports;
 - changes to the scheduling of committee business in the Chamber and Main Committee;
 - changes to the process for appointing Members to committees; and
 - committees having more flexibility in their use of electronic communication devices.
- 1.6 The present inquiry into the effectiveness of the House committee system is timely. To date, the House committee system has been operating for over 20 years in its present form, albeit with considerable reforms in 1998 and other minor adjustments. Over time, the committee system has evolved, establishing an identity of its own. It has been characterised by a spirit of bipartisanship, and a cooperative approach to committee work. House committees have developed a significant role in contributing to an effective Australian Parliament. Nevertheless, there is still room for improvement.
- 1.7 This chapter provides a brief account of the House of Representatives system of committees: its present structure; and how it contributes to the effectiveness of the Australian Parliament. It also describes the present inquiry into the effectiveness of the House committee system, and outlines its conduct and scope.

5 29th and 30th Parliaments.

6 *Ten years on*. Recommendations and government responses to them are summarised at Appendix B.

- 1.8 At the end of this chapter, readers are given some guidance on the structure of this report. Briefly, however, the remainder of the report consists of six chapters:
- Chapter 2: resources for committee work;
 - Chapter 3: participatory democracy;
 - Chapter 4: the structure of the committee system;
 - Chapter 5: powers and operations;
 - Chapter 6: different types of committee work; and
 - Chapter 7: outcomes of committee work.

The House committee system today

- 1.9 Since the 1998 review and the reforms that resulted from it, the House committee system has continued to operate with little change to its structure.⁷ There are currently 30 ongoing committees on which Members of the House of Representatives may serve (listed in table 1.1).⁸ Broadly speaking, there are four types of committees on which Members may serve:
- House general purpose standing committees;
 - House domestic committees;
 - Joint standing or statutory committees; and
 - House or joint select committees.
- 1.10 When the current House committee system was established in 1987, there were eight **general purpose standing committees**. This number has varied over the years: a peak of 13 was reached in the 40th Parliament, and there are currently 12.⁹ In comparison, the Senate has eight paired general purpose references and legislation committees.¹⁰ Much like those of the United Kingdom (UK) and Canadian Houses of Commons and the

7 The number and subject coverage of House and joint committees have, however, changed over time to respond to changes in administrative arrangements in the public service and emerging areas of policy focus.

8 In addition, Members also serve on the Joint Select Committee on Cyber-Safety.

9 Department of the House of Representatives, *Submission No. 6*, p. 5. For further information about the formation of the House committee system, see also: *Ten years on*.

10 These are (as at 28 April 2010): Community Affairs; Economics; Education, Employment and Workplace Relations; Environment, Communications and the Arts; Finance and Public Administration; Foreign Affairs, Defence and Trade; Legal and Constitutional Affairs; and Rural and Regional Affairs and Transport.

parliaments of New Zealand and Scotland, the House's committee system generally reflects the structure of ministerial portfolios.¹¹

Table 1.1 Committees on which Members may serve

House committees		Joint committees	
<i>General purpose standing committees^a</i>	<i>Domestic committees^b</i>	<i>Statutory^c</i>	<i>Standing^d</i>
Aboriginal and Torres Islander Affairs	House	Australian Crime Commission ^e	Electoral Matters
Climate Change, Water, Environment and the Arts	Petitions	Australian Commission for Law Enforcement Integrity ^e	Foreign Affairs, Defence and Trade
Communications	Privileges and Members' Interests	Broadcasting of Parliamentary Proceedings	Migration
Economics	Procedure	Corporations and Financial Services ^e	National Capital and External Territories
Education and Training	Publications	Intelligence and Security	Parliamentary Library ^f
Employment and Workplace Relations		Public Accounts and Audit	Treaties
Family, Community, Housing and Youth		Public Works	
Health and Ageing			
Industry, Science and Innovation			
Infrastructure, Transport, Regional Development and Local Government			
Legal and Constitutional Affairs			
Primary Industries and Resources			

NOTES

- a General purpose standing committees are established by standing order 215.
 b Domestic committees are established by standing orders 216 and 218–21.
 c Joint statutory committees are established by Act of Parliament.
 d Joint standing committees are established by resolution of both houses of Parliament.
 e Supported by the Department of the Senate.
 f Supported by the Parliamentary Library.

1.11 **Domestic or internal committees** are concerned with the powers and procedures of the House or the administration of the Parliament.¹² There are currently five of these. Some meet regularly with their Senate counterpart when considering matters relevant to both houses of Parliament.¹³

11 Dr P. Larkin, *Submission No. 14*, p. 5.

12 *H.R. Practice*, p. 622.

13 These include: the Publications Committee; and the Library Committee, prior to the establishment of the Joint Standing Committee on the Parliamentary Library.

- 1.12 **Joint committees** are ‘creatures of both houses’ and comprise both Members and Senators.¹⁴ The number of joint committees has increased over the years.¹⁵ There are currently 14: seven statutory; six standing committees reappointed each Parliament; and one select.¹⁶
- 1.13 **Select committees** are appointed by resolution, as the need arises. They often have a limited life, which is defined in the resolution of appointment. Select committees, whether House or joint, are often established to meet a particular and perhaps short-term need.¹⁷ Select committees are not often used by the House, although at the time of writing, one joint select committee has been appointed.¹⁸

Why do we need parliamentary committees?

- 1.14 Committee work is a significant part of the work of the House. As figure 1.1 shows, the time dedicated by Members to their committee activities – including private meetings and public hearings, but not including time spent travelling – exceeds Chamber and Main Committee hours combined.¹⁹ This is especially pronounced in non-election years.²⁰
- 1.15 On average, in each of the years between 2003–04 and 2008–09, 1,179 hours were spent on 676 committee meetings, compared with 764 hours spent in the Chamber and Main Committee combined.
- 1.16 Given that so much time is spent on committee meetings – not to mention the hours spent travelling, preparing for meetings, and drafting reports – in this section, the Committee considers what benefits parliamentary committees deliver in return for this investment.²¹

14 *H.R. Practice*, p. 627.

15 Department of the House of Representatives, *Submission No. 6*, p. 5.

16 Joint statutory committees are established by Act of Parliament; Joint standing and select committees are established by resolution passed by both the House and the Senate.

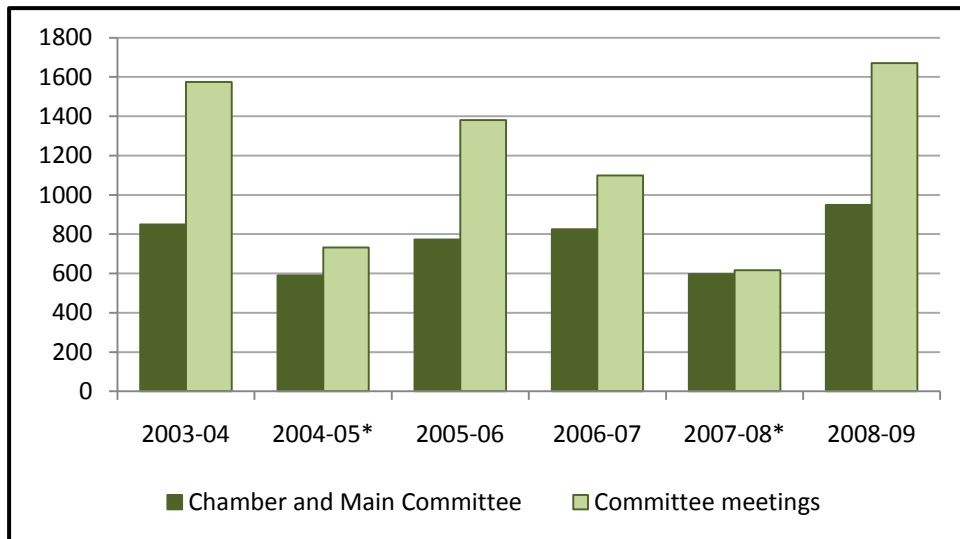
17 *H.R. Practice*, p. 626.

18 Joint Select Committee on Cyber-safety. House of Representatives *Votes and Proceedings*, 25 February 2010; Senate *Journals*, 11 March 2010.

19 Committee figures in figure 1.1 include meetings of joint committees on which Members serve.

20 Years that appear with an asterisk (*) denote years in which a general election took place.

21 The Committee does not attempt to provide a comprehensive account of the House committee system. There are other excellent sources of information available for this purpose, such as *House of Representatives Practice*. (See the Reference Guide at the front of this report for further details.) Instead, this section discusses some of the structures and practices relevant to the present inquiry.

Figure 1.1 Hours of proceedings, plenum and committees, 2003–04 to 2008–09

Source Department of the House of Representatives annual reports²²

A different way of doing business

1.17 To understand why committees are necessary in a parliamentary system, it can be helpful to consider how they are different from the plenum. *House of Representatives Practice* acknowledges that ‘the principal purpose of parliamentary committees is to perform functions which the Houses themselves are not well fitted to perform ...’²³ These functions include: investigating a case or issue, including matters associated with government policy or administration; considering evidence and examining witnesses; and drawing up reasoned conclusions.²⁴

1.18 This view is consistent with that expressed by a previous Clerk of the House of Representatives, who drew on these comments made by the Chair of the Standing Committee on Expenditure in 1979:

The floor of the House is not suitable for examining those specialised or detailed matters which are the day-to-day realities of modern government. Questions of public policy are too technical, too complex and sometimes too quantitative for anything other than careful consideration and analysis.²⁵

22 Department of the House of Representatives annual reports: 2003–04, pp. 146–7; 2004–05, pp. 85–6; 2005–06, pp. 75–6; 2006–07, pp. 66–7; 2007–08, pp. 68–9; 2008–09, p. 73. Figures exclude suspensions in the Chamber and Main Committee, and are rounded to the nearest hour. Asterisks indicate periods in which an election took place.

23 *H.R. Practice*, p. 621. This point was also made in earlier editions of *House of Representatives Practice*.

24 *H.R. Practice*, p. 621.

25 The Hon. K. M. Cairns, Public Service Executive Development Seminar, 1 June 1979, cited in A. R. Browning, *Development of a committee system*, House of Representatives, Canberra, 1987.

1.19 This ‘careful consideration and analysis’ of public policy can therefore ideally be carried out by parliamentary committees. In part, this is because of the additional time and resources available to committees relative to the main chamber.²⁶ The main chamber is able to delegate some of its work to parliamentary committees, thereby improving the efficiency of the parliament. The particular powers available to committees – including the power to call and examine witnesses, and to work outside the parliament building – also assist.

1.20 Another factor that contributes to the special nature of committee work is the tendency for committees to operate across party lines, which can contrast with more adversarial proceedings in the main chamber. A number of authors note that House committees usually adopt a consensus approach, with members from across the political spectrum working together to achieve effective outcomes.²⁷ Furthermore, compared with more adversarial committee systems, House committees:

... are usually more productive and bring about effective change in governmental policy on issues of great importance to the Australian public.²⁸

1.21 Committees and those who work with them – including witnesses – are at times frustrated by the lack of attention that some significant House committee inquiries gain in the popular media. Nevertheless, one analyst notes that the absence of constant media interest can facilitate bipartisan cooperation:

Parliamentary committees consider important policy issues away from close media attention and the glare of the parliamentary spotlight, where political parties are compelled to follow the traditional protagonist–antagonist plot, and consequently when there is little time for reasoned debate and discussion.²⁹

26 I Holland, ‘Parliamentary committees as an arena for policy work’ in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 79. And see figure 1.1.

27 D Beetham, *Parliament and democracy in the twenty-first century: A guide to good practice*, Inter-Parliamentary Union, Geneva, 2006, p. 29; M Rodrigues, ‘Parliamentary inquiries as a form of policy evaluation’, *Australasian Parliamentary Review*, vol. 23, no. 1, pp. 36–7.

28 D Beetham, *Parliament and democracy in the twenty-first century: A guide to good practice*, Inter-Parliamentary Union, Geneva, 2006, p. 29.

29 I Holland, ‘Parliamentary committees as an arena for policy work’ in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 79.

The various roles of the committee system

1.22 Different committee systems tend to focus on different aspects of their functions, depending on the historical context in which they exist. The scrutiny and investigative functions may receive the most attention.³⁰ As this section shows, however, these are not their only contributions. The main roles of committees addressed in this section are:

- investigating matters of public policy;
- scrutiny and oversight;
- bridging the gap between Parliament and the public; and
- flow-on benefits for Members and their constituents.

Investigating policy alternatives

1.23 Consistent with the prerogatives of the executive, governments set and implement public policy. While the Parliament has some capacity to influence policy by proposing amendments to government legislation, this approach is more successful in chambers where the government does not hold a clear majority, as in the Senate. Therefore, committees provide an alternative, and perhaps more effective, mechanism for giving the Parliament – and, through it, the community – some influence over policy issues.

1.24 One of the principal purposes of the House committee system is to investigate matters of public policy. Sometimes, these investigations relate to assessing and improving existing government programs. At other times, committees are charged with taking a broad-ranging approach to an area of emerging interest or need, shaping public policy early in the policy development cycle. This gives House committees a significant policy investigation role, despite the relatively high profile attached to some other committee activities:

The relentless probing in search of government maladministration that has become such a feature of the regular estimates hearings may get the most headlines, but parliamentary committees have more subtle and profound effects on the policy environment.³¹

30 See, for example: D Stone, *Policy paradox: The art of political decision making*, Norton, New York, 2003; M Rodrigues, 'Parliamentary inquiries as a form of policy evaluation', *Australasian Parliamentary Review*, vol. 23, no. 1, p. 36; J Uhr, *Parliamentary committees: What are appropriate performance standards?*, Constitutional Centenary Foundation, Canberra, 1993.

31 I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 75.

Table 1.2 A selection of policy inquiries conducted by House committees, 42nd Parliament

General purpose standing committee	Inquiry
Aboriginal and Torres Strait Islander Affairs	Developing Indigenous enterprises Remote Aboriginal and Torres Strait community stores The high level of involvement of Indigenous juveniles and young adults in the criminal justice system
Climate Change, Water, Environment and the Arts	Climate change and environmental impacts on coastal communities
Communications	International mobile roaming Cyber-crime
Economics	Raising the level of productivity growth in the Australian economy Competition in the banking and non-banking sectors
Education and Training	School libraries and teacher librarians Combining school and work
Employment and Workplace Relations	Regional skills relocation Pay equity and associated issues related to increasing female participation in the workforce
Family, Community, Housing and Youth	Better support for carers The impact of violence on young Australians
Health and Ageing	Obesity in Australia Regional health issues jointly affecting Australia and the South Pacific
Industry, Science and Innovation	Research training and research workforce issues in Australian universities Long-term meteorological forecasting International research collaboration
Infrastructure, Transport, Regional Development and Local Government	Smart infrastructure The Global Financial Crisis and regional Australia Level crossing safety Australia's coastal shipping industry
Legal and Constitutional Affairs	Whistleblowing protections within the Australian Government public sector Constitutional reform
Primary Industries and Resources	The role of government in assisting Australian farmers to adapt to the impacts of climate change Australian honey bee and pollination industries

Source Committee websites, viewed 21 April 2010, at: http://www.aph.gov.au/house/committee/comm_list.htm

1.25 Through their policy inquiries, committees have the capacity to consider, assess and select public policy options, possibly contributing to the broader policy approaches taken by government.³² Indeed, House committees in particular make significant use of this capacity, with most of their inquiries focussed on investigating matters of public policy, rather than scrutinising government administration.³³ Some examples of recent House and joint committee policy investigations are listed in tables 1.2 and 1.3.

Table 1.3 A selection of policy inquiries conducted by joint committees, 42nd Parliament

General purpose standing committee	Inquiry
Australian Commission for Law Enforcement Integrity	Law enforcement integrity models
Australian Crime Commission	Adequacy of aviation and maritime security measures to combat serious and organised crime
Corporations and Financial Services	Financial products and services in Australia Agribusiness managed investment schemes Shareholder engagement and participation
Electoral Matters	2007 federal election and matters related thereto (including electronic voting trials)
Foreign Affairs, Defence and Trade	Human rights mechanisms and the Asia-Pacific Australia's Relationship with ASEAN RAAF F-111 Deseal-Reseal workers and their families
Migration	Migration treatment of disability Immigration detention in Australia
National Capital and External Territories	The changing economic environment in the Indian Ocean Territories Role of the National Capital Authority
Public Accounts and Audit	Effects of the ongoing efficiency dividend on smaller public sector agencies Tax Administration
Treaties	Nuclear non-proliferation and disarmament

Source Committee websites, viewed 5 May 2010, at: http://www.aph.gov.au/committee/committees_type.htm#joint

32 I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, pp. 66, 68; Mr S. Georganas MP, *Submission No. 8*, p. 1; House of Representatives Standing Committee on Legal and Constitutional Affairs, *Submission No. 7*, p. 1.

33 See figures 6.1 to 6.3 in Chapter 6 of this report. M Rodrigues, 'Parliamentary inquiries as a form of policy evaluation', *Australasian Parliamentary Review*, vol. 23, no. 1, p. 36.

- 1.26 The effectiveness of committees' policy contribution is largely a product of their ability to open up debate to a plurality of views. House committee inquiries are naturally more accessible to the public than government policy-setting processes, and allow a 'wide range of people with diverse views [to] gain significant access to legislators.'³⁴ They provide a forum for the discussion of important and emerging national issues that might not have been debated publicly otherwise.³⁵ They also allow public opinion to be gauged and can bring to light problems that may not have received attention in the mainstream media.
- 1.27 Parliamentary committees can take evidence from a broad range of interested individuals and subject matter experts, including public servants, academics, non-government organisations, the business community, and citizens. This is especially valuable in assisting committees to carry out their policy investigation role. Considerable time is spent conducting public hearings where witnesses can express their views directly to members of parliament. Committees also devote a great deal of time to considering the evidence received, deliberating in private, and preparing a report of their findings.
- 1.28 Through their policy investigation role, House committees can therefore provide a great deal of assistance to the government in setting and re-evaluating policy priorities and in considering various policy options.

Scrutinising government administration

- 1.29 Another key responsibility of parliamentary committees is to scrutinise government actions and the implementation of government policy. To some extent, the chamber also carries out this function: the opportunities for Members to seek information from Ministers through questions in writing and questions without notice during Question Time, are important forms of government accountability to the Parliament.
- 1.30 Parliamentary committees make a complementary contribution: they have available to them resources – including time – that allow effective scrutiny of government administration. Their powers to move from place to place, and to call for documents and to call witnesses, including public servants, assist them to carry out this role effectively.

34 I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 77.

35 House of Representatives Standing Committee on Legal and Constitutional Affairs, *Submission No. 7*, p. 1. For example, the LACA Committee's inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system.

- 1.31 Some suggest that the Senate estimates process is the main source of parliamentary committee scrutiny of government administration.³⁶ But effective avenues are also available in the House. For example, any House general purpose standing committee may inquire into any annual report or Auditor-General's report that relates to a government agency within that committee's area of responsibility. As noted by the Department of the House of Representatives (DHR), the present system of House and joint committees provides 'an opportunity for scrutiny of all aspects of government policy and administration'.³⁷
- 1.32 Joint committees also provide opportunities to scrutinise government administration. For example, the purpose of the Joint Committee of Public Accounts and Audit (JCPAA) is '... to hold Commonwealth agencies to account for the lawfulness, efficiency and effectiveness with which they use public monies.'³⁸ The JCPAA examines all audit reports produced by the Auditor-General, considering the audit findings and the agency's response. Where the committee considers that an audit warrants further examination, it seeks evidence at public hearings from relevant public servants.³⁹

A bridge between Parliament and the public

- 1.33 Through their inquiries, House committees have a role both in ensuring members of the public have a voice in the Parliament, and educating the public about matters of public policy and democratic processes. By providing a forum for discussing important matters of public policy and administration, committees have the potential to bridge the gap between Parliament and the people.⁴⁰ The creation of the Standing Committee on Petitions has enhanced the House's capacity to give members of the public a voice in the Parliament and to evoke a response from the government.
- Committee inquiries:

36 For example: Civil Liberties Australia, *Submission No. 9*, p. 2; I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, pp. 66–90; M Rodrigues, 'Parliamentary inquiries as a form of policy evaluation', *Australasian Parliamentary Review*, vol. 23, no. 1, pp. 26–7; R Willis, 'The role of questions on notice in parliamentary democracy', *Australasian Parliamentary Review*, vol. 24, no. 2, p. 137.

37 Department of the House of Representatives, *Submission No. 6*, p. 1.

38 Joint Committee of Public Accounts and Audit, *Committee establishment and role*, viewed 16 December 2009, at: <<http://www.aph.gov.au/house/committee/jpaa/about.htm>>.

39 Joint Committee of Public Accounts and Audit, *Committee establishment and role*, viewed 16 December 2009, at: <<http://www.aph.gov.au/house/committee/jpaa/about.htm>>. Other joint committees also carry out a scrutiny function. For example, the Joint Standing Committee on Foreign Affairs, Defence and Trade conducts regular inquiries into departmental annual reports.

40 Professor I. Marsh, *Submission No. 13*, pp. 2, 5.

... can be very effective pathways by which issues in the community find their way onto a government's agenda.⁴¹

- 1.34 The capacity that committees have to conduct inquiries outside the parliament building makes them all the more effective. Interstate and regional public hearings provide a less formal environment, facilitating input from a broader range of people.
- 1.35 Many public hearings are broadcast or available online, making them more accessible to the public. Several House committees have video footage of their hearings available on their websites, especially for inquiries that may be of significant interest to particular sections of the community. Australia's Public Affairs Channel (A-PAC) also broadcasts footage of some parliamentary committee hearings. Although A-PAC is distributed on subscription television services, it can also be viewed online at no cost.⁴² Committee websites also include transcripts of public hearings, as well as all written submissions to inquiries.
- 1.36 Committee inquiries have the capacity to influence public debate in a particular policy area. Professor Ian Marsh argues that committees are an important source of engagement and social learning.⁴³ Likewise, Dr Ian Holland notes that committees have a role in influencing the way the community understands policy issues.⁴⁴ The considerable public interest committee reports sometimes generate⁴⁵ and the value of submissions to inquiries as a public resource facilitate this influencing process.
- 1.37 The opportunity for members of the public to participate in parliamentary processes through committee inquiries is not only an important outcome for the policy process, but also a useful source of civics education. It opens up the Parliament to the public and can help the community learn more about how their Parliament works. However, the education process should not be misunderstood as one-way: while contributing to and informing public understanding of policy issues, committee work is also an important source of education for committee members. This is discussed further below.

41 I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 68.

42 Mr A. Frangopoulos, *Transcript of evidence*, 29 October 2009, p. 1.

43 Professor I. Marsh, *Submission No. 13*, p. 2. Professor Marsh defines 'social learning' as involving: 'the contribution of political processes to the understanding of policy issues amongst relevant participants, including legislators, public servants, ministers, interest groups the media and the broader community'. Professor I. Marsh, *Exhibit No. 5*, p. 1.

44 I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, pp. 78–9.

45 Mr S. Georganas MP, *Submission No. 8*, p. 1. For example, the Health and Ageing Committee's inquiry into obesity received attention in the media, contributing to the broader public debate.

Opportunities for private Members: a flow-on benefit

- 1.38 Backbench Members appreciate the professional opportunities that committee work provides, which may be summarised as:
- the opportunity to develop knowledge and expertise in particular policy areas;
 - providing opportunities to contribute other than the frontbench; and
 - working with members of other political parties.

Education and building expertise

- 1.39 Members often come to Parliament with considerable experience in particular industries, professions or academic fields. They may also be especially well-informed about particular regions or communities. The House committee system facilitates, and benefits from, Members applying their expertise to policy problems. Committee service allows Members to further specialise in those subjects, or develop new areas of expertise. It is not uncommon for Members to serve on one or more particular committees over successive Parliaments. This degree of specialisation can be satisfying for Members and also contributes to the effectiveness of the Parliament.
- 1.40 Through the conduct of inquiries, committee members can learn more about particular policy issues.⁴⁶ Committees are able to draw on the expertise and experience of relevant public servants. Inquiries also allow other policy professionals to express their opinions directly to members of parliament:

Frequently, parliamentary committees get one picture of an issue from government departments (whether state or federal), but they get significantly different evidence from individuals, NGOs and businesses about the same issue. The committee process can allow them to explore this divergence and the results can be of as much benefit to governments as to non-government parties.⁴⁷

46 House of Representatives Standing Committee on Legal and Constitutional Affairs, *Submission No. 7*, p. 1; I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 79.

47 I Holland, 'Parliamentary committees as an arena for policy work' in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 78.

1.41 Because House committee inquiries in particular tend to focus on emerging issues, Members have an opportunity to learn more at the ‘strategic or emerging end of the issue cycle.’⁴⁸ Inquiries can therefore assist backbench Members to better prepare for and contribute to debates in the Chamber or within their respective party rooms:

... committees add a very important dimension to the democratic process by broadening and deepening consultation with the community before laws are passed.⁴⁹

1.42 Opposition frontbenchers may use the committee system to enhance their knowledge of their own area of responsibility or to gain access to information that would otherwise be less accessible. Expertise gained through the committee system may also better position government and non-government backbenchers for promotion to the frontbench. These are indirect but nevertheless legitimate contributions to the effectiveness of the Parliament.

1.43 In addition to technical information, committee inquiries allow members to learn about the impact of policies on communities and tap into community sentiment around a particular issue:

... the inquiry process can provide [members of Parliament] with a reality check, attenuating overly narrow or ideological policy advice coming from a government or a government agency.⁵⁰

1.44 Members acknowledge and appreciate this facet of committee work. As one Member notes:

Through committee work, members are exposed to a wide range of information through access to academics, community groups, representatives from government departments, the business community and individuals who have an interest in the particular subject matter that the committee may be dealing with.

... the committee work we participate in exposes us to the world around us and the way that everyday people are affected in their lives. It has been a very big education for me and the learning experience has proven invaluable.⁵¹

48 Professor I. Marsh, *Submission No. 13*, p. 3.

49 Civil Liberties Australia, *Submission No. 9*, p. 1.

50 I Holland, ‘Parliamentary committees as an arena for policy work’ in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, pp. 77–8.

51 Ms A. Ellis MP, *Submission No. 16*, p. 2.

Another way to contribute: committees as a career path

- 1.45 Many backbenchers will never have the opportunity to serve on the frontbench, either in government or in opposition. In fact, two-thirds of all Members since federation have spent their time in the House exclusively as private Members.⁵² Some Members prefer to spend their careers on the backbench.
- 1.46 For those Members – and for those wishing to eventually move to the frontbench – committee service offers opportunities to make satisfying and meaningful contributions to the development of public policy. Relatively recent official acknowledgment of the roles of Chairs and Deputy Chairs through remuneration has enhanced the committee system as a career path. However, this could be made more effective by strengthening various aspects of the committee system, as recommended in this report.

Cooperation across party lines

- 1.47 The committee system facilitates cooperation across party lines, with a range of political views and approaches represented on each committee. When Members work closely with one another to consider evidence and discuss relevant issues they develop understanding and respect for each other.⁵³
- 1.48 Indeed, this cooperative, consensus approach taken by House committees is sometimes contrasted with the nature of proceedings in committees in the upper house.⁵⁴ This may be demonstrated by the relative unanimity of House committee reports: so far in the 42nd Parliament, 87 per cent of reports by House general purpose standing committees have been unanimous, compared with only 29 per cent in the Senate.⁵⁵

52 67 per cent; excludes all Members of the 42nd Parliament as at 19 February 2010.

53 The Hon. K. Rozzoli, *Submission No. 2*, p. 4.

54 M Rodrigues, 'Parliamentary inquiries as a form of policy evaluation', *Australasian Parliamentary Review*, vol. 23, no. 1, pp. 36–7.

55 As at 15 February 2010, according to analysis of information from websites of House and Senate non-domestic committees, at <<http://www.aph.gov.au/>>. Unanimous reports are those issued without dissenting or minority reports, or additional or supplementary comments.

The present inquiry: conduct, scope and structure

Conduct of the inquiry

- 1.49 In May 2009, the Committee agreed to investigate and report on the effectiveness of House of Representatives domestic and general purpose standing committees including:
- (a) the number, subject coverage, membership and means of appointment of committees;
 - (b) the type of work being undertaken by committees;
 - (c) the appropriateness of current Standing and Sessional Orders;
 - (d) the powers and operations of committees; and
 - (e) factors influencing the effectiveness of House committees, including resources and structural issues.
- 1.50 The Committee wrote to the Clerk, Members, a number of academics with an interest in parliamentary committees, and other members of the public, inviting written submissions to the inquiry. The Committee received 19 submissions, one supplementary submission, and seven exhibits, which are listed at Appendix C.
- 1.51 The Committee received evidence from the Speaker, Deputy Speaker, Clerk and Deputy Clerk at private briefings. In addition, the Committee held two roundtable discussions with committee Chairs and Deputy Chairs. Details of these meetings, including a list of participants, are available in Appendix D.
- 1.52 The Committee also held two public hearings in Canberra: one with Dr Phil Larkin, of the University of Canberra; and another with representatives from the DHR and A-PAC. Details are at Appendix D.

Scope of the inquiry: what is 'effectiveness'?

- 1.53 Measuring the effectiveness of committees is a somewhat contested matter. Many media reports evaluating the effectiveness of parliamentary committees have focussed on the outcomes of inquiries, particularly completion rates, and the extent to which committee recommendations are adopted and implemented by government.⁵⁶ Similarly, most of the scholarly research focuses on the quantitative and qualitative outcomes of committee work.⁵⁷ There have also been attempts to compare the effectiveness of different committee systems through 'benchmarking' studies.⁵⁸
- 1.54 While not dismissing the usefulness of these approaches, the Committee does not attempt to rate the 'effectiveness' of the House committee system in this way in its present inquiry. Instead, the Committee considers how House committees can improve their functionality to meet the changing needs of the Australian public; the ways in which committee work can be more appropriately integrated into the work of the Parliament; and how committee structures and operations might be changed to enable Members to better engage with committee work.
- 1.55 The House committee system comprises House general purpose standing committees, House domestic committees, and joint committees on which Members serve. Throughout its inquiry, the Committee has focussed primarily on how the House's system of general purpose standing committees might be improved, while also considering domestic and joint committees, as appropriate.

56 See, for example: G Ryle and L Pryor, 'Democracy denied', *Sydney Morning Herald*, 20 June 2005, p. 1; G Ryle and L Pryor, 'Hot topics given cold shoulder', *Sydney Morning Herald*, 21 June 2005, p. 7; L Pryor and G Ryle, 'MPs travel the world, inquiries go nowhere', *Sydney Morning Herald*, 22 June 2005, p. 12; A Walters, 'Two pays one job', *Daily Telegraph*, 8 January 2010, pp. 1, 4.

57 D Monk, 'In the eye of the beholder? A framework for testing the effectiveness of parliamentary committees', *Parliamentary Studies Paper*, No. 11, Crawford School of Economics and Government, Australian National University, Canberra, 2009, p. 1.

58 See, for example: S Martin, *Explaining variation in the strength of parliamentary committees*, p. 31, viewed 3 August 2009, at: <<http://webpages.dcu.ie/~martins/committees1.pdf>>.

Structure of this report

- 1.56 This chapter has described the current state of the House committee system and the contributions it makes. The remainder of this report is presented in six sections, each corresponding to a particular inquiry term of reference:
- Chapter 2 describes the resources available to the House committee system to carry out its functions – including funding, staffing, leadership and time – and considers current and alternative systems by which these are allocated;⁵⁹
 - Chapter 3 looks at the House committee system’s role as the interface between representative democracy and participative democracy, and considers how this might be improved;⁶⁰
 - In Chapter 4, the Committee considers the structure of the House committee system, including: the appointment process; eligibility criteria; the number and types of committee positions; the number and subject coverage of committees; and proposals for new committees;⁶¹
 - Chapter 5 discusses the powers and operations of committees not discussed elsewhere;⁶²
 - Chapter 6 considers the type of work currently undertaken by House committees, and whether there is any value in adjusting the current balance;⁶³ and
 - Chapter 7 looks at the outcomes of committee work, including: the presentation of reports; government responses; the implementation of adopted recommendations; and whether there is scope for other ways of evaluating an inquiry’s effectiveness.⁶⁴
- 1.57 In each chapter, key issues are considered and the Committee’s conclusions and recommendations presented. The third term of reference, the appropriateness of current standing and sessional orders, is addressed where relevant in each chapter.

59 Relates to the fifth term of reference.

60 Relates to the fifth term of reference.

61 Relates to the first term of reference.

62 Relates to the fourth term of reference. Chapter 3 also gives some consideration to committees’ current and potential powers.

63 Refers to the second term of reference.

64 Relates to the fifth term of reference.

- 1.58 The Committee notes that the major review of the House committee system, undertaken in 1998, was successful in effecting some change.⁶⁵ It also notes that issues not addressed at that time are still relevant today. While the Committee has been careful not to duplicate the work of the 1998 review, it accepts that there may necessarily be some overlap.
- 1.59 The aspects of the committee system considered in the present inquiry – number and type of committees and committee positions; operations and powers of committees; and structural factors, including resources – are very much interdependent. The Committee has therefore taken a thoughtful and careful approach to formulating the recommendations presented throughout this report, which it intends to be taken as a suite of complementary measures, rather than a series of unrelated options.

65 *Ten years on.* Appendix B contains a summary of government responses to the recommendations of this report, and a list of matters raised by the report and not supported by the government but which are still relevant today.