

4. PRESENTATION AND CONSIDERATION OF REPORTS IN THE HOUSE

Presentation of reports

4.1. Standing orders permit committee reports to be presented at any time when other business is not before the House. The rule allows for committee reports to be presented between items of business but, unless leave of the House is granted, Members may not make a statement on presentation. However, a period is allocated each sitting Monday for presentation of reports and statements on them.

4.2. A number of submissions are highly critical of the small amount of time allocated to debating reports at the time of their tabling. Members of committees and witnesses make a huge commitment of time and resources to committee inquiries. The Department of the House of Representatives advises that Members are frequently heard to express disappointment at their inability to speak in the House on the occasion of a report's presentation. It is said by some Members that they rarely have the opportunity to address the House in a timely fashion (ie on presentation) on issues raised in a committee inquiry.¹

4.3. It is acknowledged that the Selection Committee allocates time in an even-handed manner, but it is unavoidable that on many occasions only a nominal allocation of time can be made to a particular report.²

4.4. The Chair of the House of Representatives Standing Committee on Communications, Transport and Microeconomic Reform believes that the allocation of time in the program of business in the Chamber for committee matters is grossly inadequate. He says that this is amply demonstrated when the sitting hours for committees and the Chamber are compared, and then the proportion of time in the Chamber and the Main Committee in which committee matters are discussed are compared with the overall sitting hours. In 1997 House and joint committees sat for a total of 2201 hours while the Chamber sat for 697 hours, and the Main Committee sat for 171 hours. For each one hour the Chamber sat, House and joint committees sat three hours.³

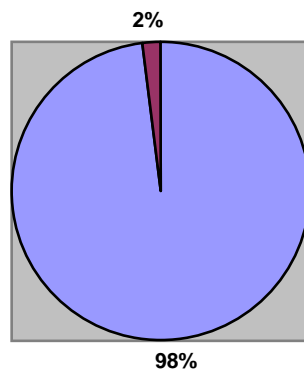
4.5. Despite the comparison of the number of hours that House and joint committees met, the time taken for discussing committee matters in the Chamber was only 2 percent of Chamber time (14 hours) in 1997, as shown in the following chart.

¹ Department of the House of Representatives, *Submission*.

² Sinclair, I, Former Chairman, Joint Standing Committee on Foreign Affairs, Defence and Trade, *Submission*.

³ Neville, P, Chair, House of Representatives Standing Committee on Communications, Transport and Microeconomic Reform, *Submission*.

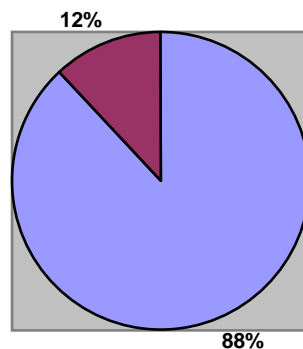
Proportion of time spent in the Chamber discussing committee matters in 1997



Source: Neville, P, Chair, House of Representatives Standing Committee on Communications, Transport and Microeconomic Reform, Submission

4.6. Committee matters were discussed in the Main Committee for only 12 percent of Main Committee time (18 hours) in 1997, as shown in the following chart. This is despite the perception by many Members that the Main Committee provides a significant amount of its time for the discussion of committee matters.

Proportion of time spent in the Main Committee discussing committee matters in 1997



Source: Neville, P, Chair, House of Representatives Standing Committee on Communications, Transport and Microeconomic Reform, Submission

4.7. Further, statistical analysis of the work in the Main Committee reveals that in 1997 in the Autumn sittings no reports were referred to the Main Committee, and in the Winter sittings no committee reports were discussed. Eight reports were referred but were sent back to the House without debate.⁴

4.8. The arrangements for debate on committee reports are clearly seen by Members as unsatisfactory. Debate does not occur in a timely manner—it is often weeks before the report is listed for debate.⁵ Members wish to debate relevant issues within a reasonable time after tabling, when issues are fresh and occasionally of high

⁴ *ibid.*

⁵ Sinclair, I, Former Chairman, Joint Standing Committee on Foreign Affairs, Defence and Trade, *Submission*.

public interest. The view of current chairs and deputy chairs of investigatory committees was recently expressed in the following unanimous resolution of the informal Liaison Committee of Committee Chairs and Deputy Chairs at its meeting on 26 November 1997:

That, as a matter of urgency, the Deputy Speaker write to the Leader of the House setting out this committee's unanimous view that:

1. there is insufficient time allocated on sitting Mondays for the consideration of committee reports and Government responses to them;
2. consideration be given to extending House sittings to include Monday mornings and existing dinner adjournments on Mondays and Tuesdays;
3. sittings of the Main Committee be extended; and
4. debates on committee reports and Government responses should have a higher priority than other private members' business and that the standing orders be amended to reflect this.⁶

4.9. The committee agrees that greater priority should be given to debating committee reports. It agrees that in addition to the time allocated for debate at tabling, because of the limited time available in the House, time should be allocated for debate in the Main Committee commencing that same week.

4.10. Accordingly the committee **recommends** that:

- **Standing orders be amended to enable the Selection Committee to determine the balance between committee and delegation business and private Members' business within an overall allocation of time each Monday. (recommendation 11) (see appendix 4)**
- **The order of business and the times of sitting be reviewed to enable debate on committee reports, in the Main Committee, to commence during the same week as tabling. (recommendation 12)**

Government responses

4.11. In 1978 the Government announced that within six months of the tabling of a committee report, the responsible Minister would make a statement in the Parliament outlining the action the Government proposed to take in relation to the report. In 1983 this period was reduced to three months. The present Government has agreed to a three month response time for reports tabled in the present Parliament.⁷

4.12. Speakers have followed the practice of presenting to the House at approximately six-monthly intervals a schedule listing government responses to House and joint committee reports as well as responses outstanding. Subsequently the Leader of the House tables a list showing stages reached in preparing responses. This list is not considered to be a formal response.⁸

4.13. Of the 247 reports tabled (for which a response is required) since the establishment of the present committee system in 1987 to the end of the 37th Parliament, only 19 reports were responded to within the three month period.

⁶ Department of the House of Representatives, *Submission*.

⁷ Department of the House of Representatives, *Register of Reports From Committees of the House of Representatives and Joint Committees*, July 1996.

⁸ Barlin, L M, (Ed) *House of Representatives Practice*, 3rd edn, AGPS 1997.

4.14. The present Government's commitment to a three month response period applies only to reports tabled in this Parliament. Of the 68 reports tabled in the 38th Parliament, to December 1997, only one was responded to within the agreed period.

4.15. No Government has consistently met the response times that it has set itself.

4.16. Members and others associated with committee inquiries expressed concern at the current procedures for responding to committee reports. Given the effort and expense involved in preparing submissions it was frustrating and disappointing that governments did not respond to reports in a proper and timely manner. The Chair of the House of Representatives Standing Committee on Communications, Transport and Microeconomic Reform, for instance, believes that governments could be asked to formally agree to reply to committee reports within three months. Further, if it is not possible to provide the Government's full response in that time, then an interim response should be given in Parliament, including the reasons why the Government needs more time to reply to a committee's report.⁹

4.17. The LACA Committee considers that the requirement for governments to respond to committee reports should be incorporated into standing orders and not be left to the discretion of governments. The LACA Committee believes that a further problem is the absence of government responses to bill inquiries. The committee advises that the Government has taken the view that the response to a bill was obvious in the light of amendments to the bill. The committee considers that governments should resume the practice of responding formally to reports on bill inquiries.¹⁰

4.18. A number of submissions comment on the need for time to be allocated for debate on government responses. The Department of the House of Representatives believes that while timeliness is important, it would seem to be more important, in terms of the accountability function of committees, that government responses actually be presented to the House by responsible ministers, and that time be extended to debate government responses. A process to facilitate this would complete, or at least extend a little, the accountability framework within which committees operate on behalf of the House.¹¹

4.19. The committee agrees that the process of government responses needs to be formalised. It accepts that often the delays in responding to committees may relate to the nature of the recommendations rather than a lack of commitment by the Government. The committee notes however, that committee chairs, Members in general and others with an interest in committee inquiries, believe that as a minimum requirement, the Government should provide an interim response within three months. The committee agrees that the process of government responses to committee reports should be formalised in the standing orders.

4.20. The committee accepts that the House could not enforce such a standing order but considers that the procedures relating to unanswered questions on notice may be relevant. If a question on notice remains unanswered after 60 days, standing order 150 enables a Member to request the Speaker to write to the Minister seeking reasons for

⁹ Neville, P, Chair, House of Representatives Standing Committee on Communications, Transport and Microeconomic Reform, *Submission*.

¹⁰ House of Representatives Standing Committee on Legal and Constitutional Affairs, *Submission*.

¹¹ Department of the House of Representatives, *Submission*.

the delay in answering. The committee considers that a similar provision in relation to government responses to reports should be introduced.

4.21. The committee **recommends** that:

- **The standing orders be amended to—**
- **Require the Government to respond to committee reports within three months of tabling. (recommendation 13) (see appendix 4)**
- **Enable a Member to request the Speaker to write to the Minister if, after three months, a response has not been made. (recommendation 14) (see appendix 4)**
- **Require the Speaker to table in the House, at six monthly intervals, a schedule of government responses to the reports of House of Representatives and joint committees, and reports presented to which responses are outstanding. (recommendation 15) (see appendix 4)**

Debate of government responses

4.22. Under current arrangements no set time is allocated for the debate of government responses to committee reports. There is no automatic referral of the response to the Main Committee for debate. All Members who participated in the inquiry considered that debate on the response was an essential final component of the inquiry and report process. The Department of the House of Representatives also considers that there be a regular time in which government responses are presented to the House.

4.23. The committee **recommends** that:

- **The standing orders be amended to provide for—**
- **A specified time (eg immediately prior to the presentation of committee and delegation reports on Mondays) for the presentation of government responses to committee reports. (recommendation 16) (see appendix 4)**
- **Automatic placement on the Notice Paper of government responses to committee reports when presented. (recommendation 17) (see appendix 4)**
- **The order of business and times of sitting be reviewed to enable government responses to committee reports to be debated, either in the House or the Main Committee. (recommendation 18)**