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The Parliament of the Commonwealth of Australia

# **Building a modern committee system**

**An inquiry into the effectiveness of the House committee system**

**House of Representatives  
Standing Committee on Procedure**

June 2010  
Canberra

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## Foreword

The current system of House and joint committees has been operating since 1987. Apart from some significant reforms in 1998, changes to its structure and operation since that time have been largely incremental. This may be because the committee system has continued, in large measure, to meet the House's needs. Nevertheless, Members' and the public's changing expectations have meant that the pressure for reform has been building over recent years.

For example, relatively recent developments in information and communication technology present opportunities for committees to change the way they do their work, including how they conduct inquiries and engage with the community. The range of demands on Members has also evolved, partly because of technological developments, and partly due to the public's changing expectations of Members and the Parliament as a whole. This inquiry into the effectiveness of the House committee system is therefore timely.

Throughout this inquiry, the Committee has looked at ways to make the House committee system more workable and responsive to the needs of the community and of the Parliament. It has considered the structure of the committee system, the powers of committees, and the types of work committees do. The Committee has been keen to improve the role of committees as the interface between the Parliament and the public. A range of structural factors were also considered, including ensuring that committees are properly resourced and appropriately integrated into the structures of the Parliament to carry out their vitally important work.

The Committee's inquiry has confirmed that House committees in particular deliver valuable outcomes to the Australian public by facilitating cross-party cooperation and constructive policy and scrutiny work. The bipartisan nature of House committee work was exemplified by the present inquiry, and I take this opportunity to thank the members of the Procedure Committee for the thoughtful and collaborative approach they each took to contributing to the inquiry.

The Committee held two roundtable discussions with committee Chairs and Deputy Chairs. These were well-attended and very productive forums, and displayed the high regard Members have for their committee work and the benefits to the community. I similarly take this opportunity to thank my colleagues for their valuable input to the inquiry.

In its report, the Committee has recommended a suite of complementary measures designed to strengthen the system of committees in the House of Representatives. Most of these recommendations suggest incremental change, which, in the past, has been the most effective means of bringing about practical improvements.

The Committee is optimistic that its timely review can effect as much change as the 1998 review, which was instrumental in improving the workability of the House committee system – for the Australian public as well as for the Parliament itself. The Committee is confident that its report will be accepted with the same spirit of cooperation in which the inquiry was conducted.

**Julie Owens MP**  
**Chair**





## **Membership of the Committee**

**Chair** Ms Julie Owens MP

**Deputy Chair** The Hon. Alex Somlyay MP

**Members** Ms Sharon Bird MP The Hon. Roger Price MP  
Ms Jennie George MP Dr Mal Washer MP  
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# **Terms of reference**

## **Committee terms of reference**

To inquire into and report on the practices and procedures of the House and its committees.

## **Inquiry terms of reference**

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.



## List of abbreviations

ALHR	Australian Lawyers for Human Rights
A-PAC	Australia's Public Affairs Channel
ATSIA	Aboriginal and Torres Strait Islander Affairs
DHR	Department of the House of Representatives
JCPAA	Joint Committee of Public Accounts and Audit
JSCOM	Joint Standing Committee on Migration
JSCOT	Joint Standing Committee on Treaties
JSCFADT	Joint Standing Committee on Foreign Affairs, Defence and Trade
LACA	Legal and Constitutional Affairs
UK	United Kingdom



## Reference guide

Chamber Research Office statistics	Statistics provided by the Chamber Research Office of the Department of the House of Representatives
H.R. Deb.	House of Representatives Debates (Hansard). References are to date and page.
<i>H.R. Practice</i>	Harris, I. C. (ed), <i>House of Representatives Practice</i> , 5th edition, Department of the House of Representatives, Canberra, 2005.
<i>House committee procedures</i>	Standing Committee on Procedure, <i>Procedures relating to House committees</i> , November 2005.
<i>It's your House</i>	Standing Committee on Procedure, <i>It's your House: Community involvement in the procedures and practices of the House of Representatives and its committees</i> , October 1999.
<i>Making a difference</i>	Standing Committee on Procedure, <i>Making a difference – Petitioning the House of Representatives</i> , August 2007.
<i>Media coverage</i>	Standing Committee on Procedure, <i>Media coverage of House proceedings – Including the Chamber, Main Committee and committees</i> , Final report, May 2005.
<i>Nursing mothers</i>	Standing Committee on Procedure, <i>Options for nursing mothers</i> , June 2007.
<i>Promoting community involvement</i>	Standing Committee on Procedure, <i>Promoting community involvement in the work of committees – Conference of committee chairs, deputy chairs and secretaries</i> , 6 March 2001, May 2001.

- Sessional order 344* Standing Committee on Procedure, *Sessional order 344*, June 2003.
- Ten years on* Standing Committee on Procedure, *Ten years on – A review of the House of Representatives committee system*, May 1998.
- VP Votes and Proceedings of the House of Representatives from 1901 to present. Contained in bound volumes and indexed by session. References are to sessional volume/page, e.g. VP 2002-04/1085.



# List of recommendations

## 2 Resourcing for committees

### 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.

**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.

**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.

**3 Committees: Participatory democracy****Recommendation 4**

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

### **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.

### **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.

### **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.

### **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.

### **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.



## 4 Structure of the House committee system

### 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.

### 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.

### 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.

**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.

**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.

**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.

**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.

**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.

**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.

## **5 Powers and operations**

### **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.

### **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.

### **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.

## **6 The various types of committee work**

### **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.

### **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.

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## 7 Outcomes of committee work

### 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.

### **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.