

1. INTRODUCTION

Development of the committee system

1.1. In 1974 the Parliament established the Joint Committee on the Parliamentary Committee System to inquire into and make recommendations for a balanced system of committees for the Parliament. In its report, tabled in 1976, the committee identified the main functions of the Parliament as being legislation, oversight of the executive and the provision of a public forum for initiation and discussion of policy, and observed that:

Performance of the first function can be aided by committees. The second function can only be carried out properly by small committees. Part of the third function can be carried out in committee.

There is obvious room for improvement of the parliamentary committee system. There is a need to rationalise the system, to distribute the increasing workload amongst a carefully designed and integrated system of committees. Only through an effective committee system can the Parliament continue to perform its roles. Government administration and legislation are too complex for detailed consideration on the floor of the House.¹

1.2. Notwithstanding that committee's recommendations for change, for the next decade the House continued with its ad hoc establishment of House committees, which, with a broader but still ad hoc structure of joint committees, enabled some participation by Members in committee work.

1.3. In early 1987, the then Clerk of the House observed that the House committee system that existed at that time did little to assist the Parliament to achieve its goals.² In order to address these shortcomings the House of Representatives committee system was restructured in September 1987. The House established a comprehensive series of general purpose standing committees, thus giving it the capacity to monitor the work of all federal government departments and agencies. The reforms were seen at the time as offering increased opportunities "for creative activity and rigorous study of particular issues by backbenchers".³

1.4. The committee system that was introduced in 1987, with minor amendments, is that which operates in the House today.

Role of committees

1.5. *House of Representatives Practice* states that the principal purpose of parliamentary committees is to perform functions which the Houses themselves are not well fitted to perform, such as carrying out investigations, hearing witnesses, sifting evidence, discussing matters in detail and formulating reasoned conclusions.⁴

¹ Joint Committee on the Parliamentary Committee System, *A New Parliamentary Committee System*, May 1976, pp 1-2.

² Browning, A R, *Development of a Committee System*, House of Representatives, March 1987.

³ Langmore, J V, *Committee Restructuring*, Unpublished paper, September 1987.

⁴ Barlin, L M, (Ed) *House of Representatives Practice*, 3rd edn, AGPS 1997.

1.6. Public input is also important. Committee inquiries bring Parliament to the people by promoting public awareness and debate on matters being considered by the Parliament. Committees provide a public forum for the presentation of the various views of individual citizens and interest groups.

1.7. Committees perform an important educative function for Members. As well as serving to inform Members on various issues, committees can contribute to better administration and policy making through their reports and recommendations.

1.8. An important function of committees is to scrutinise government activity. Committees may oversee the expenditure of public money and they may call the Government or the public service to account for their actions and ask them to explain or justify administrative decisions.

1.9. The Australian Labor Party committee deputy chairs believe that one of the reasons for the extent of apathy, cynicism and general contempt for Members of Parliament is the fact that the public are remote from and have little knowledge of the political process. The deputy chairs consider that the committee system is perhaps the only mechanism whereby citizens can have a direct input in the policy making process.⁵

Types of committees

1.10. The House of Representatives (and in the case of joint committees, the House and the Senate) currently has a number of different types of committees. Each type is established by a different mechanism and may carry out different functions, have different powers and operate under different procedures.

General purpose standing committees

1.11. There are nine general purpose standing committees. These committees are established by standing order 28B and appointed at the beginning of each Parliament. The committees inquire into and report upon any matters referred to them by the House or a Minister, including any pre-legislation proposal, bill, motion, petition, vote or expenditure, other financial matter, report or paper. Annual reports of government departments and authorities are automatically referred to the appropriate committee for any inquiry the committee may wish to make and reports of the Auditor-General may be referred on request. General purpose standing committees in the 38th Parliament are:

- Aboriginal and Torres Strait Islander Affairs
- Communications, Transport and Microeconomic Reform
- Employment, Education and Training
- Environment, Recreation and the Arts
- Family and Community Affairs
- Financial Institutions and Public Administration
- Industry, Science and Technology
- Legal and Constitutional Affairs
- Primary Industries, Resources and Rural and Regional Affairs

⁵ Australian Labor Party Deputy Chairs, *Submission*.

Joint statutory committees

1.12. Joint statutory committees are established by an Act of Parliament and have both Senators and Members of the House of Representatives as members. These committees are required to be established at the beginning of each Parliament. Joint statutory committees in the 38th Parliament are:

- Australian Security Intelligence Organization
- Broadcasting of Parliamentary Proceedings
- Corporations and Securities
- National Crime Authority
- Native Title and the Aboriginal and Torres Strait Islander Land Fund
- Public Accounts and Audit
- Public Works

Joint standing committees

1.13. Joint standing committees are established by resolution agreed to by both Houses and have both Members and Senators as members. Traditionally they have operated under Senate standing orders. Joint standing committees in the 38th Parliament are:

- Electoral Matters
- Foreign Affairs, Defence and Trade
- Migration
- National Capital and External Territories
- Treaties

Domestic or internal committees

1.14. The standing orders provide for a number of standing committees concerned with the powers and procedures of the House itself or the administration of the Parliament. These are normally appointed at the beginning of each Parliament. Domestic committees in the 38th Parliament are:

- Procedure
- Privileges
- Members' Interests
- Selection
- Publications (usually meets jointly with an equivalent Senate committee)
- Library (usually meets jointly with an equivalent Senate committee)
- House (usually meets jointly with an equivalent Senate committee)

Ad hoc standing and select committees

1.15. The House may, by resolution, appoint standing committees for the life of a Parliament or select committees for a specific purpose. At present there are no committees of these types. Since the establishment of the system of committees in 1987, only one *ad hoc* standing committee has been established (Standing Committee on Long Term Strategies, 1990-1995) and only one select committee (Select Committee on the Print Media, 1991).

The inquiry

1.16. On 20 November 1997 the committee resolved to—

(1) review the adequacy and appropriateness of the system implemented on 24 September 1987 as modified from time to time, including:

- (a) the number, subject coverage, membership and means of appointment of committees;
 - (b) the type of work being undertaken by committees; and
 - (c) the role of House of Representatives committees in relation to the activities of joint committees;
- (2) inquire into and report on the standing orders and practices governing committees of the House, including:
- (a) the powers and operations of committees;
 - (b) dealing with witnesses; and
 - (c) disclosure of evidence; and
- (3) examine the provision of government responses to committee reports.

1.17. In deciding on the reference, the committee considered that as the committees had been operating for ten years, it was an appropriate time to review the adequacy and appropriateness of the system, including how general purpose standing committees fit in with the range of other parliamentary committees, especially joint committees.

1.18. The committee advertised its reference nationally, sought the views of Members and committee chairs, officers of the House and the Senate and sought submissions from the community. The committee also conducted round table discussions with committee chairs (or their deputy chairs) and officers of the House.

1.19. A list of participants in the inquiry is at Appendix 1.

1.20. A recent newspaper article commented that reviews of systems imply that someone at least has good reason to believe that something is seriously wrong. Reviews also place those conducting them in a position where they feel they must come up with something.⁶

1.21. As part of the inquiry, the committee wrote to a number of individuals and organisations that had appeared before House committees. It is clear that in general those associated with inquiries found the experience worthwhile. One organisation, for instance, found committees to be very productive and of value to the determination of policy.⁷ Another believed that the committee system has been extremely beneficial to organisations or topics being reviewed, to the community generally and to Members themselves.⁸ At the outset of this report, it is important to note that most of the comments received by the committee indicate that the current system of committees has served the House well.

1.22. However, with the passage of time and experience generally, together with the evolving political dynamics, it was thought that the committee system, even though acknowledged as a good one, could be even better with some rationalisation and modification.

⁶ *Canberra Times*, 31 January 1998.

⁷ Australian Hotels Association, *Submission*.

⁸ Australian Fisheries Management Authority, *Submission*.