



Infosheet

COMMITTEES

No. 4
March 2008

What are parliamentary committees?

A parliamentary committee is a group of Members or Senators (or both in the case of joint committees) appointed by one or both Houses of Parliament to undertake certain specified tasks. They have both government and non-government Members on them and have considerable powers to undertake work on behalf of the Parliament. The Senate also has its own committee system and much of the following information is relevant to Senate committees too.

These committees are known as parliamentary committees. There are other types of committees such as party (eg ALP, Liberal Party) committees, government committees or inquiries (eg Productivity Commission inquiries) and judicial inquiries which all investigate matters affecting the Government. This infosheet only deals with parliamentary committees.

What do committees do?

Parliamentary committees investigate specific matters of policy or government administration or performance. They are able to do things which it would not be possible to undertake in the large, formal environment of the Chamber of the House itself, or the second debating chamber, the Main Committee, such as finding out the facts of a case or issue, gathering evidence from expert groups or individuals, sifting evidence and drawing up reasoned conclusions. This kind of work is more effectively carried out by small groups of Members. Some parliamentary committees are responsible for matters related to the internal administration of the Parliament.

An advantage of committees is that several of them can operate to one time enabling many more investigations to be conducted. Each committee has its own defined area of operation so that they are also able to specialise and build up a body of expertise among their members.

Why are committees important?

Parliamentary committees are one mechanism the House uses to keep a check on the activities of the Government. Because they have extensive powers to call for people, including public servants, and documents

to come before them committees can thoroughly investigate questions of government administration and service delivery. 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.

Committees can contribute to better informed policy-making and legislative processes. They help Members to access a wide range of community and expert views so that through the committee process the Parliament is able to be better informed of community issues and attitudes. Committees provide a public forum for the presentation of the various views of individual citizens and interest groups.

In a sense committees take Parliament to the people and allow direct contact between members of the public and groups of Members of the House. Because they can travel extensively throughout Australia and have flexible procedures they provide opportunities for people to have their say on the issues being investigated. By simply undertaking an inquiry a committee may promote public debate on the subject at issue.



A public hearing for a committee inquiry

Types of committees

Committees can be categorised in several ways and a particular committee may fall into more than one category. A list of the types of committees and the terminology used to describe them can be found at the end of this infosheet. The remainder of this infosheet describes the operation of the investigatory committees, that is, those committees with powers to undertake

inquiries into issues or problems. For these committees the name of the committee usually gives an indication of the subject areas it investigates. A list of the committees can be found on the Parliament's Internet site (www.aph.gov.au).

Membership

Most Members of Parliament, except Ministers and Parliamentary Secretaries, serve on committees—even the Speaker is a member of certain committees. Committees vary in size and may have as few as seven or as many as 32 members. They are normally composed of Members from the various parties or independent Members in proportion to the numerical strength of each group in the House. Thus government members form a majority on each committee. In practice each committee is chaired by a government member and has an opposition member as deputy chair. The members of each committee are selected or elected within the political parties and their names are then put forward by the respective party whip. Independent Members may be nominated by the opposition whip or, in some cases, may nominate themselves to the Speaker. The nominated members of a committee are then formally appointed by resolution of the House.

Committee work is an important part of the duties of a Member of Parliament and generally makes considerable demands on a Member's time, both when Parliament is meeting and at other times. When the House is not sitting you would expect to find committees holding public hearings, meetings, inspections and other activities around Australia.



Taking Parliament to the people—a parliamentary committee takes informal evidence

Powers of committees

Committees have considerable powers, usually delegated to them by the House(s) appointing them. Committees established by law (statutory committees such as the Joint Committee of Public Accounts and Audit) have particular powers set out in the relevant law. To enable them to carry out their functions effectively, investigatory committees are normally given power to order people to attend by summons to give evidence and produce documents.

To support and enforce such powers, each House is able to punish offences which interfere with the work of its committees. A person summoned to appear before a committee but who refuses to attend, or a witness who refuses to answer a question or produce a document, or

who lies to or misleads a committee, may be punished for contempt by reprimand, fine or imprisonment. A person attempting to influence a witness or to prevent a witness from giving evidence, or persecuting or injuring a witness for having done so, would also be guilty of contempt, and may also be prosecuted under the provisions of the Parliamentary Privileges Act.

Committee proceedings are considered to be 'proceedings in Parliament', and therefore 'privileged'. Members and others participating, such as witnesses giving evidence, are thereby protected from being sued or prosecuted for anything they may say during such proceedings. Written evidence received by a committee is similarly protected. For more information on parliamentary privilege see Infosheet No. 5 'Parliamentary privilege'.

The powers of committees to compel the giving of evidence and the rights of witnesses to be protected ensure that committees are able to get comprehensive, factual and truthful information.

Investigatory committees in operation

The scope and purpose of each inquiry undertaken by an investigatory committee is set out in the terms of reference for the inquiry. Depending on the type of committee these may be referred to the committee by the House, by a Minister, or by a law, or be developed by the committee itself. In practice, often, the terms of reference for a new inquiry are developed by negotiation between the committee and the Minister who is responsible for the subject area of the inquiry.

The first step in an inquiry is to advertise its terms of reference in the press and invite people and organisations to send in their opinions and proposals in writing (submissions). People or organisations known to be interested in the subject or thought to have specialist knowledge may be approached directly to make submissions. An analysis of existing material on the subject matter of the inquiry is made by the committee staff and information is usually sought from the relevant government departments or agencies.

Having considered the written submissions received, committees may then invite some of those who have lodged submissions to come to a meeting with the committee (public hearing) to discuss their submissions and answer questions. Public hearings are often held away from Canberra in State capitals and regional centres and sometimes by videoconference. As well as formal hearings, committees may also conduct seminars, public meetings, focus groups, round table discussions or other less formal gatherings to hear the opinions and ideas of experts and the community. They may also inspect facilities and other places of relevance to the inquiry.

After examining all the evidence, the committee prepares a report setting out its conclusions and making recommendations. This report is presented to the House, or to both Houses in the case of a joint committee. On occasions some members of a committee do not agree to all recommendations in the

report and they may add a minority or dissenting report. A feature of most committee work, though, is the ability of Members from all parties to work constructively together to develop proposals they can all agree on. Depending on the scope of the subject matter, inquiries may take only a few weeks, or may last many months when wide community input is required.

How to have your say

Lodging a submission

It is open to anyone to lodge a written submission with a committee on the subject of an inquiry. A submission should state clearly the name and address of its author and, if relevant, of the organisation the person represents. They can be sent to the committee on paper or via email.

There is no particular format required—a submission may be in the form of a letter, a short document or a substantial paper; it may contain facts, opinions, arguments and recommendations for action. It is important that submissions be relevant to the terms of reference of the inquiry, as these define what the committee can consider, but it is quite acceptable for a submission to be directed to a specific aspect of the terms of reference, rather than the whole. A committee's terms of reference are usually advertised at the start of each inquiry, but copies of it and any necessary clarification may be obtained from the secretary to the committee.

Once a submission has been formally received by a committee, it cannot be withdrawn or altered without the committee's permission nor can it be published or disclosed to another person unless the committee has authorised its publication. Any uncertainties in this area should be clarified with the committee secretary.

What happens at a public hearing?

The purpose of a public hearing is to provide an opportunity for the committee to clarify and test the evidence already provided and to examine other points of view with a witness. The hearing of evidence by committees usually takes place in public and such meetings are often attended by members of the general public and by media representatives.

The chair usually opens a hearing with a brief statement of its purpose and background and outlines the procedures to be followed. Witnesses are normally heard individually or in groups representing a single organisation. Witnesses are required to tell the truth and occasionally they may be asked to make an oath or affirmation to confirm this. The witness sits at the table and is asked to identify himself or herself and to state the capacity in which he or she is appearing before the committee—for example, as a representative of a particular organisation or as a private individual. If witnesses have supplied a written submission to the committee, they may be asked what part they played in the submission's preparation and if they wish to amend it. Before being questioned, witnesses are usually invited to make a short statement to the committee.

Usually the committee chair first asks a series of questions before calling on other members to ask any other questions they might have. A witness or a member of the committee may object to a question but the committee can insist on it being answered. Only members of the committee may question a witness. Sometimes witnesses may request that their evidence be taken in camera, that is, in private, and that documents submitted be regarded as confidential. Such requests are usually, but not necessarily, granted.

A transcript of evidence taken at public hearings is prepared by Hansard and is normally published. Copies of their evidence are provided to the witnesses.

Committees sometimes provide other opportunities for members of the public to speak to the committee in relation to an inquiry. This might be in the form of a public meeting where a general invitation is issued for people to attend and make comments, or perhaps at the end of a formal public hearing a committee may invite members of the public who are present to make short statements about the inquiry.

Progressing the inquiry

Committees meet in private in order to discuss the progress of their inquiries, consider evidence, reach decisions and take votes, and to agree on their reports. On occasions committees may try to stimulate debate on an inquiry and encourage submissions by issuing a discussion paper or an interim report. It may use seminars, workshops or focus groups to conduct initial discussions at the beginning of an inquiry, to obtain general community views on a matter, or to test with particular groups or individuals preliminary conclusions that the committee has reached. Some of these approaches may also be used after the final report of the inquiry has been published in order to gain feedback from experts and the community.

These informal proceedings can be very valuable to a committee in giving direction to an inquiry. The information gathered using mechanisms other than the traditional public hearing process does not have the status of formal evidence but it can inform the committee and be used in its reports provided the processes used are explained. Depending on the circumstances, such informal proceedings may not be covered by parliamentary privilege. (see Infosheet No. 5 for more information about parliamentary privilege).

Committee reports

Although a committee report may be presented to the House at any time when other business is not being considered, a period is reserved on Mondays specifically for the presentation and debate of committee reports. Committee reports may also be referred by the House to the Main Committee (the House's second debating chamber) for debate.

Except in the case of committees concerned with the administration or procedures of the House itself, committee reports usually recommend government action—for example, the introduction of legislation, a change in administrative procedures or review of policy.

Such action is the responsibility of the Executive Government rather than the Parliament.

The Government responds to such committee reports by way of a written statement to the House. In recent years it has been government policy to respond to a report within three months of its presentation to the Parliament although it may be longer before a response is provided. The Government may accept, or partially accept, a committee's recommendations, and announce its intention to take certain action. Some recommendations may be rejected, while the Government may announce that it wishes to give further consideration to others. Sometimes the Government may implement recommendations made by a committee through changes in legislation or government administration or policy without a formal response having been published. The information collected by committees and their reasoned conclusions can also contribute to policy thinking and community debate.

An advisory report on a bill (proposed law) is presented in the same manner as other committee reports. If the Government accepts changes to the bill recommended by the advisory report, these are incorporated into government amendments moved during the consideration in detail stage (see Infosheet No. 7 'Making laws').

Following a committee inquiry

Details of committee inquiries, including their terms of reference, are usually published in major newspapers and information can be obtained from the committee secretariat at Parliament House in Canberra. People with an interest in a particular subject area can contact the relevant committee and ask to be placed on its mailing list for information on inquiries.

The Parliament's Internet site (www.aph.gov.au) provides comprehensive information about committees, their current inquiries, schedules of public hearings and other activities, how to prepare a submission, copies of submissions and hearing transcripts, reports, government responses to reports and contact details.

In addition a fortnightly advertisement in the Australian newspaper provides information on new inquiries and reports. The About the House magazine and House News Internet page (www.aph.gov.au/house/house_news) provide news and articles about committee activities. Copies of the magazine can be obtained through the Liaison and Projects Office, Department of the House of Representatives, Parliament House, Canberra ACT 2600 or liaison.reps@aph.gov.au.

Types of committees

Standing committees are committees appointed for the life of a Parliament and they are usually re-established in successive Parliaments (that is, after each election). They have a continuing role.

Select committees are appointed as the need arises, for a specific purpose, and thus have a more limited life which is normally specified when the committee is established. Once a select committee has carried out its

investigation and presented its final report, it ceases to exist.

Joint committees draw their membership from and report to, both Houses of Parliament, enabling Members and Senators to work together on the same matter.

Statutory committees are those established by Act of Parliament, that is, by statute. All existing statutory committees are joint committees.

Domestic or internal committees are those whose functions are concerned with the powers and procedures of the House or the administration of Parliament.

Investigatory committees are those with investigatory powers. Generally speaking the term is used to describe all committees other than the Main Committee and domestic or internal committees (although some internal committees, including the Petitions Committee, may also have an investigative function).

General purpose standing committees are investigatory or scrutiny committees, appointed at the commencement of each Parliament to 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. Between them the general purpose standing committees of the House cover most government activity, with each committee covering a particular spread of subjects and thus a number of related government departments and authorities. The Joint Committee on Foreign Affairs, Defence and Trade covers these subject areas. Annual reports of government departments and authorities and Auditor-General's reports are automatically referred to the appropriate committee for any inquiry the committee may wish to make. The House of Representatives does not have dedicated legislation committees. However, a bill may be referred, for an advisory report, to a standing committee which specialises in the subject area of the bill. The committee can call witnesses and receive evidence relating to the bill and can recommend action to the House, although it cannot amend the bill itself.

The Main Committee is a committee established to be an alternative venue to the Chamber for debate of a range of business (i.e. the second reading and consideration in detail stages of bills, committee and delegation reports, and papers presented to the House). It is not an investigatory committee and cannot hear witnesses or take evidence. More detail may be found in Infosheets No. 16, 'The Main Committee' and No. 7 'Making laws'.

For more information

House of Representatives Practice, 5th edn. Department of the House of Representatives, Canberra, 2005. pp 621–706.

About the House magazine, Department of the House of Representatives, published bi-monthly.

House News Internet site
www.aph.gov.au/house/house_news