

Introduction to Session One: Overview

Professor John Langmore

I would like to wholeheartedly thank Ian Harris, Glenn Worthington and the staff of the Department of the House of Representatives for organising this timely seminar. Holding the seminar at the start of a parliamentary session when a new Government has just taken office is a particularly appropriate moment at which to celebrate past achievements and more importantly to review performance and to discuss improvements.

The House of Representatives committee system was radically restructured towards the end of 1987. Until that reform was introduced, a few areas of the Commonwealth's responsibilities were considered in detail by committees of the House but no committee was able to study such centrally important areas as economic, education, employment, immigration, industry, science, social security or trade policies. There were gaping holes in the work of the House.

That mattered profoundly because in Australia political power is overwhelmingly held by the executive. Once the party elected to government has chosen its leader and the ministry is selected, the House has little power. Government members keep the government in office, but debate in the chamber rarely directly influences legislation or policy. For example, unlike in many other parliaments, the House can make not a dollar of difference to the budget.¹

Therefore any backbencher concerned about making an impact has to find indirect ways of increasing influence. Ministers normally do listen to their backbench colleagues. Full party meetings and committee meetings discuss policy and sometimes influence its contents. Informal discussions in ministers' offices, in corridors, over meals and late at night can be

¹ This issue is discussed in some detail in Ian Marsh and David Yencken, *Into the Future: The Neglect of the Long Term in Australian Politics*, The Australian Collaboration and Black Inc, Melbourne, 2004.

important. But little of this provides much opportunity for creativity or rigour. Power remains centred in the ministry.

A strong, comprehensive committee system is one means of modestly changing the balance. Committees have the potential to scrutinise policy and legislation, to study particular issues thoroughly, to explore creative proposals carefully and, to strengthen the access of the public to parliament. Committees improve the quality of parliamentary representation. Ministers sometimes say, too, that committees give members more to do, so diverting attention from plotting against the power-holders!

Why, then, wasn't a comprehensive committee system established until 1987?

Parliamentarians, scholars and commentators had often proposed such a reform. A comprehensive committee structure was set up in the Senate in 1970, and many MPs wanted a parallel system in the House, but the Liberal Government rejected any expansion. The Labor Government elected in 1972 also rejected the idea. The Fraser Government established a House Expenditure Committee but would move no further.

The reasons for this opposition from governments on both sides was that ministers were concerned about the risks of closer scrutiny of their policies; they were wary of giving the Opposition free kicks, of creating additional opportunities for criticism. They were frightened of loss of control from an increase in backbench activity either through scrutiny or initiative. The public service was also opposed for the same reason: they didn't want an increase in the opportunity for MPs to review their work or to propose policies which they might not support.

Why, therefore was the reform made in 1987? First, the Hawke Government promised in the Governor General's speech after the election that 'The Parliamentary Committee system of the National Parliament will be strengthened to give members a more effective role and participation in the great affairs of this nation'. I don't know how that sentence came to be written into the speech but have the impression that Prime Minister Hawke, some of his staff and certainly some ministers favoured democratic reform. The intention of strengthening the committee system had been announced when Labor first won government in 1983 but nothing had happened because the Leader of the House (Mick Young) and some other ministers had been opposed. More than just announcement of intention was clearly required.

Second, the proposal was timely. Labor had won a third consecutive election for the first time. Two days after the election a major ministerial and departmental re-organisation was

announced involving sweeping structural changes to both the executive and the bureaucracy. So change was in the air. The Clerk of the House had circulated a discussion paper earlier in the year on the *Development of a Committee System*, a paper which became an important source of ideas. The anomaly of an inadequate House committee system was becoming an embarrassment.

Third, after discussion with some colleagues and finding they were supportive, I moved at the first meeting of Caucus after the election for establishment of a committee to prepare detailed proposals. A representative committee of seven members was elected and we began consultations. The strong and cross factional membership of the committee ensured that all points of view were taken into account and united support from all parts of the backbench and from several influential ministers for the final recommendations. Though there was considerable debate about details there were no strongly divisive issues. Expansion in the number and responsibilities of committees appealed to members because there would be more opportunities for influence. The fact that the pay of chairs and members would increase may not have been completely irrelevant either. All chairs and a majority of members were to be elected by government members.

And fourth, the recommendations were accepted by the ministry because some ministers were strongly in favour in principle, and most others did not want to antagonise the backbench. A couple of potential opponents were silent because of leadership ambitions. A condition was that funding for staffing would not be increased.

Cabinet made a few minor modifications to the committee structure and one change of importance: parliamentary standing committees would be required to obtain ministerial approval for the terms of reference of any proposed inquiry. The Opposition was consulted about the proposed structure but no significant changes were made following those discussions. Revised standing orders were quickly passed and the new system introduced. For the first time in Australian history the House of Representatives had the capacity to consider in detail any issue relating to the powers of the Commonwealth.

Others will evaluate how well the system has worked. Clearly the structure of the committee system has evolved during the last twenty years. I want to conclude by briefly commending six of the ways in which the effectiveness of the system could be improved.

First, committees desperately need increased staffing and capacity to employ experts. Neither Labor nor Coalition Governments have so far been generous with funding. One test of the strength of government commitment to democracy is whether they provide adequate funds to parliament. An effective model would be through the establishment of a Parliamentary Commission (like that in the UK) consisting of the Presiding Officers, three Members, three Senators and the Clerks of both the House and the Senate. The Commission would have responsibility for staffing and all services in Parliament House and electorates.²

Second, remove the requirement that committees obtain ministerial approval for new inquiries. In the Australian political system where there is such a severe imbalance between the powers of the executive and the legislature a minimal move to correcting the imbalance is that committee members determine the issues they will study. The idea of citizen-initiated parliamentary committee inquiries has also been suggested.³

Third, make legislation and estimates committees joint committees with the power to question both public servants and ministers from either House, to take submissions from the public and commission independent research.

Fourth, wherever possible introduce a process of pre-legislative consultation and development by committees which included opportunities for inputs from experts, interest groups and concerned community organisations, as do the Dutch.

Fifth, establish a democratic modernisation committee to study and propose ways of increasing the engagement of the public in political processes and of improving parliamentary procedures and practices.

And sixth, legislate for a requirement that ministers must respond to parliamentary committee reports within three months, to overcome not only ministerial inattention but also public service obstruction.

² Carmen Lawrence, 'The Democratic Project', November 2005

³ Ibid, p13

These and other reforms could contribute to making the parliamentary committee system an even more effective way of balancing the power of the executive and of increasing public engagement in Australian governance.