

**Interim Report No. 3:
Monitoring and review
of procedural changes
implemented in the
43rd Parliament
The effectiveness of reforms to the
House committee system**

House of Representatives
Standing Committee on Procedure

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Foreword

Procedural reforms implemented at the beginning of the 43rd Parliament have now been in place for over a year. This short report by the Procedure Committee looks specifically at reforms relating to the House committee system and captures some of the features, opportunities and challenges associated with the first year of their implementation.

The review suggests that reforms to the operation of House and joint committees have generally been embraced enthusiastically by Members, though there are some aspects the Committee has highlighted as warranting further consideration.

The Committee will continue to seek feedback from Members and collect information about the impact of the reforms on Members' ability to perform their committee duties as effectively as they would wish.

Julie Owens MP
Chair



Membership of the Committee

Chair Ms Julie Owens MP

Deputy Chair Mr Russell Broadbent MP

Members Ms Sharon Bird MP

Mr Steve Irons MP

Hon Joel Fitzgibbon MP

Mr Ewen Jones MP

Ms Jill Hall MP (from 7 February 2012)

Mr Sid Sidebottom MP (to 7 February 2012)

Committee Secretariat

Secretary Ms Catherine Cornish

Inquiry Secretary Mr Justin Baker

Senior Researcher Ms Naomi Swann

Administrative Officer Ms Penny Branson



Terms of reference

To monitor and report on procedural changes implemented in the House of Representatives in the 43rd Parliament

The effectiveness of reforms to the House committee system

Introduction

- 1.1 Although parliamentary committees have existed since 1901, the House of Representatives committee system today reflects the structure introduced in 1987 when the House established a comprehensive series of general purpose standing committees to scrutinise all areas of government activity. Since then, successive parliaments have overseen some variations, the most notable occurring in 1998 following a major review by the Procedure Committee.¹
- 1.2 More recently, in June 2010 the Procedure Committee in its report on the effectiveness of House committees made a series of recommendations.² Many of these were taken up in the *Agreement for a Better Parliament: Parliamentary Reform* (the Agreement) negotiated between the political

1 Standing Committee on Procedure, *Ten years on: A review of the House of Representatives committee system*, May 1998, Parliamentary Paper No. 91/98. Available online at: <http://aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/reports/comsys/index.htm>. The Government implemented many of the Committee's recommendations, including a reorganisation of the standing orders governing committees; a reduction in the membership of general purpose standing committees from 14 to 10 (or in one case – 12); and a greater consistency of powers and procedures between committees.

2 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, 21 June 2010, Parliamentary Paper No. 144/2010. Available online at: <http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/committees2/report.htm>.

parties and non-aligned Members in the period between the 2010 federal election and the formation of government. They were implemented in the amendments to standing orders made at the beginning of the 43rd Parliament.³

1.3 Changes to the operation of House committees implemented in the 43rd Parliament include:

- a rationalisation of the number of general purpose standing committees and a reduction in their membership;⁴
- an increase in the number of supplementary members able to participate in a committee inquiry;⁵
- the ability for chairs and deputy chairs to make statements in the House about inquiries;⁶
- a requirement for ministerial explanations if government responses are not received within a six month timeframe;⁷ and
- the referral of bills requiring additional scrutiny (as determined by the Selection Committee) to House and joint committees.⁸

Background to inquiry and purpose of this report

1.4 It is over one year since significant procedural reforms – including the changes to committees – were introduced into the House. This is the Procedure Committee’s third report as part of its monitoring and review of the procedural changes. Recommendations the Committee made in its two previous interim reports are listed in Appendix A.

1.5 In May 2011, the Committee made some preliminary observations on the operation of the changes and suggested some initial fine-tuning.⁹ At the

3 H.R. Deb. (29.9.10) 116–143.

4 The number of general purpose House standing committees was reduced from twelve to nine while the permanent membership was reduced from ten to seven (or eight where a non-aligned member is appointed to a committee). See standing orders 215(a) and 215(d), *H.R. Standing and Sessional Orders*, 20 October 2010.

5 Supplementary membership increased from a maximum of two members to a maximum of four members. Standing order 215(d), 20 October 2010.

6 Standing order 39(a), 20 October 2010.

7 Resolution adopted 29 September 2010. See standing orders, 20 October 2010, p. 126.

8 Standing order 222(a)(iii), 20 October 2010.

9 Standing Committee on Procedure, *Interim report: Monitoring and review of procedural changes implemented in the 43rd Parliament*, 22 May 2011, Parliamentary Paper No. 116/2011. Available online at: <http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/proceduralchanges/report1.htm>.

time the Committee began its report, the House had only sat for five weeks – insufficient time to conduct a comprehensive review – and therefore the Committee did not draw significant conclusions. Nor could it comment then on whether the ultimate objective of the reforms – the building of a more active and participatory House – had been achieved. Nonetheless it was important to document the early stages of this new style of parliament and to capture some initial reactions of Members and others who participate in the work of the House. The first interim report also enabled the Committee to flag some emerging issues arising from the reforms. To date, no response to this report has been received.

- 1.6 A second interim report was presented in July and focused specifically on one of the procedural changes foreshadowed in the Agreement: the referral of bills by the House Selection Committee to committees to prepare an advisory report to the House.¹⁰ While Members generally have been enthusiastic about the increase in opportunities to review proposed legislation, the new bill-referral mechanism has seen the workloads of some committees increase significantly. The Committee's report drew attention to the marked increase in bill referrals and its impact on committees' workloads and resourcing. The report suggested some enhancements to the referral process. To date, no response to this report has been received.
- 1.7 This, the Committee's third interim report, examines the effectiveness of reforms to the operation of the House committee system. In its first interim report, the Committee made some tentative comments on the changes to the committee system and indicated it would expand upon these later. Committees have now had over twelve months of changed operations and the Committee is better able to comment on the effectiveness of this aspect of the reforms.

Conduct of inquiry

- 1.8 At its first meeting of the 43rd Parliament, the Committee adopted the following terms of reference:

To monitor and report on procedural changes implemented in the House of Representatives in the 43rd Parliament.

10 Standing Committee on Procedure, *Interim report no. 2: Monitoring and review of procedural changes implemented in the 43rd Parliament – Referral of bills to committees by the House Selection Committee*, 4 July 2011, Parliamentary Paper No. 175/2011. Available online at: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/proceduralchanges/report2.htm. The report examined new standing order 222(a)(iii), agreed by the House on 29 September 2010.

- 1.9 In preparing this third interim report, the Committee has drawn on feedback provided informally, at Committee briefings and a roundtable meeting with Members (detailed below). The report also draws on data collected by the Chamber Research Office and on comments made by Members in the House, or elsewhere, which are in the public domain.
- 1.10 On 20 September 2011 the Committee held a private roundtable meeting, to which all Members were invited, to seek feedback on their views and experiences of reforms to the House committee system in the 43rd Parliament. On 13 October 2011 the Committee held a private meeting with the Speaker and the Clerk to discuss emerging issues on these reforms.
- 1.11 The House committee system comprises House general purpose standing committees, House domestic committees, and joint committees, on which Members serve. By convention, if the corresponding House and Senate standing orders or procedures differ, joint committees follow Senate standing orders or procedures.¹¹

Structure of report

- 1.12 This short report consists of this chapter and an appendix. The remainder of the chapter examines reforms to the operation of House and joint committees. The Committee considers the objectives of each reform and the mechanisms used to support their implementation. Where appropriate, the Committee has added comment about the effectiveness, from its observations, of each of the reforms.
- 1.13 Appendix A lists the recommendations of the Committee's two previous interim reports on the procedural reforms.

Rationalisation of general purpose standing committees

- 1.14 The implementation of the proposal in the Agreement to rationalise the number of committees and reduce their membership has seen the number of general purpose House standing committees reduced from twelve to nine.¹² The number of positions per committee has been reduced from ten

11 See *House of Representatives Practice*, 5th ed., p. 628, which notes that this practice is based on that of the United Kingdom whereby joint committees follow House of Lords select committee procedures when such procedures differ from those of Commons select committees.

12 Standing order 215(a), 20 October 2010.

permanent members to seven, with the membership of each committee comprising four government and three non-government members.¹³

- 1.15 The rationale for having fewer and smaller House standing committees was to alleviate time pressures on Members and to allow them to dedicate more time to the committee or committees on which they serve.¹⁴ Table 1.1 (p. 6) provides a comparative breakdown of the number of Members serving on committees in the 42nd and 43rd Parliaments.
- 1.16 While changes to standing orders reduced the number of permanent places on House standing committees from 161 to 125, the establishment of a new joint standing committee (the Joint Committee on the National Broadband Network) and six joint select committees in the 43rd Parliament has meant that, in effect, there has been little reduction in the number of committees on which Members may serve.
- 1.17 Select committees are established for a particular purpose, usually with a specific reporting deadline, and then they cease to exist upon completion of their final report. In the 42nd Parliament there was only one select committee; on this six positions were occupied by House Members. Already in the 43rd Parliament, Members have been appointed to 38 positions across the six joint select committees.¹⁵ Three of the committees have completed their inquiries and have been dissolved.
- 1.18 At the close of the 42nd Parliament, excluding *ex-officio* positions filled by the Speaker and Deputy Speaker, there were 262 positions on House and joint committees being filled by 115 eligible Members – an average of 2.3 positions per available Member.¹⁶ Most eligible Members were therefore required to serve on two or three committees. At 25 November 2011 there were 247 positions on House and joint committees being filled by 116 eligible Members – an average of 2.1 positions per eligible Member.

13 Standing order 215(d), 20 October 2010. Note: where a non-aligned Member is appointed to a general purpose standing committee, standing order 215(d) provides that committee membership consist of eight members – four government members, three non-government members and one non-aligned member.

14 Standing Committee on Procedure, *Building a modern committee system: An inquiry into the effectiveness of the House committee system*, 21 June 2010, Parliamentary Paper No. 144/2010, p. 68.

15 See Table 1.1, p. 6.

16 Eligible Members include shadow spokespersons, but exclude Ministers, Parliamentary Secretaries, the Leader of the Opposition, the Speaker and Deputy Speaker. See standing order 230, 20 October 2010 and *House of Representatives Practice*, 5th ed., pp. 635–37.

