



NO. 6—COMMITTEE MEMBERSHIP

Most senators are members of committees during their term of office. There are currently more than 40 committees on which senators serve. These include eight pairs of legislative and general purpose standing committees, two legislative scrutiny committees and eight 'domestic' standing committees, along with select committees and joint committees of various kinds. For further information about the powers and functions of these committees, see [Odgers' Australian Senate Practice, 12th edition, chapter 16](#).

How is the composition of committees determined?

The Senate, through its standing and other orders, determines the composition of its committees. The composition of most committees reflects the composition of the Senate itself. Since October 1994 the distribution of chairs has also been guided by this principle.

The mainstay of the Senate committee system is its legislative and general purpose standing committees. In their current incarnation these comprise eight legislation committees and eight references committees, each with coverage of particular subject and government portfolio areas. The table below shows the composition of these committees.

Committee type	Established by...	Number of members	Membership formula	Chair
legislation committees	standing order 25	6	3 government ¹ 2 opposition ² 1 minority group/independent ³	government
references committees	standing order 25	6	2 government ¹ 3 opposition ² 1 minority group/independent ³	opposition/ minority group/ independent

The government chairs each of the legislation committees. The allocation of chairs of references committees is determined by agreement between the Opposition and minority groups and independent senators. Standing order 25(9) provides for the matter to be determined by the Senate if agreement cannot be reached.

The table below shows the composition of the other Senate committees which are established under the standing orders.

Committee name	Established by...	Number of members	Membership formula	Chair
Appropriations and Staffing	standing order 19	9	President Government Leader (or proxy) Opposition Leader (or proxy) ¹ 3 government 3 opposition, minority group or independent ^{2/3}	President
House	standing order 21	7	President Deputy President 5 senators	President
Library	standing order 20	7	President 6 senators ⁴	President

Privileges	standing order 18	7	4 government ¹ 3 opposition ²	opposition
Procedure	standing order 17	10 (4 ex officio, 6 nominated)	President Deputy President Government Leader (or proxy) Opposition Leader (or proxy) 6 senators	Deputy President
Publications	standing order 22	7	7 senators	government
Regulations and Ordinances	standing order 23	6	3 government ¹ 3 opposition, minority group or independent ^{2/3}	government
Scrutiny of Bills	standing order 24	6	3 government 3 opposition, minority group or independent	opposition
Selection of Bills	standing order 24A	party or minority group whips and 4 nominated	Government Whip Opposition Whip minority group whips 2 government ¹ 2 opposition ²	Government Whip
Senators' Interests	standing order 22A	8	3 government ¹ 4 opposition ² 1 minority group/independent ³	opposition

¹ nominated by the Leader of the Government in the Senate

² nominated by the Leader of the Opposition in the Senate

³ nominated by minority groups or independent senators

⁴ the Senate members of the Joint Committee on the Parliamentary Library

For select committees the membership formula is usually contained in the resolution of appointment or in a subsequent resolution. If not, [standing order 27\(1\)](#) provides for members to be nominated by the mover of the motion to establish the committee.

The composition of joint committees is determined by resolutions agreed to by both Houses, and is shown on each committee's homepage.

How are senators appointed to committees?

Senators are appointed to committees by resolution of the Senate, on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or minority groups or independent senators, in accordance with the membership formula for the particular committee.

The nominator writes a letter to the President nominating senators to be members of certain committees and lodges it with the Table Office. The letter may be signed on behalf of the Leader of the Government or Opposition by the Manager of Government or Opposition Business or the Government or Opposition Whip, respectively. In practice, most nominations are handled by the whips.

The President announces receipt of the nomination to the Senate. These announcements are included on the Order of Business ("the Red") on any sitting day after "Tabling of documents" in the afternoons, although they may be dealt with at any time when there is no other business before the chair.

After the nominations are announced, the duty minister seeks leave to move a motion immediately for the appointment of senators to committees. Leave is required because this is a motion of which notice would otherwise need to be given. The Senate then votes on the motion and the members are thus appointed.

What happens if nominations outnumber vacancies?

It is unusual for there to be more nominations than there are vacancies because committee membership is generally resolved by agreement within or between the various parties, groups and independent senators. Where agreement cannot be reached, however, the standing orders provide for a ballot to be held so that the Senate itself may determine the issue (see [standing order 25\(6\)](#) and [standing order 27](#)).

When a ballot is to be held, the bells are rung for four minutes and the Clerks hand out ballot papers with the list of candidates. Senators vote by writing the names of the candidates they wish to vote for and the ballot papers are collected and counted by the Clerks. Whips are usually appointed as scrutineers to check the count. The President then announces the result. If two candidates have an equal number of votes, the result is determined by the President by lot ([standing order 163](#)).

Getting off a committee

It takes a resolution of the Senate to discharge a senator from membership of a committee. In practice, appointments and resignations are dealt with in the letters from nominators and a single motion proposes that senators be discharged from, and appointed to, committees. If there are several membership changes, a list is circulated in the chamber for the information of senators before the motion is moved.

Are there different types of membership?

For most committees there is only one type of membership: senators are appointed as “full members” of the committee. Occasionally a senator may be appointed for a period of time, for instance between specified dates or for the duration of a particular inquiry.

For **legislation committees** and **references committees**, however, the standing orders provide for different types of membership.

As well as the six full members of those committees, the Senate may appoint senators as **participating members**. Participating members may take part in public hearings and private meetings. They have all the rights of members, including the right to receive copies of submissions and other documentation and to contribute to reports, but they are non-voting members (see [standing order 25\(7\)](#)). As such, they do not affect the composition of the committee but they may count for the purpose of determining a quorum. Participating members are appointed to, and discharged from, committees by resolution of the Senate as described above.

It should be noted that any senator has the right to attend **estimates hearings**, participate in deliberations and add to the committee’s report (see [standing order 26\(8\)](#)). It is not necessary for a senator to become a participating member of a committee for that purpose.

A **substitute member** is appointed by resolution of the Senate to replace an existing member for a specific period of time, for the duration of a particular inquiry or for the consideration of particular matters. For example, one senator **may** replace another on a committee considering a particular bill. Unlike participating members, substitute members have voting rights in respect of those matters for which they are substituting.

Under [standing order 25\(7\)](#), first adopted as a temporary order in late 2006, a participating member of a legislation committee or a references committee may be appointed by letter to attend a committee meeting as a substitute for a member who is unable to attend. Committee secretariats can assist senators in making these arrangements.

Substitute and participating membership provides significant flexibility. Although the standing orders refer to such membership only in relation to legislation committees and references committees, the Senate may make similar arrangements for other kinds of committees by specific resolution. Since 2008, for instance, participating membership provisions have been extended to a number of select committees.

Quorums

A quorum is the minimum number of members required to be present for a meeting to proceed. As in the Senate, a quorum must be formed if a senator draws attention to its absence (see [standing order 29\(2\)](#)). [Standing order 29\(1\)](#) provides that a quorum in each committee or subcommittee is either a majority of the members or two members, where one was appointed on the nomination of the Leader of the Government in the Senate and the other on the nomination of the Leader of the Opposition in the Senate. Participating members may count towards a quorum if a majority of members is not present. The Senate may agree to different quorum arrangements for particular committees.

Can senators serve on committees before they are sworn in?

New senators may be appointed to committees in advance of their swearing-in and may serve on committees from the first day of their term of office. In practice, the appointment of new senators to committees from the beginning of a term starting on 1 July is often agreed to in advance by the Senate so that committees may continue to operate with full membership through the transition from one Senate to another.

Conflict of interest

A senator who has a conflict of interest in relation to a committee inquiry may not sit on the committee for that inquiry. See [Odgers' Australian Senate Practice, 12th edition, pages 376-77](#) for further details. Senators may wish to seek advice on such matters from the Clerk.

Need more information about committees?

For assistance with any matters covered by this guide contact the Clerk Assistant (Committees) on extension 3371 or ca.committees.sen@aph.gov.au.

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Brief Guides to Senate Procedure are available online at:

<http://www.aph.gov.au/senate/pubs/guides/index.htm>
