

## The Truth About Parliamentary Committees

Senator Bruce Childs

Ladies and gentlemen, the issue of parliamentary committees is, of course, a vast topic and I will not try to be comprehensive. I will try to give you a subjective analysis based on Senate committee experience. Everyone in the political process has an angle. Senators and members are clearly political animals. They have clear political objectives — or sometimes not so clear political objectives — which might be covered by high sounding rhetoric. The truth is that everyone in the government process has an angle, an agenda or preconceived ideas that influence their actions. Sometimes there is harmony, but very often there are differences and very often they are not acknowledged.

Take executive government. You have a cabinet and ministers. Those ministers have usually worked hard for the day when they lay down their policy in their political image. The individual minister has a small personal staff of half a dozen who have to look after their minister, facing the outside world and, of course, over their shoulder, the department. The ministerial staffers are like the tasters to the kings of old. If they make a major mistake in any direction, they and their minister can be politically dead.

Then there is the department. We all know that the department's view should be similar to the minister's in the implementation of government policy. However, the senior echelons of the department also develop a corporate view. Clearly there can be differences. *Yes Minister* has fascinated all of us as the unofficial textbook on contradictions — contradictions between what the textbooks say and what happens in practice.

In government, the next body of absolute importance is the caucus, in my case, or the party room in the case of the coalition. The caucus consists of all government senators and members. The back bench is the litmus of government fortunes and the electorate's reaction to the government. Members of the caucus are very conscious that they are answerable to the people. Everybody else in the process is indirectly accountable.

Over the last decade, the average political life expectancy of a member or senator has been five, six or seven years. Just look for a moment at the average length of service of a member of the House of Representatives going back a decade from 1990: 1987, 1985, 1983 and 1981. The periods from 1990 are seven years and two months, five years and seven months, five years and five months and six years and ten months. Senators follow a similar pattern. From 1990 going back, the periods are: six years and six months, five years and one month, seven years and five months, seven years and three months, and six years and two months.

A textbook on Senate committees naturally fails to pick up the vast differences between individuals, even of the same party. It is amazing how different people are coming from different parts of Australia. Each committee will have its own dynamic. Speaking of dynamics, you have all the psychodynamics of a small group without the therapy. When you have somebody verging on a personality disorder, or others that I

would categorise as primitive personalities, you can end up with tension and conflict. An example of what I call a primitive or selfish personality in a senator was the senator who always pushed in to get the first question. The senator would ask questions then leave and make phone calls for the next hour. The senator would then return and push in again to ask more questions. That is what I call a primitive personality, which you occasionally come across.

When you consider the political differences that exist between senators, it is amazing that, for most of the time and on most committees, you have a civil and productive result. To balance the story I have just related, I should give an example of a mature committee. Back in 1982-83 I was a member of a select committee<sup>1</sup> of which Peter Rae was the Chair. The committee membership consisted of Reg Withers, Austin Lewis, John Coates, myself and Peter Walsh, who became a minister before the committee could finish its activity, when Labor won the election. It was a sign of cooperation that we urged Peter Rae to continue on as chairman of that committee. However, the election had intervened in the committee's work.

We had a very keen person from the secretariat who, while we were away fighting the election, prepared the whole report. When we came back, Peter Walsh had dropped off the committee because he was a minister. That left John Coates and me as the only representatives of the government. We found that the report was untenable from our point of view so we did another thing that I would like to demonstrate happens. We got down into the trenches and fought every sentence and every paragraph of that report because all of it was unacceptable to us.

Finally, Reg Withers, who is a very practical fellow, said, 'Bugger this. Let's get the report down to twenty pages and we can put all the rest in as an appendix'. From that point, where everybody agreed, we proceeded to get a proper report. That is an example which has always stuck in my mind of the maturity of the people involved in a committee. We finally got a report that I think was quite a good one.

The problem of Opposition members needs to be mentioned as it has a direct bearing on how parliamentary committees work. The Opposition usually gets seven days notice of legislation. It faces a frantic rush to form its position on the proposed legislation. It has some departmental assistance, but it has to rely particularly on staffers, party experts and the interest groups involved. This pressure on the Opposition makes the option of delay of legislation more attractive. So you have delay added to the other options, apart from accepting the legislation, of defeat, or dilution of a bill. The Democrats have advantages and problems based on their balance of power position in the Senate. They have more limited resources, but they will be wooed and assisted by those opposed to legislation in the process of examining the bill. In addition to political opposition, there can be opposition based simply on poor legislation, and I will say more about that later.

The availability of resources to government and opposition senators is an important issue because it determines how effective you can be. I would say quite proudly that the present government has increased the facilities we have received in the last decade. This is particularly so since we had the catalyst of the move to the new Parliament House. We have had additional staff, facsimile machines, computer equipment and electronic data links. In the past we had the situation of the parliamentarian having inferior resources to the public service or a modern business. Parliamentarians were expected to compete against those people with inadequate

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1. Commonwealth Parliament Senate Select Committee on Statutory Authority Financing, *Report*, Parliamentary Paper 203/1983.

resources.

The background to our committee work has to be an understanding of how parliamentarians fit their committee work into the rest of their duties. The speed of communications, the explosion of information and the complexity of government administration has accelerated since I first came into the Parliament. The fax, the mobile phone, radio, television and continuous plane travel dominate our lives. A great deal has been written about senators in what I believe is an idealised folklore that hankers for the days when orators spent weeks honing their speeches which shook the Senate when they were finally made. They might have done that then; it is harder to do it now.

Commentators refer to senators as having more time for reading and contemplation compared with their House of Representatives colleagues. It is said that we have more independence and freedom because we do not face elections each time the House goes to the polls. I have been elected five times since 1980 and have never proceeded into the second half of any of my six-year terms because of double dissolutions.

Another claim which is silly, is that we are more independent. The inference is that we are more noble, and independent of all the crass political pressures. The simple truth is that the Senate is dominated by people who have come into this place by virtue of their prominence in the state party machines. That occurs on all sides of Parliament. There is an additional group of people, if you put them into categories, who are preselected because their party machines want representatives in particular regions. Once again, it was a decision of the party machine that applied special pressure to get them into the Senate.

Against this background of speeded up activity and party pressure, I would like to turn directly to the work of Parliament, and parliamentary committee work. I recently received a breakdown of my parliamentary attendances for sittings of the Parliament and committees of the Senate. The figures reveal that I am away from home for over 40 per cent of the 365 nights of the year — usually in Canberra but occasionally in another state. My figures, I am sure, are typical. When you add the party and official functions that take you away from your home city, you would find that many senators would be away from their homes for half of the year.

With the mix of standing committees, select committees, joint standing committees, joint select committees, estimates committees and house committees, the workload is out of hand. That is one of the points I want to emphasise when we consider what changes should occur. I believe that the standard of involvement of senators is declining. Too many senators are token members of committees. The standard of work will finally decline because senators are not even able to attend meetings or keep up with the work of the committee. To this extent, there is a serious problem to be faced. Our problem is that there is an incremental increase in the number of committees.

However, the most significant issue is that the standing committees have increased their responsibilities with the general inquiries that committees themselves may decide, and those which are referred to them by the Senate; the examination of annual reports; shorter inquiries — as they usually are when referred by a majority vote of the Senate on particular issues — and, more recently, the examination of legislation. The pressure on the staff of the secretariat is measurable and increasing.

It is not easy to measure senators' workloads. Senators tend to grumble about committees and, when they are pressured, to agree to go on yet another one. But the reality is that they are not getting the time to give their attention to the work of a

committee or, more significantly, they do not have the ability to do research for the committees that they are on. The truth is that there is a crisis that needs solution before the burn-out factor actually kills some people off.

I would like to deal with just a couple of aspects of this problem in, I hope, a constructive way. In December 1989 the Senate adopted a set of procedures for the reference of legislation to standing committees for detailed scrutiny. The aim was to replace some of the time-consuming debate in the committee of the whole by referring legislation to the appropriate standing committee where the relevant minister may, at times, be in attendance. As could be expected, our experience has had mixed results. This reflects the different types of bills referred and the political controversy surrounding each bill.

I would like to point out why I believe the consideration of bills by the standing committees can be of great value. As I have said, there is a tendency in what is written to link the minister and his department together as executive government when, in real life, it is a bit more complicated. Of course, the minister must accept the political responsibility; that is the way the system works.

The legislation, in the first place, will usually be initiated by the minister or the department. The minister will seek in-principle support from the cabinet and his caucus committee. There is often a process of consultation with interest groups directly affected. The legislation is then drawn up and submitted to cabinet, the caucus committee and the caucus for approval.

The percentage of legislation having weaknesses which are not picked up in this process is significant. The so-called unintended consequence could be a political weakness that would alienate support for the government because the government has not realised that a particular section of the community was adversely affected by the legislation. This usually occurs because the broad political implications of the bill have not been worked through by the government. Usually, these problems are picked up by the back bench at the caucus consideration of the bill.

Of course, there are technical mistakes and the legislative scrutiny of civil rights and liberties issues covered by the work of the Standing Committee on Regulations and Ordinances and the Standing Committee for the Scrutiny of Bills, are most important. However, an alarming amount of unsatisfactory legislation gets through the system. The conventional wisdom is that if you are a government member, you defend the government whether it is right or almost right. The truth is, it is foolish not to acknowledge these weaknesses.

Let me share, as they say nowadays, a couple of examples which I believe show the value of parliamentary scrutiny through the use of standing committees. The Senate Standing Committee on Industry, Science and Technology had before it a package of bills. The bills completely transform the administration and management of the fishing industry, taking away direct departmental control and substituting a statutory authority model. I do not know all the details, but what I can say is that the internal struggle in the fisheries section of the department took at least a year. Clearly, there were going to be winners and losers as the new positions were filled. Apart from rivalry for the plum jobs, many officers felt insecure and uncertain as to their future career prospects. Many had passionate views about the structure of the new industry control. The fishing industry, for its part, was angry with the delay. Our 'fishers', as they are known, are a rugged lot and they see Canberra as a landlocked obstacle to them making a fortune. Environmentalists were concerned to lock the protection of natural resources into the new fishing legislation.

When the minister came before the caucus, he emphasised the urgency of the reforms and the pressure from the industry for speedy passage. The complex package of bills got a cursory examination at the caucus and the caucus committee, and came into the Parliament. My committee — and I should add here that they are a very practical bunch of people with a variety of industry experience — examined the legislation. To be brief about it, we were lucky at about that time to get a minister, Simon Crean, who was prepared to work flexibly and informally with the committee. In the result, eighty government amendments to that legislation were introduced arising from the process of the committee work. I pay particular tribute to the Deputy Chair of the Committee, Senator Brian Archer who, having a well-established close bond with the fishing industry, played a vital role in bringing the conflicting views together.

If we look at this experience of poorly prepared legislation, we can see a less than competent section of a department finally handing the government a raw prawn — and that, I think, is the way to put it. Although the government must accept the responsibility, I think this illustrates the conflicts of interest within the government process, and highlights the advantage of using a standing committee to review legislation. It also illustrates several types of inquiries that standing committees can make or usually undertake: firstly, the examination of legislation that is intended to be similar to the committee stage in the chamber; and then the more inquisitorial style of inquiry that standing committees take in respect of ordinary references in order to examine an issue more thoroughly. In this case, we have used a composite of both. Our standing committee, with the minister's support, agreed to a full inquiry into the experience of the legislation in twelve months' time, which will be about next Christmas, so there will be an ongoing examination of this matter.

The second example that I would like to mention briefly is the Australian Nuclear Science and Technology Organisation Amendment Bill. This ANSTO Bill dealt with the controversial issue of nuclear waste. Once again, legislation had gone through the government procedures and the caucus committee process. Ministers had given assurances that the government did not intend to further develop the Lucas Heights site in Sydney as a waste repository. However, there was widespread concern at every level in the community, as ANSTO is not widely trusted. The committee had a unanimous front of opposition before it from local councils across Sydney, community groups, the state government and, significantly, every political party. In this case, the minister was persuaded to add words to the report to make abundantly clear his intention not to create an extended repository. The Standing Committee has also said it will seek a Senate reference if the commitments are not followed by ANSTO.

I hope that these examples show that it is possible to extend the forms of parliamentary democracy through the use of the parliamentary committee system. However, I must at the same time assert that there is always a constant struggle between government and opposition, and to ignore its impact on the system would be foolish. Anthony Fusaro wrote in 1968: 'When the Senate was controlled by government prior to 1949 it did little except act as a rubber stamp for cabinet decisions. When dominated by the opposition it seems in the eyes of many to be bent on using obstructionist tactics for purely partisan motives'.<sup>2</sup>

When the opposition is dominant in delaying government legislation, I believe it is

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2. Anthony Fusaro, 'The Australian Senate as a House of Review: Another Look', in Colin A. Hughes, *Readings in Australian Government*, University of Queensland Press, 1968, p 138.

engaging in a legitimate parliamentary tactic. This allows for the organisation and mobilisation of pressure groups. In the process, the opposition hopes to undermine support for the government and possibly gather support for its own policies. However, the Whitlam Government experience saw the extreme use of this tactic. The Senate between 1973 and 1975 rejected more legislation than in the previous seventy-one years. So that experience to some extent has left its scars.

The other issue I want to mention is the rivalry between the two chambers which permeates every level of this building and has to be acknowledged as part of the background. This House chauvinism is manifest in many ways. The House considers that senators are the second XI, frustrating smooth government. The view from the Senate is that the House is full of rowdies dropping artillery shells of personal abuse on each other. The truth is that the rather childish mutual recrimination prevents a more rational solution of problems.

I have argued that the Senate system is under strain. If senators' workloads are extended beyond a reasonable level it is difficult to be effective. I would argue that because there are various types of parliamentary committee inquiries, it would be better to rationalise parliamentary committees over both chambers, and the House of Representatives should consider some draft legislation before it comes into the chamber. It should do this in the first place on a trial basis.

The government often presents to the community a draft bill. I propose that the House of Representatives standing committees have hearings, when necessary, on this type of legislation. I would argue over time that it is in the government's interest to extend that process — to reduce delays on the Senate side, which they complain of; to avoid the unintended-consequences problem that I have referred to; and to gain approval for legislation in the community by the use of that process. I am not for a moment suggesting that the Senate should not continue with its current program — if you like, the experiment that it is undertaking.

It is interesting that during the Whitlam Government period the government proposed that a number of joint committees be formed. The Senate retaliated that the House of Representatives should form committees to examine legislation. So, in a way, what I am saying is not new. If the House of Representatives were to now take up that option, we could have a more even and consistent vetting of bills, reducing delays at the end of the process in the Senate — which is the way it tends to come out. I believe what I am saying is logical and workable, and that the existing system is not logical enough. A change would benefit both government and opposition.

The second area of parliamentary committee activity I would propose to change, if I were a dictator, is the estimates committee system. First, let me say that in the last few years with the introduction of program budgeting, there has been a vastly improved availability of useful information. In my experience, there has been a great improvement. Secondly, the estimates committee process is one of the main opposition checks on government. So no change can occur without the opposition's support. But I believe that we should merge the roles of estimates committees and standing committees. I would pass the estimates function to the standing committees. The procedure would be much the same, but we would overcome a number of estimates committee weaknesses that exist at the present moment. At the moment there is no organic link.

The estimates committees are twice-yearly marathons where all the questions, all the political points, have to be fired off under the pressure of a day and night hearing that can go on endlessly. The examination of annual reports is split between estimates

committees and standing committees at the moment. The estimates committee staff are twice a year pulled off their other duties and dumped into the estimates with no continuity or effective follow up. Senators, for their part, apart from filing away material for use as future questions, every six months have to say to themselves: 'What was I doing six months ago?'

I argue that the advantages of standing committees dealing with estimates are that senators and the secretariat would develop a corporate memory in each committee; that this would make their work more effective, give them a deeper understanding of the problems that exist in departments and, indeed, would develop a liaison that breaks down now because of a lack of continuity between the parliamentary secretariat and the departments. Under the suggested system, issues raised during estimates committees and requiring further attention would be taken up by the standing committees in a short inquiry. You could very easily pick out those matters requiring further attention and follow them through with a separate investigation. The 'cast of thousands' atmosphere at the current estimates committees might then be minimised with resultant cost savings. I always notice that it is those senators that want to save the taxpayers' money who want the biggest audience of public servants at midnight, watching them perform.

The reason why having standing committees would be more effective is that standing committees can hold in-depth inquiries when only the officers concerned with the particular program need to be present for proper and thorough discussion. At the moment, any matter requiring further consideration arising after an estimates committee has met, goes to some ad hoc committee arrangement without any consistency being established. The disruption of standing committees would be minimised, and the detailed examination of annual reports would not occur under duress, as is currently the case with the estimates committee arrangement, where there is a mad scramble to get draft reports into that particular cycle. In the rush there is often not enough detailed examination of the working of departments.

The opposition would need a special provision to allow the participation of shadow ministers but, as the government's ministers are involved, this should present no problem. This is vital to the opposition as its shadow ministers often use that opportunity to probe the government.

The speeding up of the process for the examination of legislation between both Houses that I have outlined, and the integration of the estimates process into the standing committee process would, in my view, enhance the work of the Parliament. More significantly, it would broaden the access of citizens to the parliamentary process. We ignore the need of ordinary citizens to make representations and participate through their democratic organisations at our peril. There is a democratic distemper in world democracies which is reflected in grumpiness with, and alienation from, governments across the world, as people feel frustrated that they cannot participate in government. This is partly a reflection of the world recession and partly a reflection of the fact that multinational companies have more power and that governments have less. In Australia, our historic problem of vast distances has been reduced by modern communication.

The truth is that the institution of Parliament has to be forged into a more effective vehicle for democracy. Equality of opportunity requires the empowerment of the less powerful. Those excluded from the power structure must have access. The challenge is how grassroots democracy in all its diversity can find a voice in the Parliament. Thank you.

Mr Evans — I thank Senator Childs for that interesting address. As usual, questions are now invited.

Questioner — As regards written submissions by members of the public, are such submissions always read by every member of the committee? If not, are they always read by some of them? If not, are they always read by at least one person, who then advises the rest? Is it possible that a member of the public might make a submission to a committee of which that committee never becomes aware?

Senator Childs — I can best answer the question by saying that there is always somebody who has read the submissions. I can guarantee you that. The secretariats of the committees spend their lives reading submissions. Often they make a précis of all the submissions for the committee members. It would then be up to the individual senators to seek out the submissions that they want to read in full. That is the way the system usually works. This is the very point I am making. There are just so many submissions that, if you are on six or seven committees, you get inundated with the paperwork. A typical picture is that of a senator swotting up on the submissions as he goes off to the hearing that morning in the plane or the night before as he comes down to Canberra. This is the system which has got out of hand. I hope that answers your question.

Questioner — You mentioned a proposal for bills to be referred to House of Representatives standing committees. Do you envisage them then going to Senate standing committees? Secondly, do you see annual reports that might be referred to House of Representatives standing committees also being duplicated before Senate standing committees?

Senator Childs — First of all, I think it would be possible for the Senate to decide at any time that it wanted to look at legislation again. My proposal makes it easier for the government to find out where the problems are and correct them before the legislation comes into the chamber. There is a lot of legislation that would suit that purpose admirably. At the same time there is no way that you would be able to prevent the Senate from examining the legislation again. But I am working on the basis that astute people will work that out and try to make sure that they use the appropriate avenue.

Even at the moment in the Senate, the Selection of Bills Committee makes a political judgment on what is wise to send to a committee and what should be dealt with in the committee of the whole. The general approach to legislation is that a political judgment is made.

Questioner — And annual reports?

Senator Childs — I have not thought very much about it but, once again, I think a House of Representatives committee could look at annual reports. I suspect that they would be very happy for us to keep them. What I am really saying is that the senators want to examine the annual reports and quiz officers on them during the estimates process. That is an intrinsic part of the estimates committee process. My argument is that we also have staffers working away on annual reports and thus we are duplicating the work. If the annual reports were raised in the standing committees the members would be more likely to be able to pick out issues of concern from time to time. These could be matters raised at estimates — or other matters. I think you would have a more thoroughgoing analysis of the annual reports. But I suspect that the House of Representatives would be happy for the Senate to continue handling the annual reports.



Questioner — Can you tell me whether there is any committee at the moment looking into the proposed merger of the Bureau of Mineral and Resources and the CSIRO? If not, is there likely to be a committee looking into that?

Senator Childs — I cannot answer that question in terms of whether there is a committee, but as far as I know there is not. The only thing I can suggest is that you approach senators and ask them to raise that. The only qualification I have is that my committee is industry, science and technology and you might be asking my committee to take a reference. Could I use that to illustrate the problem. I said that everybody has their angle. What happens in the Parliament is that the opposition decides that there is some politically hot issue and so they, by majority, decide that a committee should look at it. The committees also recommend their long term inquiries. The problem is that there is continual interruption to the committee's program of activity. I would hope that, if the standing committees and the estimates committees came together, it would be possible to rationalise even further the activities of those committees. Finally, you will just have to lobby and persuade people that that particular issue is sufficiently important for a particular committee to look at it.

Questioner — Could you give us your views on what you think are the qualities of an effective committee chair?

Senator Childs — First of all, the chairperson has to take a longer term view because you have to live together. It is an intimate relationship and you have to try to get the best out of a committee — like a good coach, I suppose. You need to have a fair understanding of where you want to go. I personally would argue that you achieve more if you take all committee members with you. I would say that that would be the more successful method, whilst acknowledging that there are conflicts between government and opposition politics. If the chair is indecisive, you can get into a great number of problems. It is very hard to steer the line between being cooperative and being indecisive. The good thing about it is that, with the motley group of people who land here as senators, you get a mix of people who tend to work fairly well together. The system works reasonably well.

Questioner — Would you consider the possibility of using educated unemployed people and retirees to assist with work on parliamentary committees in non-urgent matters?

Senator Childs — That is a difficult question for me to address because it would require a very detailed knowledge of the working of the committees. We all live in crisis in the Parliament. My impression is that most of the secretariats are in a particular crisis because of the pressures on them. Their ability to use people, or even to teach people, is a bit different from an ordinary department. Whilst I believe that the government should make efforts to increase the number of people who are being trained or used through departments, I would think that the departments where this would be more difficult would be the parliamentary departments. Having said that, there are quieter times during the year and we have exchange programs where people could perhaps come into the Parliament during those times. But they are not very long periods during the year. Finally, you raised the issue of unemployed people doing work. It is a matter of what work could be given to those people that would not cause problems because of the ordinary public service structures.

Questioner — In relation to the estimates committees, you mentioned the different approach that has been taken with program budgeting over the last few years. Do you and other senators have a view as to the usefulness of elements of the program

budgeting structure, such as performance indicators, evaluation cycles and so forth? How much are they used in the deliberations of estimates committees?

Senator Childs — It is like ringcraft; when things like objectives are put down, at least we have something to fight over, which is very good. The process of getting everything down to a couple of paragraphs is probably an important one for enabling people to concentrate on what their roles will be. I would have thought that this issue constantly arises at estimates committees. It is a constant way of checking how far people do have a concept of where they are going and what program they are seeking to fulfil. Generally, the approach is welcomed. I am generalising from what has been said at committees. People believe that it is far superior to the old system where people looked for the miscellaneous — chasing the flowers or the pot plants. That sort of system was quite stupid. Certainly the current system, where you have an explanation, should save many hours of unnecessary discussion.

Questioner — From your point of view, what would you regard as the most important qualities of committee secretaries and the secretariats that support committees?

Senator Childs — That is a loaded question. I have seen many secretaries at work. The vast majority are quite efficient. Apart from technical competence — and I usually assume that they have technical competence — the real issue is whether they are mature enough to get on with the chair. I know of secretaries of committees who are not mature enough to get on with the chair. If I had my way, I would encourage those people to go into different fields, because if they cannot reasonably work with the chair of a committee, that committee's work becomes a great difficulty. The issue of being able to work with the chair, no matter who that person is, is a vital point. If they cannot make it, even with a bit of help and guidance, they should be encouraged to go elsewhere.

Questioner — Do the committees have sufficient staff to make them fully effective?

Senator Childs — The answer is probably no. One difficulty is the nature of the work. When Parliament meets, there are often other pressures on the secretariats. They have the problem that they are expected to give original thought to a problem in chaos, because our chaos tends to be reflected on to the staff. I will give you an example. You can be given a bill on Wednesday that is supposed to be dealt with on Friday. What do members of the staff do if their minds are on a report or something like that? They have to drop everything and become experts on that topic — as we expect them to be — by the Friday. This is the difficulty you have. There probably is an argument for greater staff numbers.

If you were able to take some of the pressure from Senate standing committees over to the House side as an extension of democracy, I envisage that you would also have the advantage, if the estimates and standing committees came together, of some rationalisation. I would not complain if that meant that, to do all the things we should do, you had to increase the staff. That is an argument about improving the democracy of the Parliament.

Questioner — You referred to the possible use of Senate and House of Representatives committees. How do you encourage committees and people giving evidence to them to attend to the administrative aspects of draft legislation rather than the political parts of it?

Senator Childs — Your point is well made. There is a natural tendency for the politician to look to the politics of legislation. Invariably, that is the first thing that

politicians look for; that is their whole training. It requires extra help and time for the politician to be able to go further and become an expert on a piece of legislation. I have always thought that every time a new piece of legislation comes before you, you almost have to absorb yourself in that legislation; it is not something that is easy to pick up. One problem is that, unless you make provision to have more time, the system will be slick and unsuccessful.

Questioner — My question concerns House committees previewing legislation. Have you raised this with key caucus members of the government? If so, what sort of response have you received?

Senator Childs — No, they are just the humble views of a backbencher. I thought I would try them out on you first.

Questioner — Why would a department wish to give a Senate committee more time on a bill?

Senator Childs — I appreciate that question. I hope it is clear that I was alluding to that problem. It is amazing how bills come in at the last minute in absolute crisis. That is why I told you the fishing story. At the same time, annual reports come in at the last moment, and there is a fight and a tussle to get them. We are now happy even with draft reports. The whole system is madness. I do not say that anybody will finally win or lose, but I think that a more flexible system could perhaps allow a better check and balance.

Questioner — Would extra sitting days overcome that situation?

Senator Childs — It is clear that what is already happening on the Senate side is that — and you can look at the figures; I just have not got them in my head — senators are here for longer and longer periods. If my figures are right, sitting days have been at an average of 82 days and 800 hours since 1986. If my system of having House committees doing more of the work was successful, that might balance the parliamentary work on the House side. I suspect that there could not be many more days that the Senate could meet without there being a rash of divorces in this country. In addition, the question raises another problem. Both senators and members of the House of Representatives in Australia are expected, on pain of preselection loss, to go home every weekend. In my case it might be to go to some small town. No House of Representatives person can afford not to go home to a function. Our culture is to insist on the politician returning from Canberra. I live in Sydney. My heart goes out to politicians from Perth, North Queensland or the Northern Territory who have to do all that and stay normal.

Mr Evans — On behalf of a significantly large audience, I thank Senator Childs very much for that very stimulating address and answers to questions.