

18. COMMITTEES

Committees of the House of Representatives are established by the standing orders or by resolution of the House. Joint committees, which draw their memberships from and report to both Houses, are established by legislation (statutory committees) or by resolution of both Houses. Standing committees are appointed for the life of a Parliament and have a continuing role. Select committees are formed for a specific purpose and cease to exist when they have presented their final reports.

House of Representatives committees

General purpose standing committees

General purpose standing committees are established by the standing orders at the start of each Parliament (S.O. 215). These are investigatory or scrutiny committees. Their function is to inquire into and report on 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 document (S.O. 215(b)). Annual reports of government departments and authorities and reports of the Auditor-General are automatically referred to the relevant committee for any inquiry the committee may wish to make, in accordance with a schedule tabled by the Speaker showing the areas of responsibility of each committee (S.O. 215(c)).

The names of the committees and the division of responsibilities between them may vary from Parliament to Parliament. The Speaker determines any question about responsibility for a report or part of a report. Between them the investigatory committees cover most government activity, with each committee covering a particular spread of subjects and thus a number of related government departments and authorities. Because of the role of the Joint Committee on Foreign Affairs, Defence and Trade there is no general purpose standing committee covering these subject areas.

The general purpose standing committees appointed at the start of the 42nd Parliament in 2008 were:

- Aboriginal and Torres Strait Islander Affairs
- Climate Change, Water, Environment and the Arts
- Communications
- Economics
- Education and Training
- Employment and Workplace Relations
- Family, Community, Housing and Youth

- Health and Ageing
- Industry, Science and Innovation
- Infrastructure, Transport, Regional Development and Local Government
- Legal and Constitutional Affairs
- Primary Industries and Resources.

Domestic or internal committees

The following standing committees are established by the standing orders at the start of each Parliament:

Committee of Privileges and Members' Interests (S.O. 216). The committee inquires into and reports on complaints of breach of privilege which may be referred to it by the House (S.O. 51) or, during a non-sitting period, by the Speaker (S.O. 52) (*see p. 119*) or any other matter that may be referred by resolution of the House. The committee also inquires into and reports on arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests.

House Committee (S.O. 218). The committee's functions are concerned with facilities for Members in Parliament House. It usually meets jointly with the equivalent Senate committee.

Publications Committee (S.O. 219). Documents presented to the House which are not ordered at the time to be made Parliamentary Papers stand referred to this committee which recommends which of them should be printed as Parliamentary Papers (*see p. 95*). In addition, when conferring with a similar committee of the Senate, the committee may inquire into and report on the printing, publication and distribution of parliamentary and government publications and on other matters referred to it by the relevant Minister. It usually meets jointly with the equivalent Senate committee.

Standing Committee on Petitions (S.O. 220). The committee receives and processes petitions to the House, and inquires into and reports on any matter relating to petitions and the petitions system.

Standing Committee on Procedure (S.O. 221). The committee inquires into and reports on the practices and the procedures of the House and its committees. Proposals to amend the standing orders are usually considered by the committee.

Select committees

Select committees may be set up by resolution of the House to inquire into and report on particular matters (S.O. 223)—for example, the Select Committee on Recent Australian Bushfires established in 2003. A select committee is required to report by a specific date and it ceases to function on completing its final report on the matters referred to it. However, while a

select committee exists it is also possible for it to report from time to time (S.O. 243), and it may also report on additional matters referred to it.

Joint statutory committees

The following standing committees are required by Acts of Parliament to be appointed at the commencement of each Parliament:

- Joint Committee on the Broadcasting of Parliamentary Proceedings
- Parliamentary Standing Committee on Public Works
- Joint Committee of Public Accounts and Audit
- Parliamentary Joint Committee on the Australian Crime Commission
- Parliamentary Joint Committee on Intelligence and Security
- Parliamentary Joint Committee on Corporations and Financial Services
- Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

The functions of these committees are prescribed in the Acts which establish them. However, in some cases the establishing Acts leave the detail of the membership, powers and procedures of the committees to the Parliament to determine. This is done by resolution of each House at the start of every Parliament. By convention, joint committees follow Senate standing orders or procedures (*see below*).

Other joint committees

The number and names of joint standing committees appointed by resolutions of both Houses can vary from Parliament to Parliament. The following joint standing committees were appointed at the start of the 42nd Parliament in 2008:

- Joint Committee on the National Capital and External Territories
- Joint Committee on Foreign Affairs, Defence and Trade
- Joint Committee on Electoral Matters
- Joint Committee on Migration
- Joint Committee on Treaties
- Joint Committee on the Parliamentary Library.

Joint select committees may also be appointed for a specific purpose by resolutions of both Houses—for example, the Joint Select Committee on Intelligence Services established in 2001.

The functions, membership, powers and procedures of these committees are determined by the resolutions establishing them.

Motions relating to committees

Parliamentary committees are subsidiary bodies of a House or both Houses of the Parliament. Their procedures are prescribed by the Houses appointing them, and their powers are delegated from those Houses. A committee can do nothing that the House (or Houses) has not instructed it or empowered it to do—that is, by resolution, standing order, or, in the case of statutory committees, by legislation. Therefore, as well as resolutions establishing committees, resolutions of the House are also necessary for a range of other reasons—for example, to alter terms of reference, extend a reporting date, or vary the number or composition of members. Motions are also moved to refer matters for investigation and report, although in many cases committees are given the ability to accept references directly from Ministers, and in some cases to initiate their own inquiries.

In the case of a motion relating to the establishment of a joint committee, the initiating House sends a copy of the resolution with a message to the other House requesting its concurrence. The other House generally accepts the proposal or accepts it with modifications. In this case messages pass between the Houses until both have agreed to the same resolution. On occasion the other House may reject a proposal, or fail to respond. Each House also advises the other House by message regarding appointment of members.

Appointment of Members

Members are appointed to or discharged from a committee on motion moved on notice. When the House is not sitting and not expected to meet for at least two weeks party whips may write to the Speaker nominating the appointment or discharge of a member. The change operates from the time the nomination is received by the Speaker. The Speaker reports the change to the House at the next sitting when it is confirmed by resolution (S.O. 229).

Presentation of committee reports

Periods are reserved in the House and Main Committee on sitting Mondays for the presentation and debate of committee reports. Details of procedures for presentation of debate of reports during these periods are outlined at page 101. However, committee reports may be presented at any time other business is not before the House (S.O. 39).

A copy of the report, signed by the Chair (S.O. 246), and the committee's minutes of proceedings are tabled in the House by the Chair or a member of the committee (S.O. 247). A copy of the transcript of evidence, other than in camera evidence, should also be tabled. Joint committee reports (S.O. 226) are tabled in both Houses, usually on the same day; however, occasionally reports are tabled in one House some time before being tabled in the other, especially when the Houses follow different sitting patterns.

It is normal practice for the Member who presents a report to move that the report be made a Parliamentary Paper (S.O. 247). If a Member presents a report from a committee during the period allocated on Monday, then, subject to any recommendation of the whips, he or she and other members of the committee can each make a statement to the House for up to 10 minutes. In recent years such statements have been limited to a maximum of five minutes per Member. After the statements a specific motion in connection with the report (usually 'That the House take note of the report') can be moved without notice by the Member presenting it, and the debate on the question is then adjourned until a future day (S.O. 39(c)). The order of the day for resumption of debate on a report may subsequently be referred to the Main Committee.

A Member presenting a committee report at times other than the period allocated on Monday may be granted leave to make a brief statement on the report and this may be followed by brief statements, by leave, from other Members (S.O. 39(b)). The consideration of the report may be set down for a subsequent sitting when a specific motion without notice in connection with it may be moved. Leave is required to move such a motion (e.g. to take note) at the time of presentation.

Publishing of report when House not sitting

If the House is not sitting when the committee finishes a report (but normally only during longer adjournments), the committee may send the report to the Speaker (or if he or she is unavailable, the Deputy Speaker) who may give directions for its printing and circulation. Publication of the report is authorised on its receipt by the Speaker. The report must be presented to the House as soon as possible (S.O.s 226(b), 247(c)).

Standing orders relating to the operation of committees

Standing orders 228–247 govern the operation of House committees generally. They apply to all committees of the House unless superseded by another standing order or resolution of the House.

By convention, if the corresponding House and Senate standing orders or procedures differ, joint committees follow the Senate standing orders or procedures. In practical terms, this means that there are restrictions on joint committees holding public hearings when the Senate is sitting (unless specific permission is obtained from the Senate), and different quorum requirements than those applying to House committees. Members appointed to serve on joint committees should consult the Committee Secretary for clarification of the impact of Senate standing orders on the committee's operations.

Witnesses

Standing orders 249–256 contain rules relating to the appearance of witnesses before the House or House committees.