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Senate Committees and Responsible Government

Proceedings of the
Conference to mark the twentieth anniversary of
Senate Legislative and General Purpose Standing Committees and
Senate Estimates Committees

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NOTE

This edition of PAPERS ON PARLIAMENT contains the proceedings of the one-day conference, held under the auspices of the Senate Department at Parliament House, Canberra on 3 October 1990 to mark the twentieth anniversary of the Senate committee system.

Over three hundred participants met in the Main Committee Room to discuss the conference topic, Senate Committees and Responsible Government.

An exhibition, also arranged by the Senate Department and entitled, The World of Senate Committees, was opened by former Senator John Wheeldon in the public area of Parliament House during the conference mid-morning break. The conference proceedings were divided into four sessions, each with a keynote speaker, a group of panellists and a period for comment from the floor.

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Historical Note*

On the evening of 11 June 1970 the Australian Senate passed an historic resolution. It decided to establish two groups of committees - the Legislative and General Purpose Standing Committees and the Estimates Committees. That decision has been described as having 'revolutionised the Parliament as a whole'¹ Peering confidently into the future, the *Sydney Morning Herald*² predicted that the 'introduction of a wide-ranging committee system will make the red-carpeted Upper House potentially the most powerful parliamentary chamber in Australia'.

While the Legislative and General Purpose Standing Committees and the Estimates Committees were by no means the first Senate committees, it is true to say that from 1970 onwards the Senate committee system took a great forward leap. The decisions made in June 1970 brought the Senate into the company of other modern legislatures, ultimately influencing the development of a similar committee system in the House of Representatives.

Parliamentary committees are as old as the federal Parliament itself, going back to 1901, the first year of federation, when a Senate select committee reported on steamship communication between Tasmania and the mainland of Australia.

Over the years Senate select committees have presented numerous significant reports ranging over subjects as diverse as the effect of intoxicating liquor on Australian soldiers in 1918, the development of Canberra in 1955, and agricultural and veterinary chemicals in Australia in 1990.

However, until 1970 there was no system of standing - or permanent - committees.

What led to the 'revolutionary proposals' passed in the Senate in June 1970 which resulted in the establishment of the standing committee system?

The story may be said to have started in 1932, with the appointment of the first Senate standing committee, the Regulations and Ordinances Committee, which had the task of scrutinising regulations made by the government under Acts of Parliament. The establishment of the committee followed a dispute between the Scullin Government and the Senate over the government's power to make regulations.

In 1948 the adoption for Senate elections of a system of voting known as proportional representation changed party representation in the Senate, so that party numbers were more evenly balanced.

It was to this changed Senate that the following recommendation was made on 15 May 1956:

that an additional function for the Senate is a standing committee system ... to watch and appraise the administration of the laws and to inform public opinion in relation to certain defined fields of governmental operations ...

The recommendation was included within a report³ made to the Senate by a senior Senate officer, Mr Jim Odgers, who had recently returned from three months in the United States of America studying the American system of government.

The Senators were not averse to Odgers' recommendation for a standing committee system, but no action was taken. Speaking during the debate in the Senate following the tabling of the Odgers report, Senator N.E. McKenna spoke of Odgers' 'burning ambition to see the Senate play a major role in this Parliament'. 'I merely say to him', continued Senator McKenna, 'that, whilst he need not despair, he must be patient. Speaking from an experience of politics extending over a considerable time, I know that it takes at least five years to secure the acceptance of a new idea.' Senator McKenna miscalculated. It was another fourteen years before Jim Odgers' vision of a permanent committee system for the Senate became a reality.

However, Odgers had planted the seed of the idea and other events assisted its propagation.

¹ G.S Reid and Martyn Forrest, *Australia's Commonwealth Parliament. Ten Perspectives 1901* Melbourne, 1989

² 3 November 1970

³ Commonwealth Parliament, Report on the United States Senate, Parliamentary Paper 36/1956

- 1988, Melbourne University Press.

During the 1960s and early 1970s an increasing number of well-informed and active Senators served on select committees. The reports of these committees attracted wide attention. Particularly notable were the reports on the container method of handling cargoes, the metric system of weights and measures, air and water pollution and off-shore petroleum resources. One of the best-known of the select committees of this time was the Select Committee on Securities and Exchange, whose public hearings attracted considerable public attention.

By 1967 public interest in Senate committees was such that in his policy speech for the Senate election for that year, the Leader of the Opposition, Mr Gough Whitlam, announced that the Labor Party in the Senate would establish a Senate committee system.

When Parliament resumed after the election, Senator Lionel Murphy became Leader of the Opposition in the Senate. Government backbench Senators were keen to expand the committee system. Mr Jim Odgers was now Clerk of the Senate.⁴

Senator Murphy saw the advantages of the proposed committee system, and lent his political weight to the scheme advocated for so long by Jim Odgers. The success of the select committees and the knowledge that comparable legislatures in other parts of the world were ahead of Australia in this particular area of parliamentary reform, contributed to the widely held view amongst the Senators that the time had come for the Senate to establish its own standing committee system.

Towards the end of 1969, at the direction of the Standing Orders Committee of the Senate, the Clerk prepared a report which was in fact a blueprint for a standing committee system. He pointed out that the Senate should have committees 'standing ready to consider any Bills, Estimates, petitions, inquiries, papers or other matters which the Senate may refer to such committees, on motion'.⁵

Odgers also envisaged such committees carrying out a 'watchdog' function in certain fields of government. He stressed that the role of these committees was not one of policy making 'but rather of inquiry and counsel and of throwing light into dark corners'.

It was this report, tabled in March 1970, which formed the basis of the subsequent debate in the Senate which occurred early in June 1970. There was general agreement that the time had come for a comprehensive standing committee system, but opinions varied as to when and how the system should be implemented.

Senator Murphy commenced the debate by moving for the immediate appointment of seven standing committees. The Leader of the Government in the Senate, Senator Kenneth Anderson, referred to 'the commonality of view' in relation to the Clerk's report, but wished to proceed a little more cautiously. Senator Anderson moved for the appointment of five Estimates Committees as an initial experiment towards a wider system. The Leader of the Democratic Labor Party, Senator Vincent Gair, was even more circumspect, considering that the proposals should be implemented gradually over a period of time.

In the event, the motions of both Senator Anderson and Senator Murphy were passed on 11 June 1970.⁶ Thus, in one evening, the Senate decided to establish both seven Legislative and General Purpose Standing Committees and five Estimates Committees. Their world would be far-reaching.

Today, there are eight Legislative and General Purpose Standing Committees made up of equal numbers of government and non-government Senators, standing ready, as Odgers wrote in 1970, to inquire into and report upon by bill, petition or other matter referred to them by the Senate.

* Taken from the text of the brochure, *The World of Senate Committees* written by Ann Millar of the Senate Department for the exhibition of the same name.

4 James Rowland Odgers was Clerk of the Senate from 1965-1979

5 Commonwealth Parliament, *Report for the Standing Orders Committee on Standing*

Committees, Parliamentary Paper 2/1970

6 Commonwealth Parliamentary Debates (Hansard), Vol.S.44, pp.2356,8