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Factors that Affect Participation in Senate Committee Inquiries

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ABOUT THE AUTHORS

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INTRODUCTION

One of the key roles of parliamentary committees is to provide a means for Parliament to hear the views of the community on policy issues and proposed legislation. For example, in outlining the role of parliamentary committees, *Odgers' Australian Senate Practice* notes that:

Most significantly, committees provide a means of access for citizens to participate in law making and policy review. Anyone may make a submission to a committee inquiry and committees will normally take oral evidence from a selection of witnesses who have made written submissions. Committees frequently meet outside Canberra, thereby taking the Senate to the people and gaining first hand knowledge of and exposure to issues of concern to the public.¹

Similarly, a group of secretaries of Australian Senate committees has argued that committees provide an opportunity for democratic participation by groups who may otherwise be excluded from the political process:

A further vital way in which parliamentary committees give citizens an active role in policy is by ensuring that marginalised groups and individuals without a voice can gain the attention of parliament and discuss issues that are important to them.²

However, others have queried whether committee processes live up to this promise or are in fact dominated by cliques of witnesses comprised mainly of the larger lobby groups (sometimes described as the 'usual suspects').³ If the hurdles to participation in committee inquiries are too high then there is obviously a risk that participation in committee inquiries will be limited to 'a handful of organisations and academics'.⁴

Previous researchers have postulated a number of factors which may be relevant to participation in committee inquiries, including:

- the timing and length of the inquiry;⁵
- how the inquiry is publicised;⁶

- the limited resources available to smaller groups and voluntary organisations;⁷ and
- public perceptions about the relevance or efficacy of committee inquiries.⁸

This paper aims to shed further light on the relevance of these and other factors for participation in committee inquiries, by examining their impact on the number of submissions received for committee inquiries over the last two parliaments. In particular, we examined a sample of parliamentary committee inquiries conducted by the Australian Senate Legal and Constitutional Affairs Committee⁹ (the committee) during the 40th and 41st Parliaments to determine the factors that might influence participation in those inquiries. Appendix 1 lists the 94 inquiries considered.

One reason for examining the committee's inquiries over two parliaments – the 40th Parliament from 2002 to 2004 and the 41st Parliament from 2004 to 2007 – is that the coalition government gained a controlling majority in the Senate from 1 July 2005. We postulate that this may have had an impact on the committee's inquiry processes (such as the length of inquiries), which in turn may have affected participation in those inquiries.

BACKGROUND

The committee has several functions, including:

- inquiring into matters referred to it by the Senate;
- consideration of proposed government expenditure (estimates);
- consideration of legislation; and
- consideration of annual reports and examination of government administration.

This paper will consider two of these functions: bill inquiries and reference inquiries. The former are inquiries into legislation being considered by the Parliament. In general, bills are referred to the committee based on the recommendation of the Selection

of Bills Committee, which reports to the Senate on which legislation should be referred to committees.¹⁰ The latter are inquiries defined by terms of reference determined by the Senate chamber.

Once referred, inquiries typically proceed through the following stages:

- the inquiry is advertised;
- the committee invites submissions;
- the committee selects witnesses and holds public hearings; and
- the committee reports its findings to the Senate.¹¹

In recent years, the process of advertising has become standardised across all Senate committees for most inquiries. Inquiries are usually advertised in a notice that appears fortnightly on Wednesdays in *The Australian* newspaper. Information about the inquiry also appears on the committee's internet site. The process of inviting submissions from parties who may be interested in an inquiry can vary slightly depending on the committee. This committee usually writes to or emails organisations that may have an interest in the inquiry, inviting them to make a submission. The committee secretariat may also phone some key interest groups, particularly where an inquiry occurs over a short timeframe.

In the case of a few very short inquiries conducted during the period examined in this paper, there was no opportunity to advertise the inquiry in *The Australian* or to invite submissions from parties likely to have an interest in the inquiry.¹² Conversely, longer reference inquiries were often advertised multiple times in the newspaper. In the case of some inquiries, the committee also issued press releases and sought to encourage media coverage of the inquiry in order to increase community awareness of the inquiry.¹³

The committee occasionally conducted inquiries without holding a public hearing. This usually occurred where an inquiry dealt with a narrow set of issues or attracted very few submissions.¹⁴

It should be borne in mind that the committee generally examines only matters within the immigration and citizenship portfolio and the attorney-general's portfolio. This may influence the type of inquiries the committee conducts, compared with other committees.¹⁵

METHODOLOGY: PROBLEMS IN MEASURING PARTICIPATION

In measuring participation in committee inquiries, this paper examines the number of submissions received for inquiries rather than the number and types of witnesses appearing at committee hearings. Previous research has tended to focus on the wit-

nesses giving evidence at hearings rather than the submissions received.¹⁶ In looking at submissions, our intention is to focus on the first point of interface between committees and the community, particularly since anyone can make a submission to a committee inquiry,¹⁷ whereas witnesses are selected by the committee.

In addition, submissions are an important indicator of participation because of the critical role they play in committee inquiries. First, submissions regularly point the committee to an affected group or reveal a potential impact of a bill or policy proposal that may not otherwise be obvious. Second, the committee usually selects witnesses from among those who have made written submissions. Third, committee members almost always test the issues raised in submissions with witnesses at a hearing or through questions on notice (that is, by asking for written answers to questions). Finally, the issues raised in the submissions are invariably examined in the committee's report and often result in recommendations by the committee.

We recognise that there are limits to a statistical analysis of participation. We acknowledge, for example, that the raw number of submissions received by an inquiry is not a definitive measure of the level of participation in the inquiry. It is arguable that an inquiry that receives 100 submissions from individuals with a similar perspective on an issue involves significantly less community participation than one that receives 10 submissions from organisations representing a diversity of views and perhaps thousands of members.

It is also important to emphasise that examining the raw numbers gives no indication of the quality of the submissions received. While this paper examines the impact of the length of an inquiry on the number of submissions received, it is probably safe to assume that the quality of submissions tends to improve as the length of time allowed for an inquiry increases. Certainly, where inquiries have short timeframes, many submitters state that they have had insufficient time to prepare a comprehensive submission, or recommend that additional time be allowed for the inquiry.¹⁸

A further difficulty is that the treatment of form letters varied over the period examined. During some earlier inquiries, form letters from multiple submitters were treated as multiple submissions, whereas in later inquiries the practice was to treat them as a single submission from multiple submitters. Similarly, in some earlier inquiries, answers to questions taken on notice by witnesses during committee hearings were treated as separate submissions, whereas in later inquiries they were categorised separately as answers to questions on notice.

For some aspects of our analysis, we categorised inquiries into the following broad subject-matter groups:

- family law;
- citizenship and expatriates;
- terrorism and national security;
- human rights and discrimination;
- Indigenous affairs;
- migration;
- privacy;
- copyright;
- telecommunications interception;
- criminal law;
- customs; and
- other.

We recognise that there may be an element of subjectivity in our categorisation – for example, we categorised the inquiry into the Marriage Legislation Amendment Bill 2004 (Marriage Bill) as an inquiry relating to family law. However, some might suggest that this bill should be categorised as relating to human rights and discrimination. This is because the bill amended the *Marriage Act 1961* to define marriage as the union of a man and a woman to the exclusion of all others, voluntarily entered into for life; and to confirm that unions solemnised overseas between same sex couples will not be recognised as marriages in Australia.

It has been argued that the barriers to participation in committee inquiries are higher for members of the general public, or for smaller groups and voluntary organisations, than they are for the larger lobby groups or the ‘usual suspects’.¹⁹ To test the impact factors such as the length of an inquiry would have on different types of submitters, we coded submissions as being from:

- individuals;
- non-government organisations or academics; or
- government bodies.²⁰

There is room for debate about the classification of submissions into these categories. For example, we chose to code academics submitting outside their area of study as individuals rather than academics. However, we do not think these sorts of judgments had a significant impact on the results, particularly where inquiries received large numbers of submissions. We also acknowledge that the category of non-government organisations or academics is very broad and does not distinguish between, for example, small voluntary community organisations and well-funded business lobby groups. This might be an area where further research would be useful.

OVERALL SUMMARY OF INQUIRIES

Table 1 summarises basic statistics related to the committee’s inquiries during the 40th and 41st Parliaments. It illustrates that, over the two parliaments, there was an increase in the total number of inquiries conducted by the committee but a small decrease in the number of reference inquiries. There was also a decrease in the total length of all inquiries, from 53 to 41 days. It is perhaps surprising, given this decrease in the length of inquiries, that the median length of time between the commencement of an inquiry and the closing date for submissions remained 19 days, or just under three weeks. In fact, the median time that bill inquiries were open for submissions actually increased slightly, from 16 to 18 days. There was also a slight increase in the number of submissions per inquiry, particularly for bill inquiries.

Table 2 compares the inquiries of the 41st Parliament that were referred before and after 1 July 2005, the point at which the coalition government gained a majority in the chamber. It should be noted that the period from the commencement of the

TABLE 1 Inquiries of the Legal and Constitutional Affairs Committee, 40th and 41st Parliaments^a

	Number of Inquiries			Median Length of Inquiry (days) ^b		Median Length of Submission Period (days) ^b		Median Number of Submissions ^b	
	Bills	References	Total	Bills	Total	Bills	Total	Bills	Total
40th Parliament	37	6	43	49	53	16	19	12	14
41st Parliament	47	4	51	40	41	18	19	16	16

a The figures do not include inquiries related to estimates or the consideration of annual reports.

b The table uses medians rather than averages to avoid the problem of outliers. For example, an inquiry into proposed amendments to the *Marriage Act 1961* conducted during the 40th Parliament received 13,769 submissions, and an inquiry into the powers and functions of the Australian Law Reform Commission ran for 1,570 days. The latter inquiry was not actively pursued over this entire period but was delayed as a result of the committee dealing with other priorities, in particular a high volume of legislative reports required by the Senate.

TABLE 2 Inquiries of the Legal and Constitutional Affairs Committee, 41st Parliament^a

	Number of Inquiries			Median Length of Inquiry (days) ^b		Median Length of Submission Period (days) ^b		Median Number of Submissions ^b	
	Bills	References	Total	Bills	Total	Bills	Total	Bills	Total
Referred before 1 July 2005	10	3	13	49	57	16	19	13	18
Referred after 1 July 2005	37	1	38	40	40	19	19	15	15

a The figures do not include inquiries related to estimates or the consideration of annual reports.

b The table uses medians rather than averages to avoid the problem of outliers; see Table 1, note b.

41st Parliament to 1 July 2005 was just over seven months, while the period from 1 July 2005 to the 2007 election was approximately two years and three months.

Perhaps the most striking difference between the pre- and post-July figures is the higher proportion of reference inquiries prior to 1 July 2005. After July the inquiries also became shorter: there was a decline in the median length of all inquiries from 57 to 40 days. Some of the difference can be explained by the decline in the number of reference inquiries, which generally run much longer than bill inquiries. However, when only bill inquiries are taken into consideration, the median length had still declined, from 49 to 40 days.

There was a slight decrease in the number of submissions per inquiry after 1 July 2005, from 18 to 15. However, this again appears to be linked to the fact that there was only one reference inquiry after 1 July 2005 – since reference inquiries generally receive more submissions than bill inquiries. In fact, there was actually a slight increase in the median number of submissions received for bill inquiries, from 13 to 15.

The decline in the number of reference inquiries and the shorter length of inquiries after 1 July 2005 appear to have been consistent across Senate committees.²¹ Further, as Harry Evans notes, while the number of bills referred to committees increased when the government gained its majority in the chamber:

The government used its numbers ... to restrict the time allowed for committees to report on bills and to withhold some bills from committees.²²

Evans also points out that statistics do not reveal the 'very short times allowed for examination of major bills'.²³ For example, in 2007 the committee was given only four days to examine the large package of legislation required to implement the

government's emergency response to issues confronting Indigenous communities in the Northern Territory. Whether these short timeframes continue in the future, with the new government and the Senate which commenced on 1 July 2008, remains to be seen.

FACTORS RELEVANT TO PARTICIPATION

Length and Timing of Inquiries

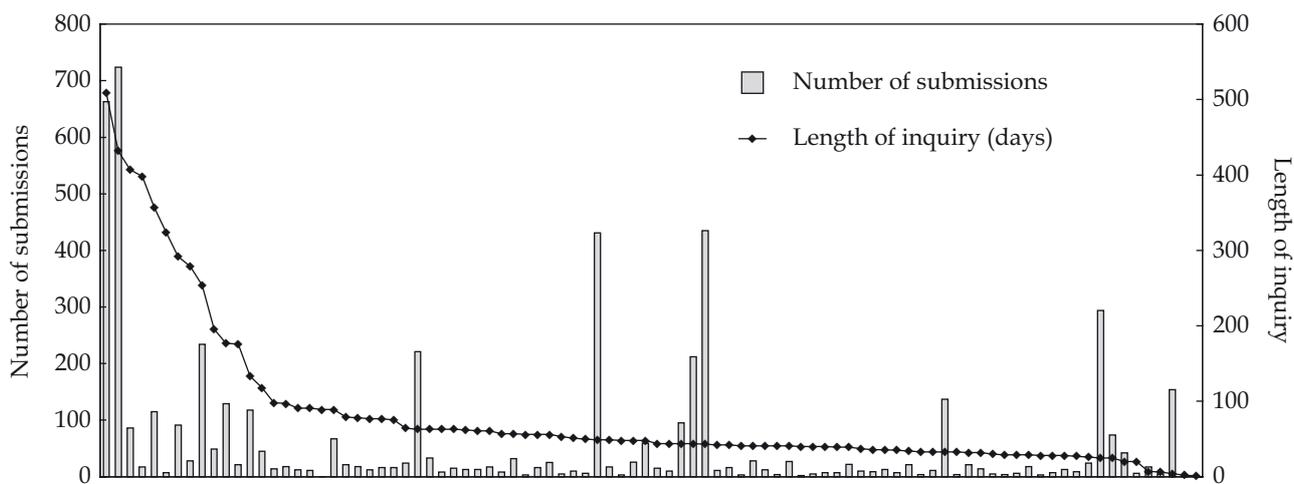
It has been suggested that the short timeframes for preparing submissions are a barrier to community participation in the committee process.²⁴ The committee inquiry process – particularly bill inquiries – has often been criticised as being 'too rushed'.²⁵ As Kelly Paxman writes:

Governments are always keen to minimise delays to their legislative program, and seek to impose short timeframes on committee consideration of bills. Earlier writers questioned the ability of committees to adequately digest large amounts of information on bills in the short timeframes involved, and the capability of interest groups to produce a useful input with only short notice for a submission or hearing.²⁶

Indeed, it has been suggested that, in some cases, 'a short time frame in which to report is a deliberate tactic by which to minimise critical submissions'.²⁷ If this is the case, then our data shows that it is not a very effective tactic. For example, in the case of the Northern Territory national emergency response legislation inquiry, the committee received over 150 submissions for an inquiry that lasted only four days (and in fact did not formally seek submissions).

Given such comments, when we collated and analysed the data over the last two parliaments, we expected to find a strong correlation between the timeframe for providing submissions and the

FIGURE 1 Length of Inquiry versus Number of Submissions, 40th and 41st Parliaments^a



a For readability, the figure excludes the inquiry into the Marriage Legislation Amendment Bill 2004, which ran for 75 days and received 13,769 submissions, and the inquiry into the powers and functions of the Australian Law Reform Commission, which ran for 1,570 days and received seven submissions.

number of submissions received. However, no strong relationship was found between the length of an inquiry or timeframe for providing submissions and the number of submissions received.

As outlined in Table 1, the median length of an inquiry during the 40th Parliament was 53 days, compared with 41 days in the 41st Parliament. Despite this decrease in the length of inquiries, the median number of submissions received per inquiry remained much the same – 14 in the 40th Parliament compared with 16 in the 41st Parliament.

The line in Figure 1 shows the length of each of the committee’s inquiries over the last two parliaments, running from the longest inquiry at the left (Australian expatriates) to the shortest inquiry at the right (Copyright Legislation Amendment Bill 2004). The bars on the graph show the number of submissions received for each inquiry. There does not appear to be a correlation in this graph between the length of inquiries and the number of submissions received.

We found this result somewhat surprising and searched hard to find any correlation. For example, we examined whether the timeframe affected the number of submissions from individuals. We looked at both the length of time to put in a submission (which has remained constant over the two parliaments) as well as the overall length of the inquiries. We also examined whether there was any relationship for inquiries longer than a certain length of time (for example, one month or two months)²⁸ or for inquiries that received more than a certain number of submissions. Figure 2, for example, tracks the number of submissions against the length of the submission period for inquiries that received 50 or more

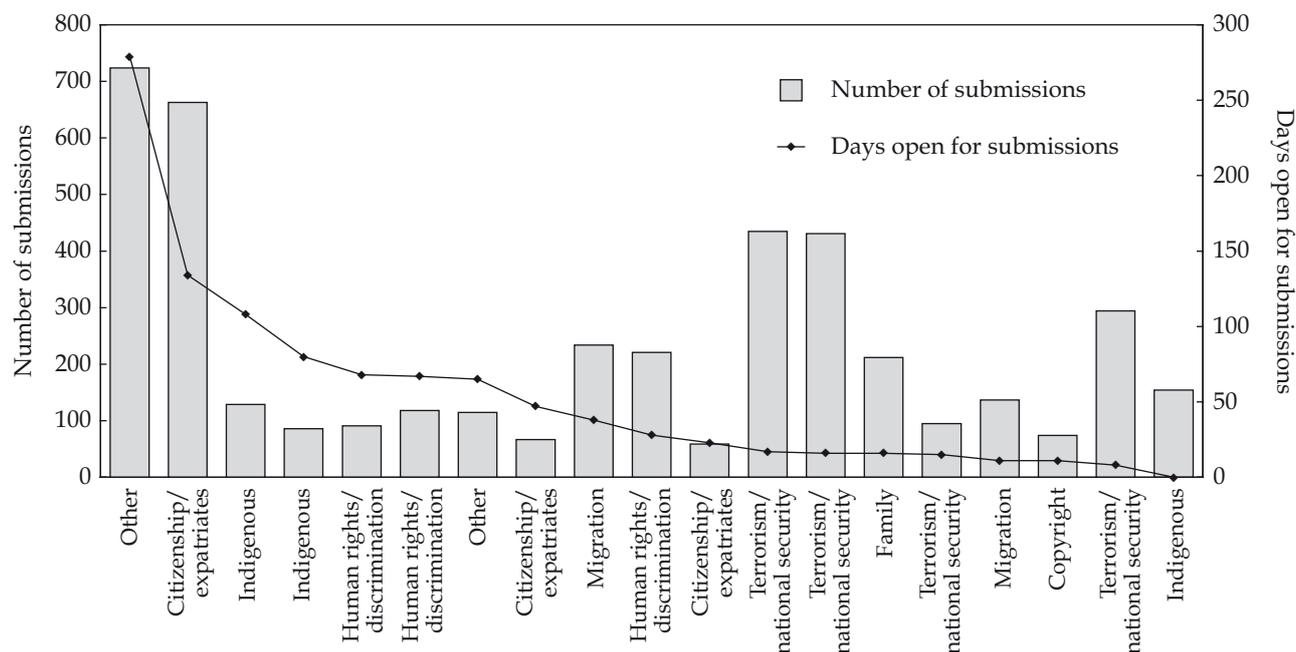
submissions. However, no matter how we looked at the data, we found that the length of time allowed for an inquiry or to provide submissions did not appear to have a strong correlation with the number of submissions received.

While the timeframe for an inquiry may not have a major impact on the number of submissions received, we are very reluctant to downplay the importance of allowing sufficient time for inquiries. In particular, in our observation the quality of submissions tends to improve as the length of time allowed for an inquiry increases. The time allowed for an inquiry also affects other aspects of the inquiry process, including the number and quality of hearings and the evidence given by witnesses,²⁹ as well as the quality of the final report and recommendations. Short timeframes put all those involved in the inquiry process – submitters, witnesses, senators, parliamentary staff – under considerable pressure.³⁰ These problems are exacerbated when major or complex packages of legislation are referred for examination within very short timeframes. For all these reasons, there have been calls for reforms to the Senate process to require a minimum of 21 days for committees to be allowed to consider legislation.³¹

Short timeframes are also likely to have a greater impact on submitters from less well-resourced community organisations. As noted earlier in this paper, our research does not distinguish between different types of organisations. However, as Anthony Marinac states:

Constructing a strong submission in a short timeframe would require the dedication of considerable resources, and smaller, less well funded organisations may simply not be able to respond within the required timeframe.³²

FIGURE 2 Number of Submissions versus Days Open for Submissions by Subject Matter of Inquiry, 40th and 41st Parliaments (inquiries with 50 or more submissions)^a



a For readability, the figure excludes the inquiry into the Marriage Legislation Amendment Bill 2004, which was open for submissions for 37 days and received 13,769 submissions. Although the committee sometimes accepted submissions after the closing date, the figures still provide a good indication of the time available for making submissions.

Even relatively well-resourced organisations may be unable to prepare submissions within short timeframes if insufficient time is given for them to fulfil their internal consultation requirements. For example, it is not uncommon for state governments to be unable to meet the deadline for submissions for short inquiries because there is insufficient time for the submission to be cleared through the relevant department and minister. In at least one case, the committee received submissions from state governments after its final report was presented.³³ State governments seem to face particular difficulties when the subject matter of the inquiry crosses portfolios, so that clearance through multiple agencies and ministers is required.

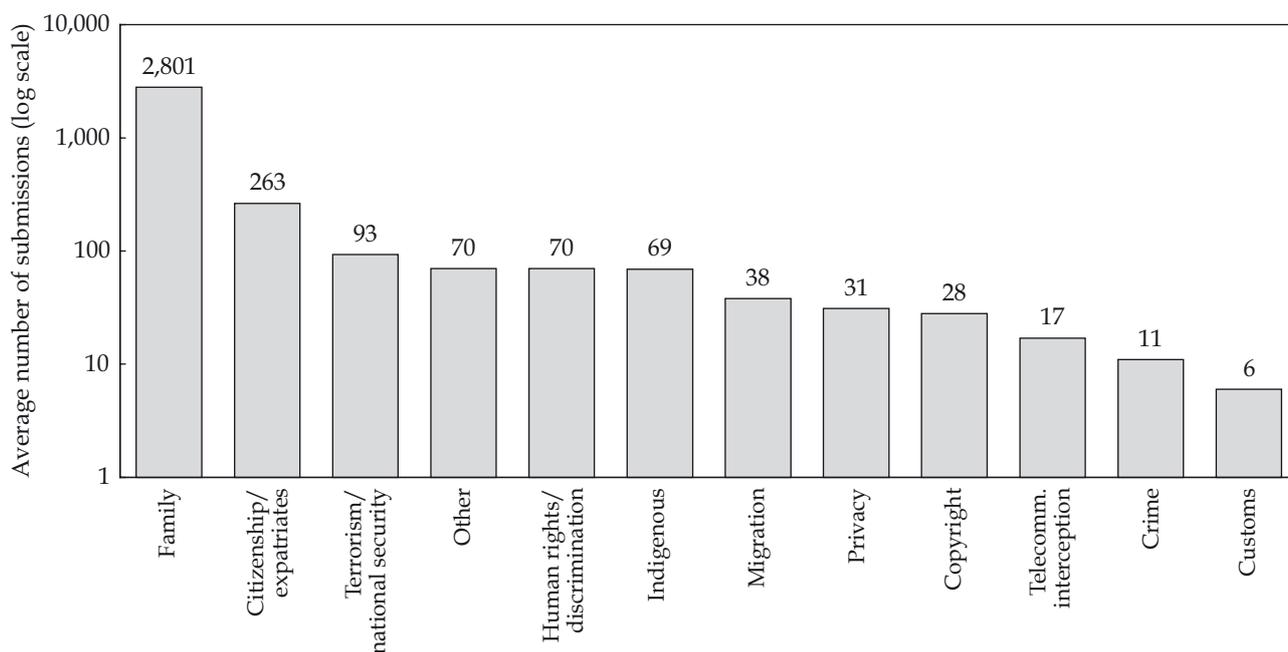
Submitters to short inquiries often raise the issue of having insufficient time to consider fully the mat-

ters relevant to the inquiry.³⁴ We therefore examined the impact that the length of an inquiry has on the average length of submissions received. It might be expected that shorter inquiries would receive shorter submissions on average. It should be emphasised that the length of a submission is not necessarily a reflection of its quality: a succinct two-page submission can be just as valuable as a 50-page one. Nevertheless, it is interesting to note that the average length of submissions was much higher for inquiries that lasted longer than 100 days (see Table 3). One reason for this might be that the inquiries that lasted more than 100 days were predominantly reference inquiries. Reference inquiries often have broad terms of reference, which in turn may encourage longer submissions that canvass a wider range of issues. However, the figures do lend some support to the

TABLE 3 Impact of Length of Inquiry on Length of Submissions, 40th and 41st Parliaments

Length of Inquiry	Average Length of Submissions (pages)
Less than 100 days	7.0
Over 100 days	11.7
All inquiries	7.4

FIGURE 3 Average Number of Submissions per Inquiry by Subject Matter of Inquiry, 40th and 41st Parliaments^a



^a The figure uses a logarithmic scale to reduce the distortion produced by the inquiry into the Marriage Legislation Amendment Bill 2004, which received 13,769 submissions.

view that short inquiries hamper the ability of submitters to explore fully the issues of relevance to them.

The timing of an inquiry is another factor that may affect participation. Amanda Alford argues that the scheduling of inquiries into anti-terrorism legislation ‘over particularly inopportune periods of the year, whether deliberate or not, significantly diminished the capacity of civil society and the general public to make submissions’.³⁵ Indeed, submitters often note that inquiries conducted over school holiday periods (particularly Christmas) affect their capacity to participate fully in an inquiry.

It is difficult to test this contention against the data, as only seven inquiries were referred to the committee in the month of December with a closing date for submissions in January of the following year. These inquiries all received less than 20 submissions. This suggests some correlation between timing and submission numbers, but it is not possible to draw any firm conclusion based on such a small number of inquiries.

Another factor that may be relevant to the level of public participation is the number of inquiries running at the same time, particularly if they relate to similar subjects. In other words, where there are a number of concurrent inquiries, interested groups or individuals may be forced to prioritise and make a submission to just one rather than many or all of them.³⁶ It is difficult to test this argument against

the data we have collected, since the information obviously says little about the organisations and individuals who did *not* submit and their reasons for not submitting. However, our discussions with organisations that regularly make submissions to the committee suggest that these groups are sometimes forced to choose between inquiries when making submissions to inquiries that are run concurrently.

Subject Matter

Our data demonstrated that the level of participation is tied much more strongly to the subject matter of the inquiry and, in particular, the level of public interest in the subject matter. Figure 3 sets out the average number of submissions received per inquiry when inquiries are categorised by subject matter. It shows that inquiries relating to family law received the largest average number of submissions. The family law category was dominated by one inquiry in particular – the inquiry into the Marriage Legislation Amendment Bill 2004, which received 13,769 submissions. The next two most popular subjects for inquiries were citizenship/expatriates and terrorism/national security.

A similar result is achieved if we examine the number of inquiries receiving submissions within a particular numeric range (see Table 4). This approach reduces the potential distortion created by single inquiries that receive a very large number of

TABLE 4 Number of Submissions per Inquiry by Subject Matter, 40th and 41st Parliaments

Subject Matter	Over 200 Submissions	101–200 Submissions	51–100 Submissions	0–50 Submissions
Terrorism/national security	3	0	1	12
Family	2	0	0	3
Human rights/discrimination	1	1	1	4
Other	1	1	0	12
Migration	1	1	0	13
Citizenship/expatriates	1	0	2	0
Indigenous	0	2	1	3
Copyright	0	0	1	2
Crime	0	0	0	13
Telecommunications interception	0	0	0	5
Customs	0	0	0	5
Privacy	0	0	0	2
Total	9	5	6	74

submissions. As Table 4 illustrates, there were nine inquiries during the 40th and 41st Parliaments that received over 200 submissions. Further details of these inquiries are set out in Table 5.

It should not be surprising that inquiries relating to terrorism or national security are prominent given that over the period of the two parliaments, from 2002 to 2007, the committee examined important new laws responding to the threat of terrorism. These laws were highly contentious, in part because they significantly increased the powers of law enforcement and intelligence agencies, and established or broadened criminal offences related to terrorism.

Table 5 also highlights the role of peak bodies or interest groups in mobilising their membership to make submissions to inquiries. For example, religious organisations and gay rights lobby groups clearly played a significant role in encouraging the extraordinary number of submissions to the inquiry into the Marriage Legislation Amendment Bill 2004. Similarly, groups representing Australian expatriates encouraged submissions to the reference inquiry into expatriates, while republican and pro-monarchy groups were active in relation to the reference inquiry into an Australian republic.

As Figure 3 illustrates, the inquiries with the lowest average number of submissions are those relating to customs, criminal law, laws regulating telecommunications interception, copyright law and privacy. Of the 28 inquiries dealing with these subjects over the 40th and 41st Parliaments, only one received more than 50 submissions (the inquiry into the Copyright Amendment Bill 2006). This is not to say that these inquiries did not deal with important or

contentious issues. However, they tended to be legislation inquiries focusing on technical legal issues and were therefore less likely to elicit a high level of interest from the general community.

Participation by Individuals

There is an underlying sentiment in some previous research that it would be desirable for committees to engage more directly with individuals in the community and rely less on engagement with experts or organised lobby groups.³⁷ For example, Robyn Webber notes that:

One of the key tasks of members of Parliament is to feed into the parliamentary processes the opinions and needs of the community they represent. Their very jobs depend on their ability to hear, understand and interpret the views of the electorate. Surely this is the special skill which they bring to their work with committees which other types of inquiry processes cannot access. Anyone can talk to the experts and the organised lobby groups but members of Parliament are especially placed to tap into the general community.³⁸

Committees certainly need to be alive to the possibility of being captured by narrow sectional interests or 'simply listening to the same voices as governments'.³⁹ Nevertheless, lobby groups have a legitimate and valuable role to play in representing the interests of groups within the community.⁴⁰ In fact, it would arguably be less democratic for committees to favour the opinions of individuals, who may or may not be representative of the community, over those of lobby groups established by sections of the community to represent their interests collectively. There is also clearly a need for committees to obtain expert

TABLE 5 Details of Inquiries with 200 or More Submissions, 40th and 41st Parliaments

Subject Matter	Number of Submissions	Date Referred	Length (days)
Marriage Legislation Amendment Bill 2004	13,769	23 June 2004	75
Inquiry into an Australian Republic ^a	724	26 June 2003	432
Inquiry into Australian expatriates	663	16 October 2003	509
Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002	435	21 October 2002	43
Security Legislation Amendment (Terrorism) Bill 2002 [No. 2]	431	20 March 2002	49
Anti-terrorism Bill (No. 2) 2005	294	3 November 2005	25
Family Law Amendment (Shared Parental Responsibility) Bill 2005	212	8 February 2006	44
Administration and Operation of the <i>Migration Act 1958</i>	234	21 June 2005	254
Australian Human Rights Commission Legislation Bill 2003	221	27 March 2003	63

a This inquiry falls into the 'other' category.

advice where inquiries raise issues of great complexity or technical detail.

We would argue that receiving a large number of submissions from individuals supporting a particular point of view does not always provide committees with proportionate amounts of useful evidence. For example, some inquiries receive a large number of form letters or petitions. While we would not wish to discourage individuals from participating in inquiries in this manner, this sort of evidence does not always greatly assist the committee's deliberations. Nor are large numbers of submissions necessarily an accurate indication of public sentiment on an issue – it may simply indicate the superior organisational skills of a lobby group in mobilising its membership to make submissions. As a former senator and committee member has noted in this context:

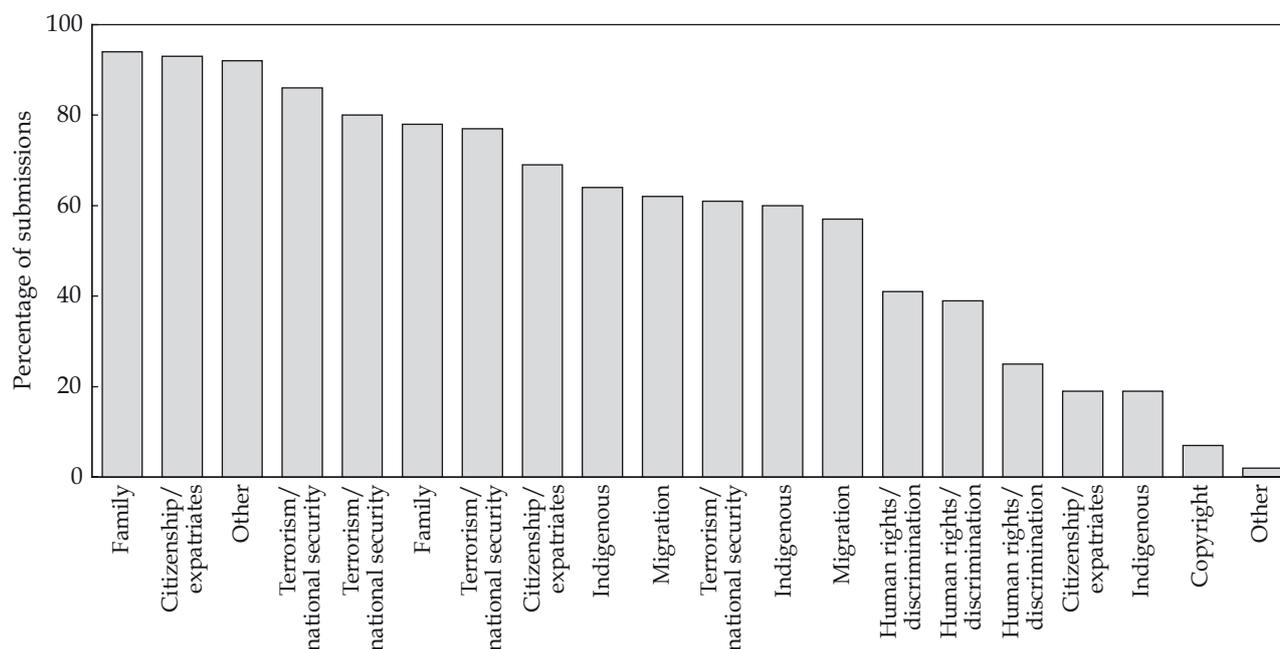
Parliamentary committees must make their deliberations on the quality of submissions, not on the quantity.⁴¹

This is not to suggest that individual submissions are unimportant or not persuasive. Submissions from individuals often provide crucial evidence to inquiries. Indeed, inquiries such as the Community Affairs References Committee inquiry into children in institutional care and the Foreign Affairs, Defence and Trade References Committee inquiry into the effectiveness of Australia's military justice system would have faced considerable difficulties, and may have resulted in very different outcomes, if individuals had not been willing to give evidence to the committees of their particular experiences.⁴²

It might be expected that certain types of inquiries are more likely to receive submissions from individuals. Figure 4 shows the subject matter of the inquiries that received the highest percentage of submissions from individuals (among inquiries receiving at least 50 submissions). As the graph illustrates, there were 13 inquiries in which more than half the submissions came from individuals. The 'other' inquiry in this group is a reference inquiry into an Australian republic; the remaining 12 concern family law, citizenship or expatriates, terrorism or national security legislation, Indigenous affairs and migration law. It is perhaps not surprising that this list is almost identical to that for inquiries receiving the largest number of submissions.

We had expected that inquiries into issues that have an obvious and immediate effect on an individual's rights or interests would attract larger numbers of submissions and a higher proportion of individual submissions. Examples include inquiries relating to family law, privacy, migration and citizenship rights. This was perhaps true in the case of the inquiry into Australian expatriates, which received both a high number of submissions (663) and a high proportion of submissions from individuals (93 per cent). Many of these submissions were from individuals outlining their personal circumstances and experiences, which provided valuable information to the inquiry. However, Table 5 and Figure 4 suggest that individuals are just as likely to submit on 'big picture' issues that do not so immediately affect their day-to-day lives, such as the issue of whether Australia should become a republic.

FIGURE 4 Percentage of Submissions from Individuals by Subject Matter of Inquiry, 40th and 41st Parliaments (inquiries with 50 or more submissions)



We have noted the role of lobby groups in encouraging their members to submit, but of course not all individual submissions are a result of such encouragement. It takes time to prepare a submission, and as the vast majority of submissions are published, the submitter is usually committing him or herself publicly to a position on an issue. In some cases, individuals reveal considerable personal information in order to assist the committee. There are many motives for individuals to invest their time and energy in making a submission, including the desire to have a say or to set the record straight and the belief that a submission may influence the outcome of an inquiry. At the very least, the subject matter of inquiries that attract high levels of participation by individuals suggests that individuals are driven to submit not only where an inquiry directly affects their personal interests but also where it deals with an issue of sufficient ideological or symbolic significance to them.

Other Factors

A range of other factors is potentially relevant to participation in committee inquiries, including advertising, media coverage, public perceptions of parliamentary committee processes, 'submission fatigue' and prior consultation with respect to an issue. These are discussed further below.

Advertising and Media Coverage

Advertising of inquiries has been identified as an issue affecting participation in committee processes.

For example, Kate Burton says:

It seems, then, that two major obstacles stand in the way of attracting greater community participation in committees. The first is that the existence of parliamentary committee inquiries are not, as a matter of course, publicised beyond major metropolitan newspapers.⁴³

To increase and encourage participation in committee inquiries, Burton and other researchers suggest that consideration should be given to improving the methods of publicising inquiries.⁴⁴ Some improvements have been made in recent years, for example in the format of newspaper advertisements, and by providing information about the inquiry on the internet. Other improvements that could be considered include greater use of electronic communication methods, such as providing an email alert service for those interested in receiving notification of new Senate committee inquiries.⁴⁵

However, the advertising of inquiries, while necessary and important, arguably has less of an impact than the other factors discussed in this paper.⁴⁶ As outlined earlier, advertising of inquiries by the committee over the last two parliaments was highly standardised, yet inquiries attracted vastly different levels of community participation.

Ian Marsh conducted a survey of organisations that had been invited to give evidence before Senate committees in the 2000/01 parliamentary year. The survey showed that:

Outreach to groups is formally by advertisement in major metropolitan dailies. However, responses to the survey show this was a relatively less important source of engagement. On the contrary, 56 per cent of

respondents (79 groups) responded to a direct contact from committee staff. Press advertisements were the second principal source of participants. Forty-three respondents (30 per cent) learnt of the inquiry by this means. Two other categories were each the source of 13 per cent of participants. These were 'general reports or gossip' (18 respondents) and industry/interest group newsletter or website (16 respondents). This finding suggests the very considerable importance of committee awareness of the relevant policy network or interest group community. It also draws attention to the capacity of committees to mobilise interests. This is potentially an important responsibility of committee staff.⁴⁷

The amount of media coverage an inquiry receives may also be an important factor. However, we would argue that this factor is largely outside the committee's control, and is tied strongly to the subject matter of the inquiry and the level of interest that the inquiry generates.⁴⁸ Nevertheless, this is an area that warrants further research and analysis.

Perceptions of Efficacy

Another possible obstacle to public participation in committee inquiries is the public's perception of the efficacy of participation in these processes, such as whether making a submission will result in any worthwhile outcome. Kate Burton identifies this as the second main obstacle to public participation, suggesting that there is a need to 'break down public perceptions of the irrelevance of parliamentary activities to their lives'.⁴⁹

Similarly, Kelly Paxman writes in relation to bill inquiries that:

Most concerns ... revolve around the way that the bill referral process is inescapably linked with politics, and how this link limits the effectiveness of the process. A cynicism exists about the impotence of committees to do little more than merely 'go through the motions' of public consultation, when the real battles are fought out on the floor of the chamber.⁵⁰

If public perception were a significant factor, one might expect to see participation in inquiries decrease after 1 July 2005, once the government had attained a majority in the Senate – that is, when the government was able to exercise greater control over inquiries and reject committee recommendations of which it did not approve.⁵¹ However, Table 2 actually shows a slight *increase* in the median number of submissions received for bill inquiries after the government gained control of the Senate. It is somewhat reassuring that government control of the Senate does not seem to have greatly deterred the public from making submissions. Of course, it is still possible that there is a general reluctance among some sections of the community to make submissions to committee inquiries based on perceptions of efficacy – regardless of who controls the Senate.

Ian Marsh notes that the Parliament, and in particular the Senate, is generally held in high regard by the broader community.⁵² On the other hand, he finds that interest groups seem 'very uncertain about the role of committees':

They welcome the access that the committees provide. They generally hold the Senate and its committees in very high regard. But they realise committees are largely impotent in a predominantly adversarial system. Though they see committees as a way of registering views in the political system, the precise role of committees remains ambiguous.⁵³

We disagree that committees are 'largely impotent' – particularly given that Senate committees have a reasonably successful history of improving legislation.⁵⁴ Nevertheless, this uncertainty suggests that there is a need to improve public perceptions about, and awareness of, the role of committees.

Submission Fatigue?

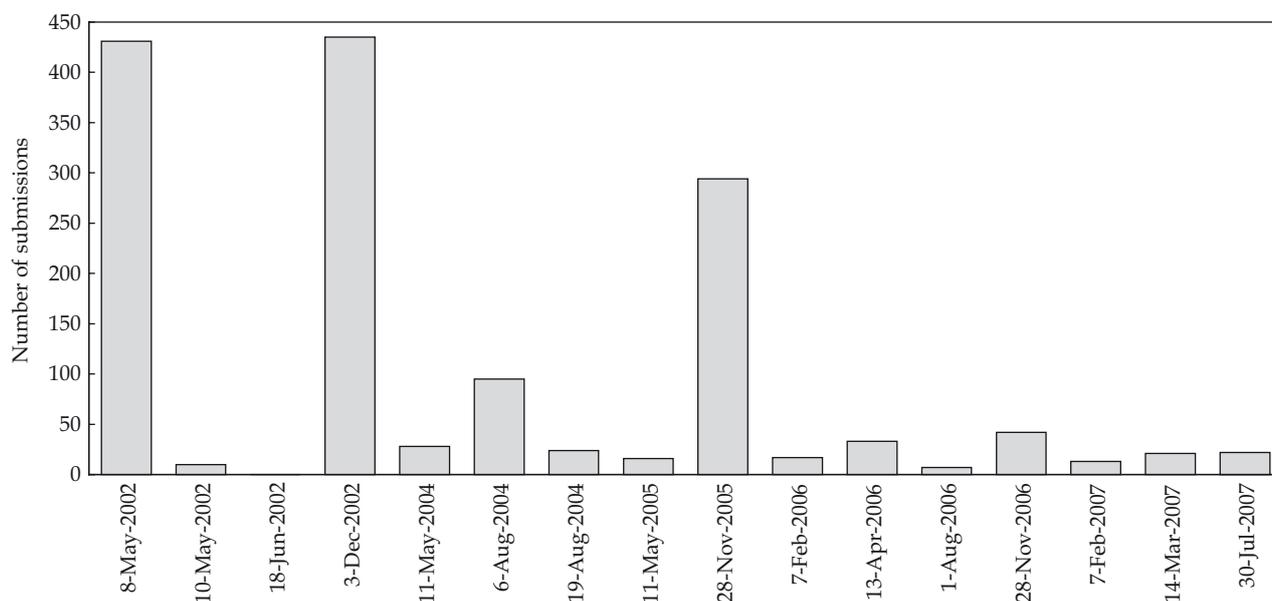
It is sometimes suggested that 'submission fatigue' affects participation in committee inquiries, that is, that the sheer volume of committee inquiries in relation to an issue, coupled with short timeframes, may discourage submissions from the community. Amanda Alford, for example, argues that these factors affected submissions to inquiries conducted by the committee into anti-terrorism legislation:

This fatigue, combined with the tight timeframes within which the committees are forced to function, as well as the limited resources of community organisations, has arguably resulted in the forced selective submission of organisations and academics. Sadly this leaves some committee inquiries with a diminished body of evidence from which to inform the Senate.⁵⁵

If this were the case, one might expect to see a drop-off in the overall numbers of submissions to the inquiries the committee conducted in relation to terrorism and national security legislation over time. Figure 5 therefore examines the number of submissions received by inquiries concerning terrorism or national security bills over the course of the 40th and 41st Parliaments.

The graph shows that three inquiries in particular received a large number of submissions: the inquiries into the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 and related matters (435 submissions); the Security Legislation Amendment (Terrorism) Bill 2002 [No. 2] and related bills (431 submissions); and the Anti-terrorism Bill (No. 2) 2005 (294 submissions). We note that these inquiries all involved new regimes or major amendments to terrorism-related legislation, and all were quite contentious. With the exception of the inquiry into the Anti-terrorism Bill (No. 2) 2004, the other inquiries received fewer than

FIGURE 5 Number of Submissions to Inquiries on Terrorism or National Security Legislation by Date Reported, 40th and 41st Parliaments^a



a The inquiry into the provisions of the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002, which reported on 18 June 2002, received no submissions. This was because the bill was referred simultaneously to this committee and the Parliamentary Joint Committee on the Australian Security Intelligence Organisation, the Australian Secret Intelligence Service and the Defence Signals Directorate. As a result, this committee did not call for submissions.

50 submissions. Given the large number of submissions received in relation to the Anti-terrorism Bill (No. 2) 2005, it is difficult to argue that the graph reveals a consistent decreasing trend in the number of submissions over time, although we acknowledge that the sample size of 16 inquiries is rather small. If anything, it again appears to demonstrate the overriding importance of the subject matter of the particular inquiry in determining the level of participation in that inquiry.

To gain a sense of the complexity of the factors affecting submission numbers, it is instructive to look at the pattern of submissions to the committee over time for all inquiries. Figure 6 sets out the number of submissions received for each inquiry, arranged chronologically. It certainly appears that the peaks in the first half of the graph (the 40th Parliament) are higher than those in the second half of the graph (the 41st Parliament). However, it is very difficult to establish the reasons for this. It might be a result of fewer reference inquiries being referred to the committee over this time period, as discussed earlier in the paper. Equally, it may reflect changes in the issues that generated most political controversy during this period. In 2002, when the 40th Parliament commenced, issues dealt with by the committee, particularly terrorism, were the subject of intense debate. However, during the 41st Parliament the political focus tended to shift to issues not exam-

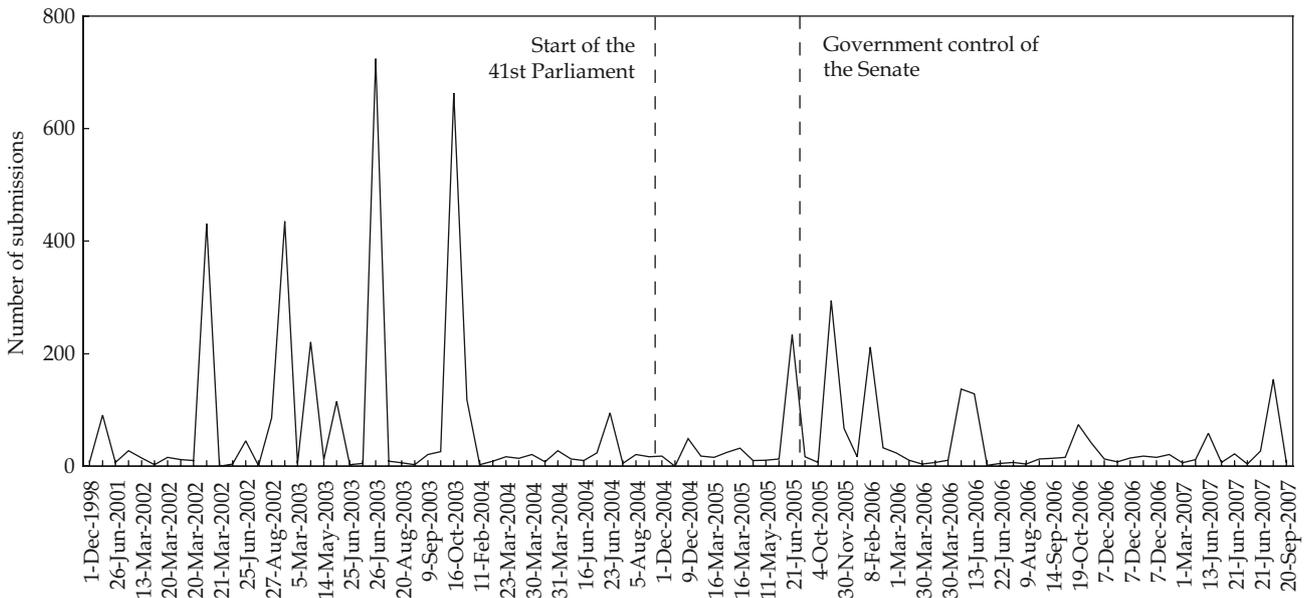
ined by this committee, such as industrial relations laws.

Finally, the trough at the beginning of the 41st Parliament may simply be a result of the cycle of parliaments. In other words, in the first months after an election there is usually a period of 'gearing up' before major inquiries are referred to committees. An examination of the number of submissions received by other committees over the same period may shed more light on the relative significance of these factors. In any case, our analysis of the data indicates that the median number of submissions per inquiry has hovered consistently between 14 and 17 for each year since 2002.

Prior Consultation

Another factor that may affect participation is whether there has been prior government consultation in relation to an issue (for example, where a department has released an exposure draft of a bill before a committee inquiry into the legislation). We suspect that prior consultation raises the awareness of groups, helps to crystallise issues and thus actually increases participation in committee inquiries. An illustration of this is the committee's reference inquiry into Indigenous stolen wages in 2006. The inquiry received substantially more submissions from organisations and individuals in Queensland and New South Wales, where the state governments

FIGURE 6 Number of Submissions to Inquiries by Date Referred, 40th and 41st Parliaments^a



a For readability, the figure excludes the inquiry into the Marriage Legislation Amendment Bill 2004, which was referred to the committee on 23 June 2004 and received 13,769 submissions. See Appendix 1 for a full list of the inquiries covered here.

had already established mechanisms to redress stolen wages issues, than from other states and territories. This was despite the fact that evidence emerged during the inquiry which suggested that very similar practices had existed in other jurisdictions in relation to Indigenous wages.

In this context, it is interesting to consider whether the release of a discussion paper by a committee at the beginning of an inquiry could encourage higher levels of participation. The majority of the inquiries the committee conducted in the 40th and 41st Parliaments were not long enough to allow for the release of a discussion paper prior to the committee seeking submissions. However the committee did issue a discussion paper at the beginning of its reference inquiry into an Australian republic. It is possible that this was one factor which contributed to the high level of participation in that inquiry. In our view, prior consultation and discussion papers are likely to improve the quality of submissions and, in particular, encourage submitters to go beyond stating their philosophical position on the issues to tackle the areas of murky complexity and detail.

CONCLUSIONS

A complex range of factors affects the level of participation in committee inquiries, at least in terms of the number of submissions made to committees. However, our research shows that some common

assumptions about the most important factors influencing community participation may not be borne out in practice. In particular, short timeframes for an inquiry do not appear to stand in the way of large numbers of submissions being received.

Similarly, an intense focus on how inquiries are publicised might be misplaced. Advertising of inquiries by the committee over the last two parliaments was highly standardised, yet inquiries attracted vastly different levels of community participation. This is not to suggest that improved advertising and other methods of publicising inquiries would not increase the overall level of participation in inquiries, but simply to point out that there are other factors which may have a greater influence on participation.

As might be expected, the key determinant of participation appears to be the subject matter of an inquiry. A range of related factors ties into this, including the level of public interest in the issue being considered, the role of lobby groups and the amount of media coverage. The subjects considered by the committee are diverse to say the least. They range from issues where highly organised and well-funded interest groups have lobbied extensively in relation to a policy or proposed legislation prior to the committee commencing its inquiry, to those that affect the 'neglected voices'⁵⁶ in our society, where public awareness of the issue may be low and there are few if any structures representing the interests of those affected. They also span issues of dry, technical detail, of interest only to those intimately engaged

in the field, as well as matters of intense political controversy within the general community. In our view, these are the factors that are critical both to dictating the most appropriate way for the committee to encourage participation in its inquiries and ultimately to determining the level of participation an inquiry will attract.

While allowing only a very short time for an inquiry does not seem to prevent the threshold of 'participation' from being crossed, in that large numbers of submissions may still be received, it does seem to reduce *meaningful* participation in the sense that submitters are less able to examine fully, and respond to, the issues raised by the inquiry. It is probably cold comfort for submitters to have been able to make a submission if it amounts only to a plea for more time to consider the matters examined by the inquiry. Clearly very short timeframes for inquiries are not desirable for a range of policy reasons. In particular, further consideration needs to be given to the impact of short timeframes on small, voluntary organisations versus well-funded lobby groups, and the potential for this to skew the evidence received by committees.

Finally, we stress that this paper has only examined data for the Legal and Constitutional Affairs Committee. It would be useful to examine similar data for other parliamentary committees in order to see whether similar conclusions can be drawn.

ACKNOWLEDGMENTS

Jackie Morris and Sophie Power have both worked in the secretariat of the Legal and Constitutional Affairs Committee. This article presents the authors' personal views and does not reflect those of the committee or the Department of the Senate. We would like to thank Maureen Weeks, David Sullivan, Julie Dennett and Stanley Bach for their valuable comments on drafts of this paper. We would also like to acknowledge Dominique Dalla-Pozza's paper, 'The Conscience of Democracy? The Role of Australian Parliamentary Committees in Enacting Counter-terrorism Laws', *Australasian Study of Parliament Group Annual Conference*, August 2007, Adelaide, available at <[www.parliament.wa.gov.au/web/webpages.nsf/WebFiles/ASPG+2007+-+Dalla-pozzo/\\$FILE/Dalla-pozzo.pdf](http://www.parliament.wa.gov.au/web/webpages.nsf/WebFiles/ASPG+2007+-+Dalla-pozzo/$FILE/Dalla-pozzo.pdf)>, accessed 4 August 2008. The paper sparked our interest in looking at the factors that affect participation in committee inquiries.

NOTES

- 1 Harry Evans (ed.), *Odgers' Australian Senate Practice 11th Edition*, Department of the Senate, Canberra, 2004, p. 345.
- 2 Ian Holland, Kathleen Dermody and Elton Humphery, 'Parliamentary Committees and Neglected Voices in Society', *The Table*, Vol. 74, 2006, p. 45.
- 3 Amanda Alford, 'A Trojan Horse? Australian Anti-terrorism Legislation: Civil Liberties, Human Rights and the Parliamentary System of Government in Australia in the Context of Anti-terrorism Legislation Post 11 September 2001', *ANU Law Internship Report 2007*, pp. 19–20; Kate Burton, 'Community Participation in Parliamentary Committees: Opportunities and Barriers', *Research Paper 10 1999–2000*, Parliamentary Library, 1999, p. 8.
- 4 Amanda Alford, *op. cit.*, p. 19. On the broader issue of barriers to democratic participation, see Sarah Lim, 'Hands on Parliament: A Parliamentary Committee Inquiry into Aboriginal and Torres Strait Islander Peoples' Participation in Queensland's Democratic Process', *Australasian Study of Parliament Group Annual Conference*, 18–19 July 2003, Darwin, p. 2.
- 5 Anthony Marinac, 'The Usual Suspects? "Civil Society" and Senate Committees', *Papers on Parliament No. 42*, December 2004, pp. 135–7; Kelly Paxman, 'Referral of Bills to Senate Committees: An Evaluation', *Papers on Parliament No. 31*, June 1998, pp. 80, 84; Kate Burton, *op. cit.*, pp. 15–16; Amanda Alford, *op. cit.*, pp. 20, 23.
- 6 Kate Burton, *op. cit.*, p. 17; Robyn Webber, 'Increasing Public Participation in the Work of Parliamentary Committees', *Australasian Parliamentary Review*, Vol. 16, No. 2, 2001, pp. 118–19.
- 7 Kelly Paxman, *op. cit.*, p. 84; Amanda Alford, *op. cit.*, p. 20.
- 8 Kate Burton, *op. cit.*, p. 8; Amanda Alford, *op. cit.*, p. 19.
- 9 For most of the period considered, there was a Legal and Constitutional Legislation Committee and a Legal and Constitutional References Committee. However, in September 2006 the legislation and references committees were merged into a single standing committee. For simplicity, we refer to these committees as the Legal and Constitutional Affairs Committee. Where relevant, we consider reference and legislation inquiries separately in order to analyse differences in the two types of inquiries.
- 10 For a more detailed description, see John Vander Wyk and Angie Lilley, 'Reference of Bills to Australian Senate Committees with Particular Reference to the Role of the Selection of Bills Committee', *Papers on Parliament No. 43*, June 2005.
- 11 For a more detailed description, see Harry Evans (ed.), *Odgers' Australian Senate Practice*, *op. cit.*, pp. 388–94; Kate Burton, *op. cit.*, pp. 7–8.
- 12 Examples include the inquiry into the Copyright Legislation Amendment Bill 2004 and the inquiry into the Northern Territory National Emergency Response Bill 2007 and related bills.

- 13 The Indigenous stolen wages reference inquiry is one example of an inquiry where the committee actively sought media coverage.
- 14 Examples include the inquiry into the Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007 and the inquiry into the Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006.
- 15 See also Ian Holland, Kathleen Dermody and Elton Humphery, *op. cit.*, pp. 45–55.
- 16 See, for example, Anthony Marinac, *op. cit.*
- 17 Noting that the committee may reject a submission that is not relevant to the inquiry.
- 18 See, for example, submissions to the inquiries into the Copyright Amendment Bill 2006, the Anti-terrorism Bill (No. 2) 2005 and the Disability Discrimination Amendment (Education Standards) Bill 2004.
- 19 Kate Burton, *op. cit.*, p. 8; Kelly Paxman, *op. cit.*, p. 84.
- 20 This was a time-consuming and difficult process. In the case of the inquiry into the Marriage Bill, which received over 13,000 submissions, we extrapolated the numbers from a sample of 2,000 submissions.
- 21 See Department of the Senate, *Annual Report 2006–07*, p. 3; Harry Evans, 'The Senate, Accountability and Government Control', *Parliamentary Studies Paper 4*, Crawford School of Economics and Government, Australian National University, Canberra, 2008, pp. 5–6, 7–8.
- 22 Harry Evans, 'The Senate, Accountability and Government Control', *op. cit.*, p. 7.
- 23 *ibid.*
- 24 Kate Burton, *op. cit.*, pp. 15–16; Kelly Paxman, *op. cit.*, p. 80; see also Anthony Marinac, *op. cit.*, pp. 135–7.
- 25 Kelly Paxman, *op. cit.*, p. 77.
- 26 *ibid.*, p. 80.
- 27 Kate Burton, *op. cit.*, p. 16.
- 28 By way of example, when we considered inquiries lasting 50 days or more, we found that there were eight inquiries that had received over 100 submissions, compared with six for inquiries lasting under 50 days.
- 29 See Anthony Marinac, *op. cit.*, pp. 135–6.
- 30 For further discussion of the impact of conducting inquiries within short timeframes, see Department of the Senate, *Annual Report 2006–07*, p. 60. For an example of time pressures on senators, see the report of the Senate Standing Committee on Economics on petrol prices in Australia, 7 December 2006, Labor senators' report at p. 103 and Senator Murray's comments at p. 107; and also *Senate Hansard*, 7 December 2007, pp. 131–2.
- 31 Senator Lyn Allison, Parliamentary Leader and Democrats Senator for Victoria, 'Note to Kevin: A Silenced Senate Equals More Bad Laws', media release, 4 December 2007, available at <http://www.democrats.org.au/news/index.htm?press_id=6414&display=1>, accessed 10 December 2007.
- 32 Anthony Marinac, *op. cit.*, p. 137.
- 33 These were responses from the Premier of Tasmania and the Victoria Police to a letter from the committee inviting submissions to its inquiry into the Crimes Legislation Amendment (Child Sex Tourism and Related Measures) Bill 2007. Technically, they were received as additional information relevant to the inquiry, not submissions.
- 34 See, for example, submissions 58, 60, 90, 123 and 124 to the inquiry into the Northern Territory National Emergency Response Bill 2007 and related bills; and Harry Evans, 'The Senate, Accountability and Government Control', *op. cit.*, p. 7.
- 35 Amanda Alford, *op. cit.*, p. 20.
- 36 *ibid.*, p. 19.
- 37 See, for example, Robyn Webber, *op. cit.*, pp. 111–13; Kate Burton, *op. cit.*, p. 8; Kelly Paxman, *op. cit.*, pp. 83–4; Anthony Marinac, *op. cit.*, p. 138.
- 38 Robyn Webber, *op. cit.*, pp. 111–12.
- 39 Harry Evans, 'Parliamentary Committees and the Public Interest', *Legislative Studies*, Vol. 8, No. 1, 1993, p. 17.
- 40 See also Kelly Paxman, *op. cit.*, p. 84.
- 41 Brian Greig, 'Same-sex Unions', *Canberra Times: Letters to the Editor*, 19 December 2007, p. 12.
- 42 For further details, see Ian Holland, Kathleen Dermody and Elton Humphery, *op. cit.*, pp. 47–51.
- 43 Kate Burton, *op. cit.*, p. 8; see also Robyn Webber, *op. cit.*, pp. 117–19.
- 44 Kate Burton, *op. cit.*, pp. 8–9, 17; Robyn Webber, *op. cit.*, p. 117; Beverly Duffy and Merrin Thompson, 'Innovative Committee Methods: Case Studies from Two Parliaments', *Australasian Study of Parliament Group Annual Conference*, 18–19 July 2003, Darwin, pp. 8–11.
- 45 We note that an email alert service is provided by the House of Representatives.
- 46 See also Anthony Marinac, *op. cit.*, p. 137.
- 47 Ian Marsh, 'Can Senate Committees Contribute to "Social Learning"?'', *Papers on Parliament*, August 2006, pp. 60–61.
- 48 In this context, see John Uhr, 'Marketing Parliamentary Committees', *Australasian Parliamentary Review*, Vol. 61, No. 2, 2001, pp. 101–9. We note also that the House of Representatives produces a regular publication, *About the House*, which includes coverage of its committee inquiries; see <http://www.aph.gov.au/house/house_news/magazine/ATH.htm>.
- 49 Kate Burton, *op. cit.*, p. 8.
- 50 Kelly Paxman, *op. cit.*, p. 77; see also pp. 87–8.
- 51 See further Harry Evans, 'The Senate, Accountability and Government Control', *op. cit.*, pp. 5–8.
- 52 Ian Marsh, *op. cit.*, p. 72.
- 53 *ibid.*, p. 69.
- 54 We note that this is the subject of a future Parliamentary Studies Paper by Ian Holland: 'Senate Committees and the Legislative Process', Parliamentary Studies Paper 6, Crawford School of Economics and Government, Australian National University, Canberra, 2009, forthcoming.
- 55 Amanda Alford, *op. cit.*, p. 20.
- 56 Ian Holland, Kathleen Dermody and Elton Humphery, *op. cit.*

Appendix 1

INQUIRIES OF THE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE REPORTED ON DURING THE 40TH AND 41ST PARLIAMENTS

Name of Inquiry	Date Referred	Length of Inquiry (days)	Number of Submissions	Subject Matter
Statutory Powers and Functions of the Australian Law Reform Commission	1/12/1998	1,570	7	Other
Human Rights (Mandatory Sentencing for Property Offences) Bill 2000	24/5/2001	292	91	Human rights/discrimination
Outsourcing of the Australian Customs Service's Information Technology	26/6/2001	324	7	Customs
Sections 46 and 50 of the Trade Practices Act 1974	8/8/2001	279	28	Other
Proceeds of Crime Bill 2002 and the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002	13/3/2002	44	15	Crime
Migration Legislation Amendment Bill (No.1) 2002	20/3/2002	77	12	Migration
Migration Legislation Amendment (Procedural Fairness) Bill 2002	20/3/2002	77	16	Migration
Family Law Amendment (Child Protection Convention) Bill 2002	20/3/2002	56	3	Family
Criminal Code Amendment (Espionage and Related Offences) Bill 2002	20/3/2002	51	10	Terrorism/national security
Security Legislation Amendment (Terrorism) Bill 2002 [No. 2] and Related Bills	20/3/2002	49	431	Terrorism/national security
Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002	21/3/2002	89	0	Terrorism/national security
Provisions of the Australian Protective Service Amendment Bill 2002	15/5/2002	29	4	Other
Migration Legislation Amendment (Further Border Protection Measures) Bill 2002	25/6/2002	118	45	Migration
Government Amendments to the Proceeds of Crime Bill 2002 and the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Bill 2002	26/6/2002	2	1	Crime
Progress towards National Reconciliation	27/8/2002	407	86	Indigenous
Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 and related matters	21/10/2002	43	435	Terrorism/national security
Customs Legislation Amendment Bill (No. 2) 2002	5/3/2003	30	5	Customs
Australian Human Rights Commission Legislation Bill 2003	27/3/2003	63	221	Human rights/discrimination

Name of Inquiry	Date Referred	Length of Inquiry (days)	Number of Submissions	Subject Matter
Family Law Amendment Bill 2003	14/5/2003	91	12	Family
Legal Aid and Access to Justice	17/6/2003	357	115	Other
Migration Legislation Amendment (Sponsorship Measures) Bill 2003	25/6/2003	48	3	Migration
The Road to a Republic: Inquiry into an Australian Republic	26/6/2003	432	724	Other
Australian Protective Service Amendment Bill 2003	26/6/2003	53	5	Other
Age Discrimination Bill 2003	13/8/2003	36	9	Human rights/discrimination
Migration Legislation Amendment (Identification and Authentication) Bill 2003	20/8/2003	29	6	Migration
State Elections (One Vote, One Value) Bill 2001 [2002]	9/9/2003	176	21	Other
Government Amendments to the Australian Protective Service Amendment Bill 2003	9/9/2003	28	3	Other
Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and Migration Agents Registration Application Charge Amendment Bill 2003	8/10/2003	48	26	Migration
They Still Call Australia Home: Inquiry into Australian expatriates	16/10/2003	509	663	Citizenship/expatriates
Disability Discrimination Amendment Bill 2003	4/12/2003	133	118	Human rights/discrimination
Australian Federal Police and Other Legislation Amendment Bill 2003 [2004]	11/2/2004	41	3	Crime
Telecommunications (Interception) Amendment Bill 2004	3/3/2004	27	9	Telecomm. interception
Sex Discrimination Amendment (Teaching Profession) 2004	23/3/2004	49	17	Human rights/discrimination
Civil Aviation Amendment (Relationship with Anti-discrimination Legislation) Bill 2004	24/3/2004	98	14	Human rights/discrimination
Migration Amendment (Judicial Review) Bill 2004	30/3/2004	79	21	Migration
Surveillance Devices Bill 2004	31/3/2004	57	8	Crime
Anti-terrorism Bill 2004	31/3/2004	41	28	Terrorism/national security
National Security Information (Criminal Proceedings) Bill 2004 and the National Security Information (Criminal Proceedings) (Consequential Amendments) Bill 2004	16/6/2004	64	24	Terrorism/national security
Family Law Amendment Bill 2004	16/6/2004	44	10	Family

Name of Inquiry	Date Referred	Length of Inquiry (days)	Number of Submissions	Subject Matter
Telecommunications (Interception) Amendment (Stored Communications) Bill 2004	16/6/2004	36	13	Telecomm. interception
Marriage Legislation Amendment Bill 2004	23/6/2004	75	13769	Family
Anti-terrorism Bill (No. 2) 2004	23/6/2004	44	95	Terrorism/national security
Criminal Code Amendment (Suicide Related Material Offences) Bill 2004	5/8/2004	32	21	Crime
Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill (No. 2) 2004	5/8/2004	6	5	Crime
End of 40th Parliament, commencement of 41st Parliament				
Administrative Appeals Tribunal Amendment Bill 2004	1/12/2004	97	18	Other
Disability Discrimination Amendment (Education Standards) Bill 2004	1/12/2004	7	17	Human rights/discrimination
Copyright Legislation Amendment Bill 2004	6/12/2004	1	0	Copyright
The Real Big Brother: Inquiry into the Privacy Act 1988	9/12/2004	196	49	Privacy
Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 [2005]	9/2/2005	29	18	Crime
Criminal Code Amendment (Suicide Related Material Offences) Bill 2005	16/3/2005	57	32	Crime
National Security Information Legislation Amendment Bill 2005	16/3/2005	56	16	Terrorism/national security
Migration Litigation Reform Bill 2005	16/3/2005	56	25	Migration
Copyright Amendment (Film Directors' Rights) Bill 2005	11/5/2005	91	11	Copyright
Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005	11/5/2005	37	10	Telecomm. interception
Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures) Bill 2005	15/6/2005	61	13	Crime
The Administration and Operation of the Migration Act 1958	21/6/2005	254	234	Migration
Coalition government obtains majority in the Senate				
Corporations (Aboriginal and Torres Strait Islander) Bill 2005 and Associated Bills	6/9/2005	398	17	Indigenous

Name of Inquiry	Date Referred	Length of Inquiry (days)	Number of Submissions	Subject Matter
Law and Justice Legislation Amendment (Video Link Evidence and Other Measures) Bill 2005	4/10/2005	28	7	Crime
Anti-terrorism Bill (No. 2) 2005	3/11/2005	25	294	Terrorism/national security
Australian Citizenship Bill 2005 and the Australian Citizenship (Transitionals and Consequentials) Bill 2005	30/11/2005	89	67	Citizenship/expatriates
Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2005	8/12/2005	61	17	Terrorism/national security
Family Law Amendment (Shared Parental Responsibility) Bill 2005	8/2/2006	44	212	Family
Exposure Draft of the Anti-money Laundering and Counter-terrorism Financing Bill 2005	9/2/2006	63	33	Terrorism/national security
Telecommunications (Interception) Amendment Bill 2006	1/3/2006	26	24	Telecomm. interception
Law Enforcement Integrity Commissioner Bill 2006, the Law Enforcement Integrity Commissioner (Consequential Amendments) Bill 2006 and the Law Enforcement (AFP Professional Standards and Related Measures) Bill 2006	30/3/2006	42	11	Other
Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006	30/3/2006	35	7	Customs
Federal Magistrates Amendment (Disability and Death Benefits) Bill 2006	30/3/2006	33	4	Other
Migration Amendment (Employer Sanctions) Bill 2006	30/3/2006	33	11	Migration
Migration Amendment (Designated Unauthorised Arrivals) Bill 2006	11/5/2006	33	137	Migration
Unfinished Business: Indigenous Stolen Wages	13/6/2006	177	129	Indigenous
Customs Legislation Amendment (Modernising Import Controls and Other Measures) Bill 2006	22/6/2006	40	2	Customs
Crimes Act Amendment (Forensic Procedures) Bill (No. 1) 2006	22/6/2006	40	5	Crime
Financial Transaction Reports Amendment Bill 2006	22/6/2006	40	7	Terrorism/national security
Migration Amendment (Visa Integrity) Bill 2006	9/8/2006	33	4	Migration
Crimes Amendment (Bail and Sentencing) Bill 2006	14/9/2006	32	14	Crime
Privacy Legislation Amendment (Emergencies and Disasters) Bill 2006	14/9/2006	28	13	Privacy

Name of Inquiry	Date Referred	Length of Inquiry (days)	Number of Submissions	Subject Matter
Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Bill 2006 [Provisions]	11/10/2006	42	16	Other
Copyright Amendment Bill 2006	19/10/2006	25	74	Copyright
Anti-money Laundering and Counter-terrorism Financing Bill 2006, and the Anti-money Laundering and Counter-terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006	8/11/2006	20	42	Terrorism/national security
Native Title Amendment Bill 2006 [Provisions]	7/12/2006	78	18	Indigenous
Migration Amendment (Review Provisions) Bill 2006	7/12/2006	75	16	Migration
Customs Legislation Amendment (Augmenting Offshore Powers and Other Measures) Bill 2006 [Provisions]	7/12/2006	63	8	Customs
Bankruptcy Legislation Amendment (Superannuation Contributions) Bill 2006	7/12/2006	63	15	Other
Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006	7/12/2006	62	13	Terrorism/national security
AusCheck Bill 2006	8/2/2007	34	21	Terrorism/national security
Migration Amendment (Maritime Crew) Bill 2007 [Provisions]	1/3/2007	50	6	Migration
Native Title Amendment (Technical Amendments) Bill 2007 [Provisions]	29/3/2007	41	12	Indigenous
Australian Citizenship Amendment (Citizenship Testing) Bill 2007	13/6/2007	48	59	Citizenship/expatriates
International Trade Integrity Bill 2007 [Provisions]	21/6/2007	41	4	Other
Telecommunications (Interception and Access) Amendment Bill 2007 [Provisions]	21/6/2007	41	27	Telecomm. interception
Migration (Sponsorship Obligations) Bill 2007 [Provisions]	21/6/2007	39	7	Migration
Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Bill 2007 [Provisions]	21/6/2007	39	22	Terrorism/national security
Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and Four Related bills concerning the Northern Territory National Emergency	9/8/2007	4	154	Indigenous
Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007	20/9/2007	20	6	Crime