

# **Is committee work overburdening Senators?**

## **A case study from the 44<sup>th</sup> Parliament**

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### **Introduction**

This paper examines the workload of the Senate Standing Committees on Economics (Economics Committees) in the 44<sup>th</sup> Parliament to assess whether the Senate is overburdening Senators who are appointed to committees. The examination shows that the Economics Committees used available practices and procedures to conduct inquiries referred by the Senate. However, there were signs of stress arising from the number of referrals which in turn affected Senators' ability to engage in and dispose of inquiries. The paper highlights ongoing concerns that might require review to ensure the efficient and effective operation of the Senate committee system (committee system).

This paper focuses on one of the Senate's eight legislative and general purpose standing committees in order to illustrate broader issues. The paper does not attempt to examine other types of committees as the legislative and general purpose standing committees are the 'engines' of the committee system (Laing 2016a: 475).

### **Role of the committee system**

The modern committee system was created on 11 June 1970 with the intention of establishing standing committees to enable the Senate to more effectively perform its legislative and accountability functions. Former Senator the Hon Lionel Murphy QC argued that this would 'improve the status of the Parliament and...ensure that there is a restoration of parliamentary democracy in Australia' (1970: 2354).

While contemporary Senators supported these objectives, there was some concern about the Senate's capacity to 'properly prosecute the proposal'. It was noted that not all Senators engaged in committee work and even then to varying degrees (Webster 1970: 108). Former Senator the Hon Sir Robert Cotton cautioned:

...we should not allow the Senate and senators to take on more than it and they can do and in the process diminish the Senate's status and performance (1970: 2357).

Forty years later, Harry Evans, then Clerk of the Senate, reported that the legislative and general purpose standing committees were functioning as originally intended:

The continuance of the Senate committee system has meant that one house of the Parliament has been able to perform the legislative role that the theorists of parliamentary government and the framers of the Constitution envisaged, and has been able to hold the executive government more accountable than would otherwise have been the case (2010: 5).

Although support for the committee system and its objectives has not changed, the landscape has been transformed in recent years. Rosemary Laing, successor to Harry Evans, explained that one such change is the number of matters now being referred for inquiry (2014: 23). For example, in 2014–2015, 'new records were set in the number of matters referred concurrently by the Senate to its existing committees and to select committees' (Department of the Senate 2015a: 4).

### **Referrals in the 44<sup>th</sup> Parliament**

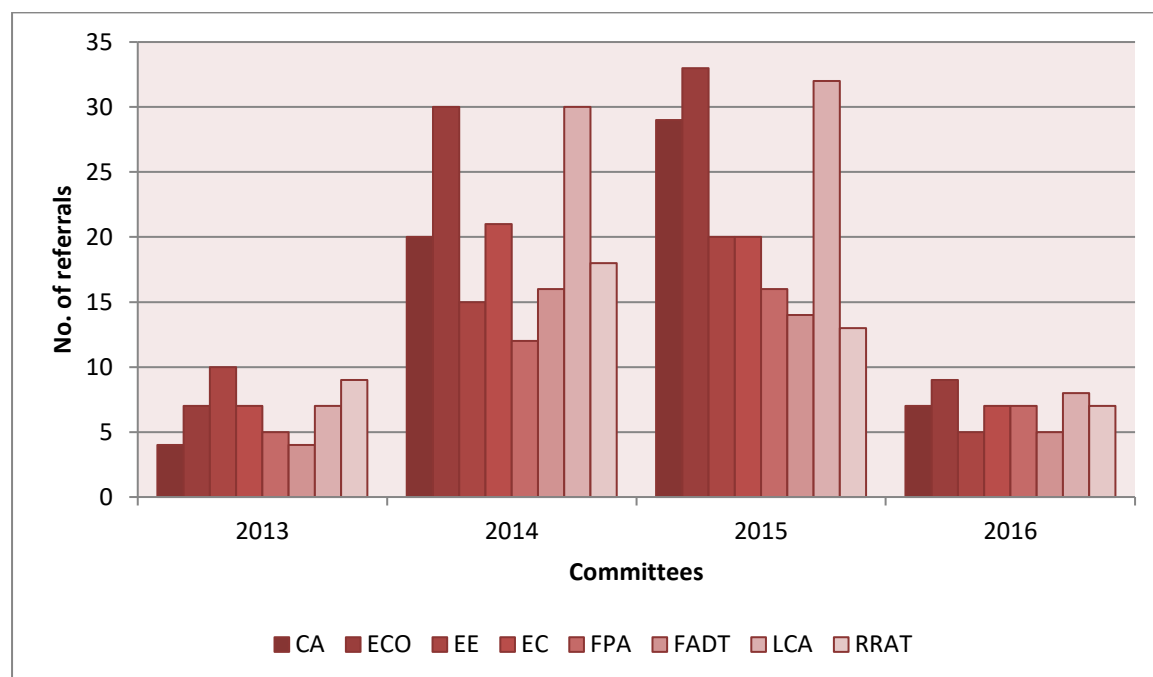
The committee system comprises two main types of committee: standing committees and select committees. Standing committees—including the legislative and general purpose standing committees—are appointed at the beginning of each Parliament to inquire into and report on matters referred to them by the Senate. Select committees are appointed on an *ad hoc* and temporary basis to inquire into and report on specific matters (Laing 2016: 463 and 485).

Each legislative and general purpose standing committee comprises a legislation committee and a references committee. The legislation committees examine draft bills/bills, estimates of expenditure, annual reports, and the performance of departments/agencies allocated to them. The references committees examine a range of other matters as referred by the Senate (Senate 2015: Standing Order 25(2)).

The 44<sup>th</sup> Parliament commenced on 12 November 2013, with typically low levels of activity throughout the committee system (Department of the Senate 2014: 43). By 2014–2015, however, the number of committees and referrals were creating 'a heavy and demanding workload', which continued into the following financial year (Department of the Senate 2015a: 47; Department of the Senate 2016: 49).

Among the legislative and general purpose standing committees, the Economics Committees had the highest number of referrals (Table 1).

**Table 1: Legislative and general purpose standing committees, number of referrals, 44<sup>th</sup> Parliament**



Note: Includes inquiries re-referred from the 43<sup>rd</sup> Parliament and Annual Reports.

Key: CA = Community Affairs; ECO = Economics; EE = Education and Employment; EC = Environment and Communications; FPA = Finance and Public Administration; FADT = Foreign Affairs, Defence and Trade; LCA = Legal and Constitutional Affairs; RRAT = Rural and Regional Affairs and Transport.

Source: Author, based on information published on Parliament of Australia, 2013–2017, 'Work of Committees', [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/woc/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/woc/index), accessed December 2017.

The Economics Committees' busiest work period was the second half of 2015 when it conducted 28 inquiries (excluding Annual Reports and Estimates). In any one month, these committees were engaged in no fewer than 15 inquiries (Table 2).

**Table 2: Economics Committees, number of inquiries, July 2015 – December 2015**

	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>
Legislation Committee	1	4	7	5	3	1
References Committee	14	15	14	14	18	18
<b>Total</b>	<b>15</b>	<b>19</b>	<b>21</b>	<b>19</b>	<b>21</b>	<b>19</b>

Note: Excludes Annual Reports and Estimates.

Source: Author, based on information published on Parliament of Australia, 3 February 2016, 'Work of Committees', [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/woc/wocjuldec15](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/woc/wocjuldec15), accessed December 2017.

Notwithstanding the high level of activity, the Senate continued to refer numerous inquiries to the Economics Committee throughout the 44<sup>th</sup> Parliament. Referrals to the Economics Legislation Committee were questioned on five occasions only, when the reporting timeframes were considered too short. Referrals to the Economics References Committee were agreed without debate, although subsequent and multiple extensions show that timeframes for these inquiries may also have been problematic.<sup>1</sup>

### **Referrals in the 45<sup>th</sup> Parliament**

During the 44<sup>th</sup> Parliament, Rosemary Laing voiced concerns about the potential impact of high demands on the committee system:

I sincerely hope that the thoroughness and credibility of Senate committee inquiries, the willingness of witnesses to make submissions and keep coming back to give evidence, and the value of what is unique about Senate committee inquiries...will survive the demands currently being placed on the system (2016b: 5).

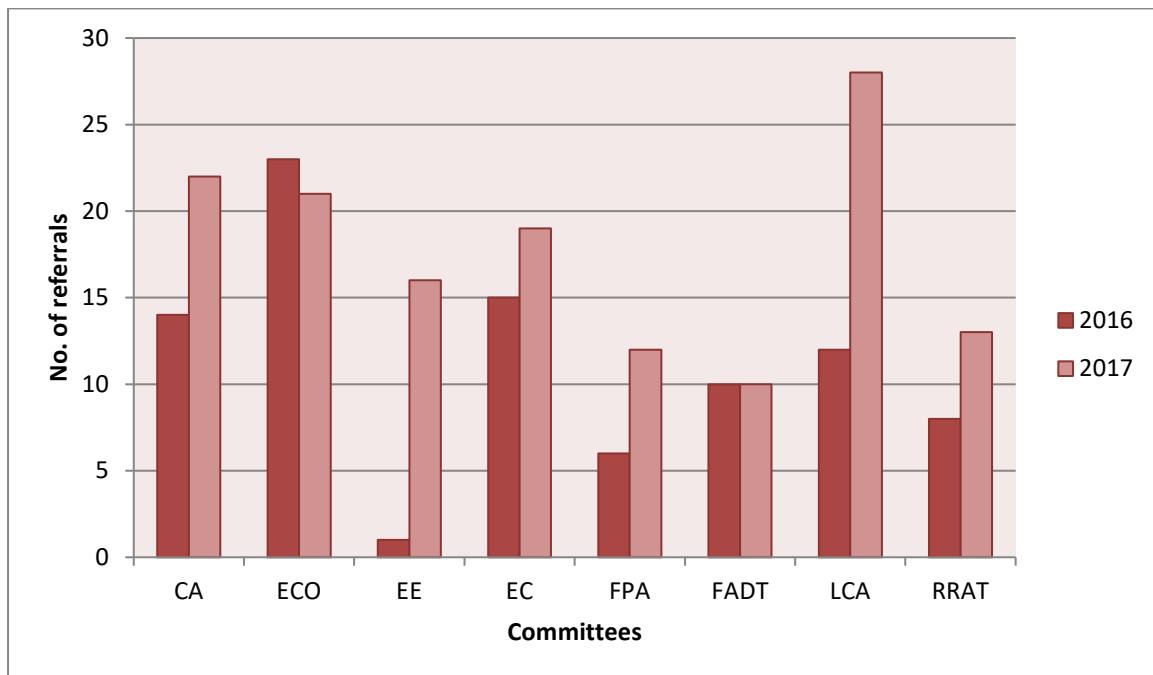
When the 45<sup>th</sup> Parliament first met on 30 August 2016 the then President of the Senate, Senator the Hon Stephen Parry, urged Senators to be mindful of workloads when appointing committees: 'senators have a finite capacity in which to serve on these committees and to attend hearings and travel to various parts of Australia to undertake that work' (2016: 3).

Despite this caution, 10 select committees have been appointed to date and the legislative and general purpose standing committees have continued to experience a high number of referrals (Table 3). As in the 44<sup>th</sup> Parliament, the Economics Committees are receiving the highest number of referrals, closely followed by the Senate Standing Committees on Community Affairs and the Senate Standing Committees on Legal and Constitutional Affairs.

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<sup>1</sup> There are multiple reasons why committees seek extensions of time to report: Hannan, C. 2016. 'Fixed Reporting Dates for Senate References Committees: Are They Effective?', *Australasian Parliamentary Review*, Vol. 31 No. 2, pp. 84–100.

**Table 3: Legislative and general purpose standing committees, number of referrals, 45<sup>th</sup> Parliament (30 August 2016 – 7 December 2017)**



Note: Includes inquiries re-referred from the 44<sup>th</sup> Parliament and Annual Reports.

Key: CA = Community Affairs; ECO = Economics; EE = Education and Employment; EC = Environment and Communications; FPA = Finance and Public Administration; FADT = Foreign Affairs, Defence and Trade; LCA = Legal and Constitutional Affairs; RRAT = Rural and Regional Affairs and Transport.

Source: Author, based on information published on Parliament of Australia, 2017, 'Work of committees', [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/woc/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/woc/index), and 'Journals of the Senate', [https://www.aph.gov.au/Parliamentary\\_Business/Chamber\\_documents/Senate\\_chamber\\_documents/Journals\\_of\\_the\\_Senate](https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/Journals_of_the_Senate), both accessed December 2017.

While Senators may have privately expressed concerns about workloads, it is only recently that they have begun to comment on the record at the time matters are referred for inquiry. For example, Senator the Hon James McGrath commented that 'another referral would only add to the existing workloads of Senate committees' (2017: 5952). In supporting an extension to a reporting date, Senator Rachel Siewert has similarly observed that the Community Affairs Committees 'have a very significant workload, which has just been added to' (2017: 5944). Speaking to the author, one Senator remarked that government party Senators are more likely now to remark on whether particular inquiries are suitable or necessary and how they impact on the Senate workload.

As indicated in Tables 1 and 3, the various appeals to consider workloads has not translated to any foreseeable reduction in committee activity. As recently as October 2017, there are ongoing high levels of activity and numerous referrals to references committees, as well as the establishment of several select committees:

The pressure this workload placed upon senators continues to be manifested in the rescheduling of hearings at short notice because of competing demands to attend multiple hearings and the number of requested extensions to reporting timeframes (Department of the Senate 2017: 50).

It might be that there is a tendency to regard referrals as 'a panacea for everything from low key scrutiny of legislative proposals to intensely disputed policy' (Department of the Senate 2015b: 5). One Senator's response to this observation is that 'the first answer to everything is not a reference to a committee' and 'we have to be mindful that we don't debase the committee process by having too many random inquiries'.<sup>2</sup>

Rosemary Laing argued that it would not be appropriate to restrain the Senate's power of inquiry (Department of the Senate 2015b: 5–6), and Senators interviewed for this paper fully endorsed the right of all Senators to initiate referrals. Equally, Senators reflected on the need for greater awareness of duplication and workloads in committees, as well as the need to refer 'worthy' matters only.

Notably, there was a common view among those Senators that the high level of committee activity is affecting the credibility and/or quality of the committee process. One Senator said that 'inquiries are rushed and don't deliver optimal outcomes', which another Senator indicated was a question of depth and comprehension. A third Senator suggested that 'to ensure the professionalism and high regard of the Senate committee system it is important to inquire whether there is a better way to manage committee work'.<sup>3</sup>

### **Workloads in the 44<sup>th</sup> Parliament**

Membership of the legislative and general purpose standing committees is determined in accordance with a formula set out in Senate Standing Order 25. Each committee has six members, with the government party chairing and having the majority on legislation committees. Non-government parties have the chair and majority on references committees.

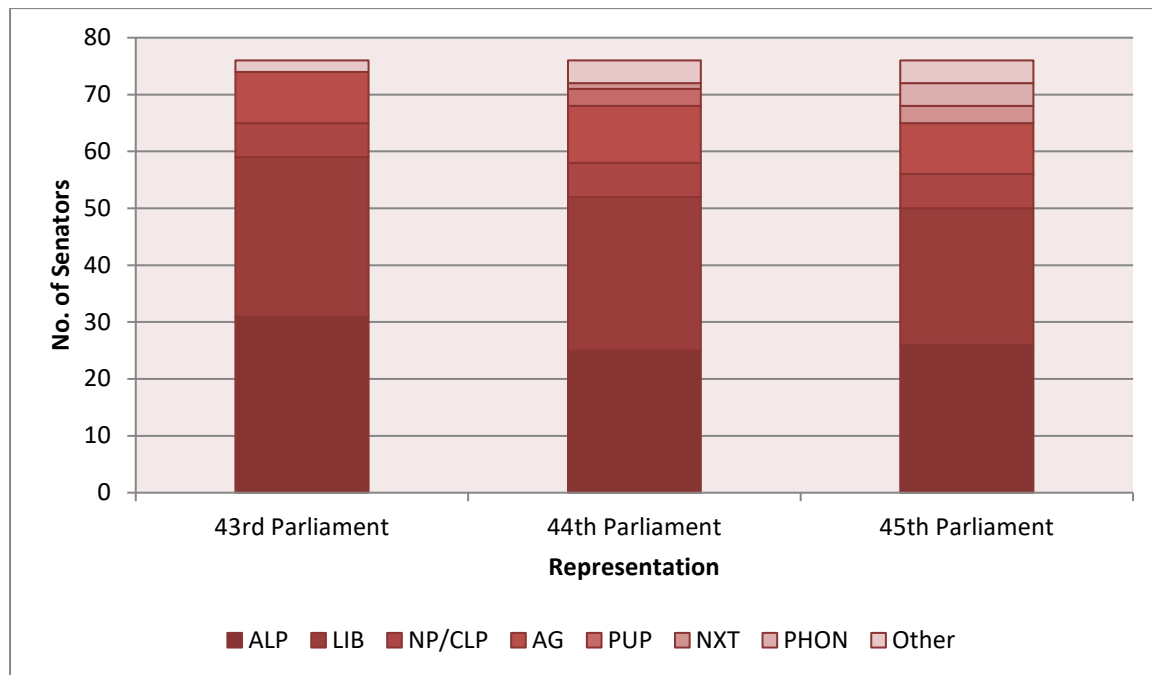
The number of Senators available for appointment to committees is necessarily affected by the composition of the Senate. Following the introduction of proportional representation in 1948, the government and opposition parties have been fairly evenly represented in the Senate, with the government party securing a majority on only three occasions since 1977 (Laing 2016: 15–20). However, in the 44<sup>th</sup> and then in the 45<sup>th</sup> Parliaments, there have been significant and unprecedented increases in the representation of crossbench Senators, leaving fewer government and opposition party Senators available for appointment to committees (Table 4).

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<sup>2</sup> Private communication

<sup>3</sup> Private communications

**Table 4: Composition of the Senate, 43<sup>rd</sup> – 45<sup>th</sup> Parliaments**



Note: Statistical data current when published in the source material.

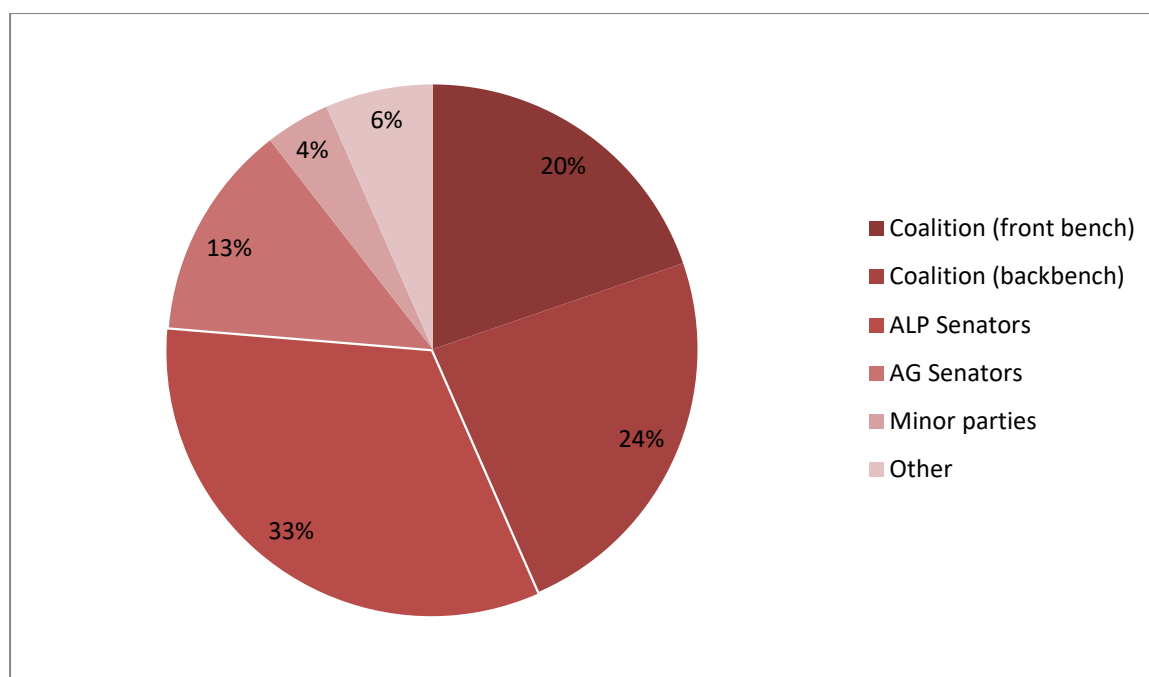
Key: ALP = Australian Labor Party; LIB = Liberal Party; NP/CLP = National Party/Country Liberal Party; AG = Australian Greens; PUP = Palmer United Party; NXT = Nick Xenophon Team; PHON = Pauline Hanson One Nation; Other = minor parties and independents

Source: Parliament of Australia, 'Parliamentary Handbook', 43<sup>rd</sup> –45<sup>th</sup> Parliaments, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/Parliamentary\\_Handbook](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Parliamentary_Handbook), accessed December 2017.

In addition, Senators with executive responsibilities—ministers and parliamentary secretaries—do not normally serve on committees (Laing 2016: 497). In the 44<sup>th</sup> Parliament, one-fifth (15) of Senators held executive positions, leaving 18 Coalition Senators available for appointment to committees (Table 5). This number was reduced further to 17 when Senator the Hon Stephen Parry was excluded under Standing Order 27.<sup>4</sup>

<sup>4</sup> Standing Order 27 provides that the President of the Senate cannot be elected to serve on any committee other than where he is an *ex officio* member.

**Table 5: Senators available for appointment to committees, 44<sup>th</sup> Parliament**



Note: As at 1 August 2014.

Source: Parliament of Australia, 'Parliamentary Handbook', 44<sup>th</sup> Parliament, <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22handbook%2Fnewhandbook%2F2014-10-31%2F0000%22>, accessed December 2017.

Over the years, commentators have argued that the availability and capacity of government party Senators is a concern for the effective operation of the committee system. Former Senator David Hamer suggested that the unavailability of eight Senators would be significant (2004: 271) and Scott Prasser maintained that the convention could restrain committee activity:

...fewer government backbenchers mean that parliamentary committee activity may be restrained. There are simply not enough parliamentary members available to meet all the potential demands for expanded parliamentary activities (2012: 58).

Senators interviewed by the author held different views on whether the convention places a significant burden on government backbench Senators. One Senator considered that additional workloads arise from the demands of having to chair so many committees. Another Senator viewed the provision of greater resources (staff) as ameliorating these workloads. A third Senator equably said that all Senators work equally hard. Regardless of their view on this specific point, all Senators affirmed that committee workloads have been high.

Although Table 4 shows increased representation among crossbench Senators, this does not necessarily explain the increased levels of committee activity. Any Senator can move a motion to establish a select or joint committee, and any Senator can seek to refer matters for



inquiry to the references committees. An instructive area for further examination might be the source of referrals and unsuccessful motions to refer matters for inquiry.

In addition, the number of crossbench Senators represented in the Senate might be a short-term feature only, with the recent passage of the Commonwealth Electoral Amendment Bill 2016 (Cth).<sup>5</sup> This bill generated the longest debate of the 44<sup>th</sup> Parliament (39 hours four minutes) (Parliament of Australia 2017c). At issue was whether the electoral reform would maximise representation from the major parties at the expense of minor and micro-parties, as well as independents.

The federal election for the 46<sup>th</sup> Parliament is yet to take place and it would be difficult, if not impossible, to predict the future composition of the Senate. If the major parties were to increase their representation, then this might assist to spread committee workloads. However, it does not necessarily follow that the recent demands placed on the committee system would ease. In particular, the electoral reforms might well have no impact on the number of referrals to standing committees and the establishment of select committees.

### **Committee appointments for members of the Economics Committees**

Current Clerk of the Senate Richard Pye has argued:

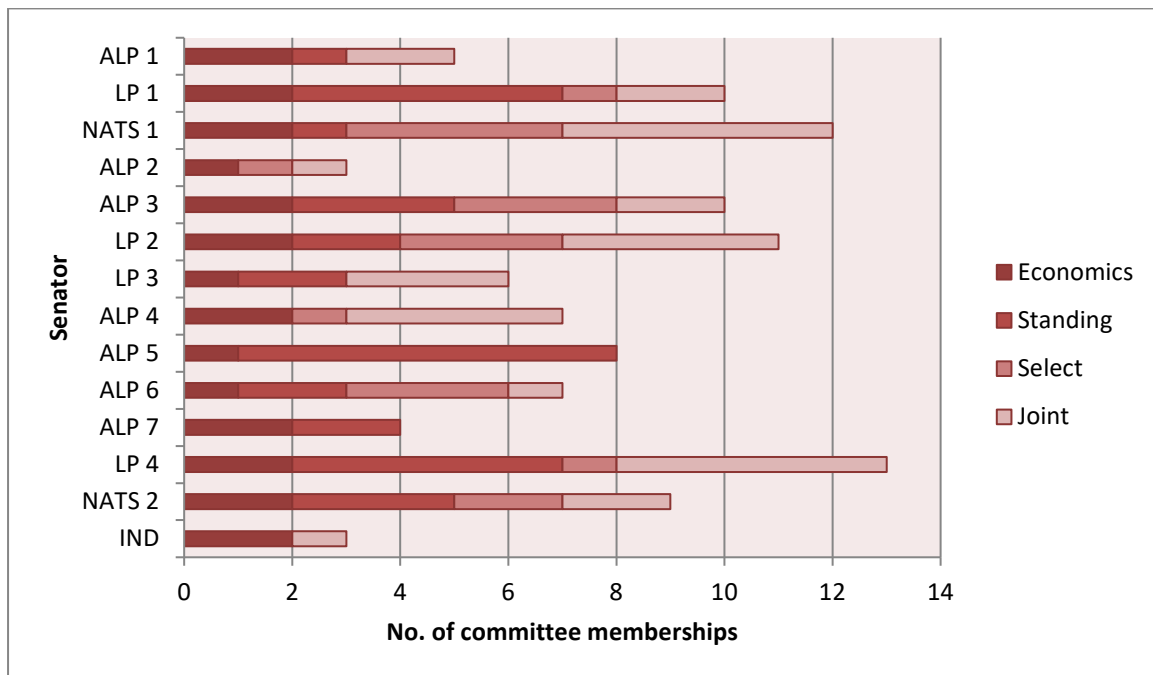
...the final determinant of the capacity of Senate committees to undertake work delegated to them is the availability of senators to attend hearings, and to consider, reflect, and respond to the evidence they receive (Department of the Senate 2017a: 5).

In considering Senators' workloads, a significant factor is the number of committee appointments held by each Senator. In the 44<sup>th</sup> Parliament, members of the Economics Committees were appointed to multiple concurrent committees (Table 6). While three members were on fewer than four committees, the majority were appointed to a minimum of five committees and in some instances more than 10.

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<sup>5</sup> The Commonwealth Electoral Amendment Bill 2006 (Cth) aimed to reduce the complexity of the Senate voting system by providing for partial optional preferential voting above the line on ballot papers.

**Table 6: Members of the Economics Committees, concurrent committee appointments, 44<sup>th</sup> Parliament**



Note: Excludes ministerial appointments and parliamentary, parliamentary party and party appointments; excludes a one day appointment

Source: Author, based on Parliament of Australia, 'Senators and Members', [https://www.aph.gov.au/Senators\\_and\\_Members](https://www.aph.gov.au/Senators_and_Members), accessed December 2017.

Table 6 suggests that Senators had to carefully manage their time, which was confirmed by Senators who described to the author having to prioritise inquiries, focus on specific issues and call on colleagues (non-members of the committee) for assistance. One Senator reported often being 'double-booked', consistent with other Senators who said that they were prevented from participating to a greater extent due to competing commitments (parliamentary, committee, political and electoral).

Although Senators supported committees' investigative function, they did not appreciate referrals that they considered a poor use of their time. These were often described as being of a minor nature and difficult to complete due to lack of interest, momentum and time. One Senator commented that such referrals tend to get 'less of an airing', which could affect the depth of the inquiry and its useful contribution to the work of the Senate. Senators also commented on referrals where the initiator did not subsequently participate in the inquiry, leaving them, in the words of Senator Cory Bernardi, 'to pick up the load' (2016: 5).

## Economics Committees' use of substitute and participating member arrangements

The Senate Standing Orders provide for the flexible operation of legislative and general purpose standing committees. An example of this flexibility is the arrangements for substitute and participating members, which enable Senators who are not members of a committee to be involved in its inquiries (Senate Standing Order 25(7)).<sup>6</sup>

In the 44<sup>th</sup> Parliament, the Economics Legislation Committee had five substitute members and the Economics References Committee had 14 substitute members. These appointments were of limited duration (usually a matter of days) and coincided with public meetings or the consideration and tabling of reports (Table 7).

**Table 7: Economics Committees, substitute members, 44<sup>th</sup> Parliament**

	Date of tabling	Date of public meeting	Appointment of substitute member(s)	Duration of appointment
Automotive Transformation Scheme Amendment Bill	24/11/2014		13/11/2014 – 24/11/2014	11 days
Opposition member		Additional Estimates	27/02/2014	1 day
Opposition member		Budget Estimates	02/06/2014	5 days
Affordable housing		11/11/2014 (Perth)	11/11/2014	1 day
Insolvency in the construction industry	03/12/2015		01/12/2015 – 03/12/2015	3 days
Forestry managed investment schemes		12/11/2014 (Melbourne)	12/11/2014	1 day
Scrutiny of financial advice		07/07/2015 (Sydney)	07/07/2015	1 day

Source: Author, based on Parliament of Australia, 'Work of Committees', 2013 – 2016, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/woc/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/woc/index), accessed December 2017.

The information presented in Table 7 is consistent with Rosemary Laing's observation that substitute and participating arrangements particularly assist with 'planning interstate and multiple hearings' (Parliament of Australia 2017b). For the life of a parliament with a high level of committee activity, the Economics Committees do not appear to have extensively used substitute arrangements, compared to participating member arrangements (Table 8).

<sup>6</sup> Substitute members are appointed with the same rights as committee members for particular matters; participating members have all the rights of committee members except the right to vote.

**Table 8: Economics Committees, participating members, public meetings, July 2015 – December 2015**

	Location of public meeting	No. of PM	Formation of quorum	M present
Treasury Legislation Amendment (Small Business and Unfair Contract Terms) Bill 2015	Melbourne	0	M	2
Asian Infrastructure Investment Bank Bill 2015	Canberra	1	M	2
Tax and Superannuation Laws Amendment (Better Targeting the Income Tax Transparency Laws) Bill 2015	Canberra	2	M	3
Superannuation Legislation Amendment (Trustee Governance) Bill 2015	Sydney	0	M	3
	Melbourne	0	M	4
Australia's innovation system	Brisbane	1	M	3
	Melbourne	1	M	3
	Perth	0	M	2
Future sustainability of Australia's naval ship building industry	Adelaide	2	M	4
Corporate tax avoidance	Sydney	1	M	3
	Sydney	2	M	5
Insolvency in the Australian construction industry	Brisbane	0	M	4
	Adelaide	0	M	4
	Sydney	0	M	3
	Melbourne	1	M / PM	2
	Perth	0	M	2
	Canberra	0	M	2
Third party certification of food	Canberra	1	M	3
	Sydney	2	M / PM	1
	Parramatta	1	M / PM	1
Matters relating to credit card interest rates	Sydney	0	M	4
	Melbourne	0	M	3
	Canberra	0	M	4
	Sydney	0	M	5

	Canberra	0	M	3
Personal choice and community impacts	Canberra	1	M	2
	Parramatta	1	M / PM	2
	Melbourne	0	M	2
	Sydney	0	M	2
Economic security for women in retirement	Adelaide	0	M	3
	Sydney	0	M	3

Note: Excludes Estimates; sample drawn randomly approximately in proportion to the number of inquiries for the period.

Key: M = Member; PM = Participating Member

Source: Author, based on Parliament of Australia, 'Work of Committees', 2015, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/woc/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/woc/index), accessed December 2017.

Table 8 shows that, in the sample period, Senators regularly attended public meetings of the Economics Committees as participating members. The reasons for this participation could be multi-fold, for example: interest in an inquiry; development of a profile; and engagement in high profile inquiries. Another key reason could be to facilitate the smooth operation of public meetings, for example, by enabling the formation of quorum so that a meeting could proceed.

### **Formation of quorum for the Economics Committees**

Senate Standing Order 29 sets out the quorum requirements for committees and subcommittees (a majority of members or one government and one opposition party member). This rule was designed to enable the involvement of the major parties in committee decisions and to enhance flexibility for committee operations. It is supplemented by Senate Standing Order 25 which provides for participating members of legislative and general purpose standing committees to count toward quorum if a majority of members is not present.

Table 8 shows that, in the second half of 2015, members of the Economics Committees usually attended public meetings in sufficient numbers to form quorum. However, these numbers were low (three or fewer members at three-quarters of the meetings) and quorum was barely formed at one-quarter of meetings. In addition, the attendance of participating members was essential on four occasions. Committee members' inability to attend public meetings on a fairly regular basis suggests that there was stress in the conduct of inquiries for the Economics Committees.

## Economics References Committee's use of subcommittees

Legislative and general purpose standing committees have a wide range of inquiry powers, including the power to appoint subcommittees with a minimum of three committee members. Generally, 'the use of subcommittees increases a committee's flexibility and enables it to pursue several tasks simultaneously' (Laing 2016a: 499 and 504).

In the 44<sup>th</sup> Parliament, the Economics References Committee was one of only two legislative and general purpose standing committees to appoint subcommittees (Table 9).<sup>7</sup> On six occasions, the appointments enabled the conduct of public meetings: twice when the committee was conducting other public meetings; and on four occasions, in close proximity (one to three days) to other public meetings. For the latter, committee members may not have been able to attend due to conflicting commitments, complicated by the need to travel from one location to another.

**Table 9: Economics References Committee, subcommittees, 44<sup>th</sup> Parliament**

Inquiry	Term of appointment	Reason for appointment	Event covered	Concurrent event
Australia's innovation system	03/08/2015	Not stated	PMs	Yes, one other PM
Forestry managed investment schemes	05/08/2015	Not stated	PMs	Not apparent
Economic security for women in retirement	20/08/2015 – 29/04/2016	Purpose of the inquiry	PMs Tabling	Not apparent
Personal choice and community impacts	From 08/09/2015	PM	PMs	Yes, one other PM
Co-operative mutual and member owned firms	29/10/2015 – 30/10/2015	Not stated	PMs	Not apparent
Scrutiny of financial advice	28/04/2016	Not stated	PM	Not apparent

Key: PM = Public meeting

Source: Author, based on Parliament of Australia, 'Work of Committees', 2013 – 2016, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/woc/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/woc/index), accessed December 2017

Table 9 indicates that the Economics References Committee appointed subcommittees for the reasons identified by Rosemary Laing. Senators told the author that without this arrangement the flexible operation of committees would be compromised. One Senator stated that an (identified) inquiry would not have progressed in a timely fashion, if at all, which would have impacted that Senator's work.

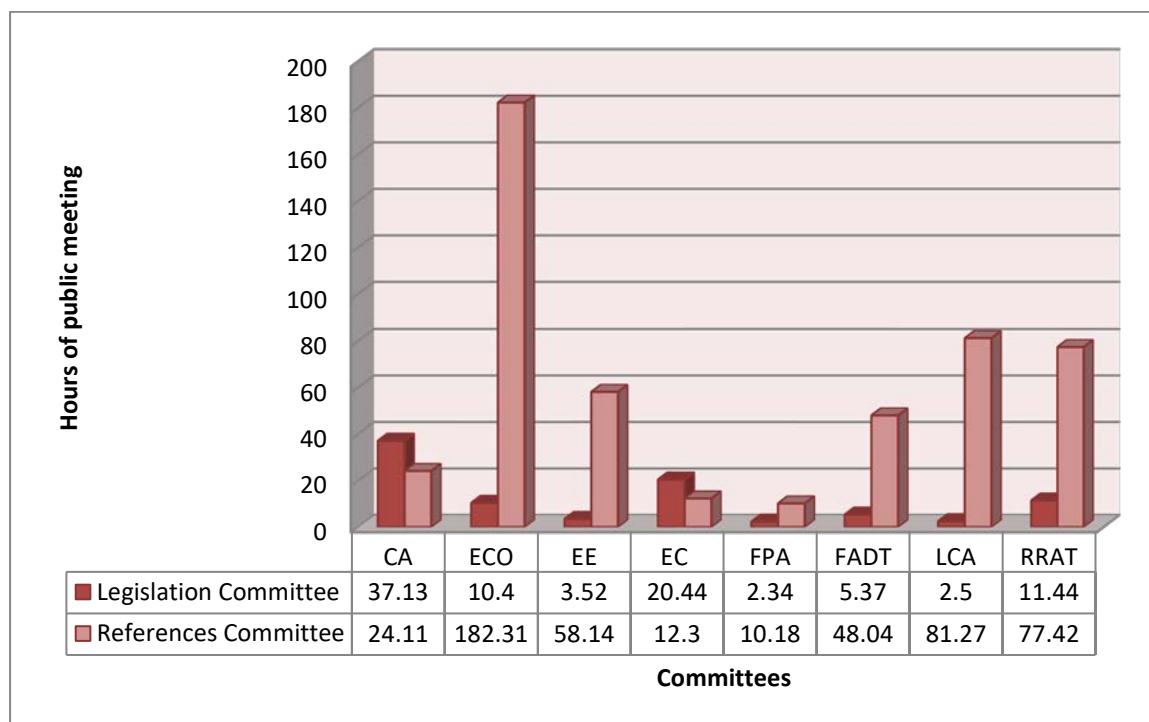
Table 9 also suggests that the Economics References Committee chose to manage its high workload with an available but not often used arrangement, suggesting that the committee chose to carefully manage the bulk of its inquiries.

<sup>7</sup> The other was the Rural and Regional Affairs and Transport References Committee.

## Conduct of Economics Committees' inquiries

Following referral by the Senate, legislative and general purpose standing committees determine how an inquiry is to be conducted. Table 10 shows that there can be great variation in committee workloads and that, in the second half of 2015, the Economics Committees spent more than twice the amount of time at public meetings than any other legislative and general purpose standing committee.

**Table 10: Legislative and general purpose standing committees, public meeting time, July 2015 – December 2015**



Note: Excludes Estimates.

Key: CA = Community Affairs; ECO = Economics; EE = Education and Employment; EC = Environment and Communications; FPA = Finance and Public Administration; FADT = Foreign Affairs, Defence and Trade; LCA = Legal and Constitutional Affairs; RRAT = Rural and Regional Affairs and Transport.

Source: Author, based on information published on Parliament of Australia, 3 February 2016, 'Work of Committees', [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/woc/wocjuldec15](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/woc/wocjuldec15), accessed December 2017.

Table 10 does not reveal the total time commitment from members of the Economics Committees. There are several factors for which time is either not recorded or not published. For example: the time required preparing for public meetings (determining programs, and reading briefing papers/submissions/*Hansard*) and the time required travelling to/from public

meetings throughout Australia.<sup>8</sup> Senators have indicated that travel commitments alone can be quite extensive (Macdonald 2014: 6464), although some Senators can use this time to prepare for the meetings.

Notwithstanding the high level of activity and the tabling of 91 reports, the Economics Committees had not discharged all its referrals at dissolution of the Senate on 9 May 2016. On commencement of the 45<sup>th</sup> Parliament, eight matters were re-referred to the Economics References Committee and at the time of writing, four of these inquiries are ongoing (Table 11).

**Table 11: Economics References Committee, re-referred matters for inquiry, 45<sup>th</sup> Parliament (at 7 December 2017)**

Inquiry	First referred	Previous public meetings	Previous reports	Public meetings 45 <sup>th</sup> Parliament	Final report
Future of Australia's naval shipbuilding industry*	25/06/2014	10	3	5	Current
Scrutiny of financial advice*	04/09/2014	9	2	0	30/06/2017
Corporate tax avoidance	02/10/2014	7	2	4	Current
Non-conforming building products	23/06/2015	2	1	7	Current
Foreign bribery	24/06/2015	1	0	2	Current
Criminal, civil and administrative penalties for white collar crime	25/11/2015	0	0	1	23/03/2017
Future of Australia's steel industry	26/11/2015	3	0	0 (further call for submissions)	01/12/2017
Carbon risk disclosure	02/02/2016	0	0	1	21/04/2017

Key: \* = Updated terms of reference

Source: Author, based on information published on Parliament of Australia, 'Senate Standing Committees on Economics, Completed inquiries and reports', [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Economics/Completed\\_inquiries/2013-16](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Completed_inquiries/2013-16), accessed December 2017.

Table 11 shows that the Economics References Committee considered it necessary to obtain more information for seven inquiries. This could be due to a number of factors, for example: updated terms of reference; the emergence of new matters for examination; or continued examination of high profile public policy matters. The committee might also not have had

<sup>8</sup> In this period the Economics Committees received 1916 submissions, held 47 public meetings and took evidence from 501 witnesses (excluding Estimates).



sufficient opportunity to collect information in the last parliament due to workloads or the dissolution of the Senate.

## **Conclusion**

As highlighted in this paper, there is a long-standing concern that the committee system could be overburdened by referrals from the Senate. Although this concern was heightened in the 44<sup>th</sup> Parliament, the Senate has done little to address the issue, allowing it to impact the 45<sup>th</sup> Parliament.

An examination of the Economics Committees in the 44<sup>th</sup> Parliament suggests that legislative and general purpose standing committees are relying on existing practices and procedures to manage high workloads. However, Senators are now less reticent about drawing attention to the demands being placed on committees and in so doing have highlighted consequent impacts on the committee system.

If the Senate is to uphold the objectives of its standing committees, then now might be the time to consider ways in which these committees could better function. As suggested here, an immediate area for improvement could be the number and types of matter that are referred for inquiry. While not constraining the ability of the Senate to inform itself as it sees fit, there is a strong argument for making the best use of Senators' most precious and limited commodity: time.

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