

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

1975—Parliamentary Paper No. 275

**JOINT COMMITTEE ON THE  
PARLIAMENTARY COMMITTEE SYSTEM**

**A Proposed System of  
Committees for the  
Australian Parliament**

**Interim Report (incorporating sub-committee  
report on visit to Ottawa and Westminster)**

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ordered to be printed 15 October 1975*

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## JOINT COMMITTEE ON THE PARLIAMENTARY COMMITTEE SYSTEM

The Committee was appointed by resolution<sup>1</sup> of the Senate and House of Representatives to inquire into, report on and make recommendations for:

- (a) a balanced system of committees for the Parliament;
- (b) the integration of the committee system into the procedures of the Parliament; and
- (c) arrangements for committee meetings which will best suit the convenience of Senators and Members.

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<sup>1</sup> Resolution agreed to by the House of Representatives on 17 July 1974 (Votes and Proceedings of the House of Representatives No. 5 of 1974); agreed to with amendments by the Senate on 17 September 1974 (Journals of the Senate No. 17 of 1974); Senate amendments agreed to by the House of Representatives on 18 September 1974 (Votes and Proceedings of the House of Representatives No. 16 of 1974).



PERSONNEL OF THE COMMITTEE

Chairman .. Dr H.A. Jenkins, M.P.<sup>1</sup>

Deputy Chairman .. Senator the Hon. Sir Magnus  
Cormack, K.B.E.

Members .. Senator the Hon. T.C. Drake-Brockman,  
D.F.C.

Senator A.T. Gietzelt

Senator R.E. McAuliffe

Senator J.A. Mulvihill

Senator P.E. Rae

The Hon. D.E. Fairbairn, D.F.C., M.P.

Dr the Hon. A.J. Forbes, M.C., M.P.

Dr R.E. Klugman, M.P.<sup>2</sup>

Mr P.F. Morris, M.P.<sup>3</sup>

The Hon. I.L. Robinson, M.P.

Mr M.J. Young, M.P.

Clerk to the Committee - Mr G.J. Horsfield

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<sup>1</sup> Elected Chairman on 5 March 1975 (vice the Hon. G.G.D. Scholes, M.P. - resigned).

<sup>2</sup> Replaced the Hon. G.G.D. Scholes, M.P. (resigned) on 4 March 1975.

<sup>3</sup> Replaced the Hon. J.M. Berinson, M.P. (resigned) on 15 April 1975.



TABLE OF CONTENTS

<u>Chapter</u>	<u>Paragraph</u>	<u>Page</u>
REPORT FROM COMMITTEE		xi - xii
<hr style="width: 10%; margin: 10px auto;"/>		
REPORT FROM SUB-COMMITTEE		
Principal Recommendations		xvii - xviii
I INTRODUCTION	1 - 11	1 - 6
II THE BRITISH COMMITTEE SYSTEMS	12 - 45	7 - 18
PART A - HOUSE OF COMMONS	12 - 39	7 - 16
General	12	
(a) Standing Committees on Bills	13 - 23	
(b) Select Committees which deal with Finance (Permanent)	24 - 26	
(c) Select Committees which have Functional Jurisdictions (Permanent)	27 - 29	
(d) Select Committees with a Scrutiny Function	30	
(e) Select Committees with Domestic Roles	31 - 33	
(f) Ad Hoc Select Committees with an Inquiry Function	34 - 36	
Notes on Select Committees	37 - 39	
PART B - JOINT COMMITTEES	40	16
PART C - HOUSE OF LORDS	41 - 42	17
PART D - GENERAL COMMENT	43 - 45	17 - 18
III THE CANADIAN COMMITTEE SYSTEMS	46 - 65	19 - 28
PART A - HOUSE OF COMMONS	46 - 58	19 - 24
General	46 - 47	
(a) Functional Committees	48 - 54	
(i) The Committee Stage of Legislation	49 - 50	
(ii) Estimates	51	
(iii) Inquiries	52	

<u>Chapter</u>	<u>Paragraph</u>	<u>Page</u>
Operational Arrangements for the 13 Functional Standing Committees	53 - 54	
(b) Finance Committees	55	
(c) The Miscellaneous Private Bills Committee	56	
(d) Domestic Committees	57	
(e) Select Committees	58	
PART B - JOINT COMMITTEES	59 - 60	24
PART C - THE SENATE	61 - 63	25 - 26
General Comments on Senate Committees	63	
PART D - GENERAL CONCLUSIONS	64 - 65	26 - 28
IV APPLICATION OF THE BRITISH AND CANADIAN SYSTEMS TO THE AUSTRALIAN PARLIAMENT	66 - 80	29 - 36
V THE NEW PARLIAMENTARY COMMITTEE SYSTEM - EVIDENCE TAKEN BY THE COMMITTEE	81 - 102	37 - 44
Joint Committees	81 - 83	
Legislative Committees	84 - 87	
Financial Scrutiny	88 - 90	
Investigatory Committees	91 - 93	
Select Committees	94	
Other Functions for Committees	95	
Domestic Committees	96	
Other Existing Committees	97 - 100	
Conclusion	101 - 102	
VI A PROPOSED SYSTEM OF COMMITTEES FOR THE AUSTRALIAN PARLIAMENT	103 - 128	45 - 54
Legislation Committees	106 - 114	
Financial Scrutiny	115 - 119	
General Scrutiny and Inquiry	120 - 124	
Domestic Committees	125 - 128	



	<u>Page</u>
APPENDIXES	
A Bills, Estimates and Matters referred to Standing Committees by the House of Commons in Session 1974-75) (Copy of British House of Commons publication of 18 July 1975)	55
B Statutory Instruments referred to Standing Committees by the House of Commons in Session 1974-75 (Copy of British House of Commons publication of 16 July 1975)	57
C Select Committees relating to Public Matters, Etc. (Copy of British House of Commons publication of 16 July 1975)	59
D Standing Orders 60 - 74 of the British House of Commons	61 - 76
E Temporary Standing Orders II, VI, VII and IX of the British House of Commons	77 - 82
F Temporary Standing Orders IV and VIII of the British House of Commons	83 - 84
G Standing Committees of the Canadian House of Commons (Extract from Standing Orders)	85 - 88
H Standing Committees of the Canadian Senate (Extract from Standing Orders)	89 - 94
<hr style="width: 20%; margin: 10px auto;"/>	
DISSENTING REPORT FROM DR THE HON. A.J. FORBES, M.C., M.P.	95 - 97



## REPORT FROM COMMITTEE

1 Since its appointment in September 1974 the Committee and its sub-committees have held 24 meetings. Submissions have been received from 25 persons and organisations and oral evidence has been taken from 18 witnesses. So far, the inquiry has concentrated almost entirely on the first paragraph of the Committee's terms of reference.

2 An essential aspect of the inquiry was the appointment of a sub-committee which visited the Parliaments of Britain and Canada, observed committees of those Parliaments and held discussions with members and officers of the Parliaments. The sub-committee has made two substantial reports to the Committee. The first report covers all aspects of committee activity in the British and Canadian Parliaments. The second report relates specifically to "a system of committees" and draws together the evidence which was taken by the full Committee in Australia and the information obtained by the sub-committee during its observations and discussions in Britain and Canada. The sub-committee has made 11 principal recommendations in its report. These recommendations are summarised in the preface of the sub-committee report.

3 Paragraph 11 of the sub-committee's second report recommended that the report be transmitted to the Senate and the House of Representatives in order to allow comment and criticism from Members of Parliament and others for the consideration of the whole Committee. The sub-committee considered that public discussion of the framework of committees which it had recommended in its second report would facilitate the remaining stages of the full Committee inquiry. The Committee agrees that the report should be published.

4 The report of the sub-committee follows.

5 The dissent report of Dr Forbes is attached after the report of the sub-committee.

H.A. JENKINS

Chairman

October 1975

A PROPOSED SYSTEM OF COMMITTEES  
FOR THE AUSTRALIAN PARLIAMENT

SECOND SUB-COMMITTEE REPORT TO THE  
JOINT COMMITTEE ON THE PARLIAMENTARY COMMITTEE SYSTEM



PERSONNEL OF THE SUB-COMMITTEE

Chairman .. Dr H.A. Jenkins, M.P.

Members .. Senator P.E. Rae  
Mr P.F. Morris, M.P.  
The Hon. I.L. Robinson, M.P.

Clerk to the Sub-committee - Mr G.J. Horsfield





PRINCIPAL RECOMMENDATIONS FROM SUB-COMMITTEE

*The sub-committee recommends that :*

- 1 *in both Houses there be established a number of legislation committees to consider Bills clause by clause after they have passed the second reading. (Paragraph 107)*
- 2 *both Houses be enabled to use legislation committees to take the second reading stages of bills where appropriate. (Paragraph 109)*
- 3 *the Senate and the House apply standing orders 196A (Senate) and 221 (House of Representatives) whenever it is considered that there should be further inquiry into the principles of legislation. (Paragraph 111)*
- 4 *the government adopt the practice of referring white papers or green papers containing legislative proposals to select committees appointed specifically for the task of recommending on the most satisfactory methods of legislative control in the areas in question. (Paragraph 112)*
- 5 *a new Public Accounts Committee be appointed, consisting of members of the House of Representatives only. (Paragraph 116)*
- 6 *the practice of the Senate of committing the estimates of government departments and statutory authorities which are contained in major Appropriation Bills to estimates committees be continued. (Paragraph 118)*

- 7 a set of functional standing committees be appointed in both Houses and that each committee have a clearly specified jurisdiction which corresponds to a specific area of activity of government or to a specified number of government departments and instrumentalities. (Paragraph 120)
- 8 the Senate establish a standing committee specifically empowered to carry out the roles, so far as it may be deemed necessary, that are currently assigned to the Joint Committee on Public Works, the Joint Committee on the Australian Capital Territory and the Joint Committee on the Northern Territory. (Paragraph 122)
- 9 there be appointed a Senate Standing Committee on Delegated Legislation. (Paragraph 123)
- 10 each House retain the right to appoint select committees to conduct long term inquiries into issues of concern to the Houses. (Paragraph 124)
- 11 the standing orders committees of the two Houses be given specific terms of reference to continually review and report on desirable changes in the practices and procedures of the Parliament. (Paragraph 127)

## REPORT FROM SUB-COMMITTEE

### CHAPTER I

#### INTRODUCTION

1 The task before the Committee has three aspects :

(a) recommending on a new system of committees;

(b) describing means of integrating the new committee system into the procedures of the Parliament;  
and

(c) establishing the administrative arrangements best suited to the new system of committees.

2 As the Committee started to receive submissions and take evidence it became apparent that it would have to formulate a clear understanding of the recommendations which it would make in respect to (a) above before it was possible to give detailed consideration to the issues raised by (b) and (c). Accordingly, during the first half of 1975, the full Committee inquiry concentrated almost solely on the issue of "a committee system".

3 After taking a considerable amount of evidence on paragraph (a) the Committee was approaching a consensus on the broad framework of the recommendations which it might make to the Parliament. However, it was appreciated that much of the evidence which was being taken from members of the Australian Parliament, from officers of the Parliament and from other interested and informed persons depended substantially upon the experience of other Parliaments with more sophisticated committee systems.

4 The Parliaments of Britain and Canada were referred to by many witnesses and the literature on Parliamentary committee systems within the Westminster tradition concentrates almost entirely upon those two Parliaments. The evidence which the Committee was taking tended to be of a quantitative rather than a qualitative nature. Witnesses were pointing to aspects of the British and Canadian committee systems and saying that those aspects could be translated to the Australian Parliamentary system. But there was very little available assessment of the systems from the point of view of the attitudes of those who live and work within them. It became increasingly obvious that it would be necessary for the Committee to obtain first hand evidence of the actual details of committee operations in those Parliaments and, perhaps more importantly, to obtain informal and confidential subjective comment from members and officers of those Parliaments.

5 This sub-committee was appointed in June 1975 and charged with the responsibility of reporting to the Committee on whether certain aspects of the British and Canadian Parliamentary committee systems could be satisfactorily translated into an Australian committee system in the light of a careful first hand observation of the British and Canadian Parliaments. The importance of the sub-committee inquiries will be more clear as this report unfolds.

6 The sub-committee spent one week in the Canadian Parliament at Ottawa and one week in the British Parliament at Westminster. On the basis of this experience the sub-committee is presenting two reports to the full Committee. The first report to the full Committee is described as a collective subjective assessment of the committee systems of the British and Canadian Parliaments. The first report includes confidential records of the informal conversations which the sub-committee had with members and officers of those Parliaments. The first report traverses the entire range of the Committee's inquiry and makes reference not only to the

committee systems but also to the procedural and administrative arrangements which support these committee systems in Britain and Canada.

7 This report, the second report of the sub-committee, does not traverse the entire range of the Committee's reference. It relates solely to paragraph (a) of the reference - a new committee system for the Australian Parliament. This report provides detailed descriptions of the British and Canadian committee systems and gives an assessment of those systems. The assessments are then weighed up against the evidence which the Committee has taken in Australia and certain conclusions are drawn. These conclusions take the form of recommendations to the full Committee (paragraphs 103 to 128).

8 The recommendations in this report are of two kinds. First, recommendations are made in connection with a system of committees for the Australian Parliament. These recommendations are based on careful consideration of the evidence which the Committee took in Australia and the information and opinions gained by the sub-committee during its visit. The second class of recommendation is subsidiary and the subsidiary recommendations have only been made, where necessary, on those aspects of the implementation of a new committee system in our Parliament where the description of the new committee system would not make complete sense without them. The sub-committee is not committed to the secondary recommendations and agrees that the principal recommendations could still be implemented if the secondary recommendations were rejected or varied.

9 Another aspect in which this report differs from the sub-committee's first report is that it has been written with a view to the full Committee making it public. In the light of its visit overseas the sub-committee has come to conclusions which vary somewhat from the kinds of conclusions which the full Committee was approaching. It is likely that some of the sub-committee's conclusions do not accurately reflect the

weight of evidence taken by the full Committee during its hearings in Australia. Because of what was seen as a possible divergence of views within the Committee it is considered important that an opportunity be provided for the Parliament and other interested parties to assess and question the principal recommendations of the sub-committee. This report is seen by the sub-committee as taking on the form of a white paper and the sub-committee considers that considerable advantage will accrue from the report if it generates comment and controversy. An understanding within the Parliament of the type of Parliamentary committee system which the Committee might eventually recommend will also aid the Committee in the second phase of its inquiry. Evidence relating to procedural changes, to administrative arrangements and to all issues of implementation could be taken from witnesses who had a realistic appreciation of the kinds of conclusions which the Committee might come to in relation to paragraph (a) of its terms of reference.

10 In summary the sub-committee considers that this report should be made public because :

- (a) the general conclusions of the sub-committee are not wholly a reflection of the weight of evidence taken by the Committee at its hearings in Australia but rather are guided by the observations and experience of seeing other Parliamentary committee systems in action;
- (b) there is advantage in allowing public discussion of this conflict; and

(c) the final stage of the Committee's inquiry, when it looks at methods of implementing a new committee system, will be facilitated by public understanding of the kind of committee system which it might recommend.

11 *The sub-committee recommends that this report, the second report of the sub-committee, be received by the Committee and transmitted to the Senate and the House of Representatives.*





## CHAPTER II

### THE BRITISH COMMITTEE SYSTEMS

#### PART A - HOUSE OF COMMONS

##### General

12 The committees of the House of Commons can be generally classified into six categories<sup>1</sup>. These categories are :

- (a) standing committees which deal with Bills;
- (b) select committees which deal with finance (permanent), e.g. Select Committee on Expenditure;
- (c) select committees which have functional jurisdictions (permanent), e.g. Select Committee on Science and Technology;
- (d) select committees with a scrutiny function, e.g. Select Committee on European Secondary Legislation;
- (e) select committees with domestic roles, e.g. Select Committee on Procedure;
- (f) ad hoc select committees with an inquiry function, e.g. Select Committee on the Right Honourable Member for Walsall North.

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*Appendixes A, B and C* (which are copies of House of Commons publications dated 16 and 18 July 1975) contain lists of all standing and select committees in existence on those dates.

(a) Standing Committees on Bills

13 Nearly all Bills are referred to a standing committee after they have been read a second time. Any number of standing committees can be appointed to deal with Bills and the committees are designated by a letter of the alphabet. It should be made clear that the designation "standing committee" is a misnomer because once a specific standing committee has dealt with a Bill it does not remain in existence awaiting the allocation of further legislation. As each Bill passes the second reading stage in the House a new standing committee is established and the Committee of Selection appoints a new membership even though the name of the standing committee (e.g. Standing Committee A) may be one that has been used previously.

14 About 60 or 70 Bills are sent to standing committees each year. The standing committees consist of between 16 and 50 members and the membership of each committee is nominated by a Committee of Selection. The decision of the Committee of Selection in appointing members is not challengeable.

15 In recent times it has been unusual to appoint committees of more than 35 (except in the case of the Grand Committees which are not relevant to Australian conditions). The quorum of a standing committee is one-third of the membership.

16 The chairman of each standing committee is nominated by the Speaker from the Chairmen's Panel - a panel containing an equal number of government and opposition backbeners. The chairman of a standing committee has many of the powers of the Chair in the House and can select amendments and choose whether or not to accept certain motions. The only restriction on sittings of standing committees is that they are unable to sit between 1 p.m. and 3.30 p.m. on a sitting day.

17 In the case of certain types of legislation the Law Officers and/or relevant Ministers are entitled to attend standing committees and to participate in debate. As they have not been nominated in the membership of the committee they are not entitled to vote or to be counted in quorums. One of the Ministers in charge of each piece of legislation normally attends the relevant standing committee as a member of the committee.

18 Standing committees are used for purposes other than replacing the Committee of the Whole stage in the House<sup>2</sup>. Special standing committees are used to deal with Scottish and Welsh legislation and to deal with statutory instruments.

19 Standing committees may take the second reading of a Bill. If ten days notice has been given and no more than 20 members object, the House may refer the second reading of a Bill to a standing committee. In this case there can be no debate on the report of the committee which will be either in favour or against the second reading of the Bill and will not contain reasons.

20 Standing committees can also be used to take the report stage of a Bill. Under standing orders the membership of such a standing committee can be as many as 80. This practice is rarely used.

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*Appendixes A and B* list matters referred to standing committees.

21 The chairman in a standing committee has powers of selection of amendments and has discretion in connection with certain motions. The Chair has only a casting vote and the use of the casting vote is normally bound by the convention that the Chair should vote to preserve the legislation in its original form but should not act to assist in hurrying legislation through without proper debate.

22 The first question put from the Chair in standing committee is that clause 1 be agreed to. Debate then takes place on the Bill clause by clause and on any amendments which might be moved. In the case of some Bills many hundreds of amendments might be moved and occasionally there would be Bills on which as many as 400 or 500 amendments were agreed to in standing committee. The government and opposition parties appoint a whip on each standing committee and both sides have a recognised leader proposing the official party attitude to the Bill.

23 When a Bill is reported to the House from a standing committee, the Chair, which has the power of selection of amendments, is most unlikely to accept amendments at the report stage which the standing committee had the opportunity to deal with. The relevant standing orders of the House of Commons (Nos. 60 to 74) are attached to this report as Appendix D.

(b) Select Committees which deal with Finance (Permanent)

24 The House of Commons Public Accounts Committee is empowered to examine "the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the committee may think fit"<sup>3</sup>. There is no substantial

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Standing order no. 86. *Standing Orders of the House of Commons - Public Business 1975.* Page 69.

difference between the House of Commons Public Accounts Committee and the Public Accounts Committee of the Australian Parliament.

25 In 1970 the House of Commons agreed to appoint a Select Committee on Expenditure to replace the former estimates committees. This committee is empowered "to consider any papers on public expenditure presented to this House and such of the estimates as may seem fit to the committee"<sup>4</sup>. The Expenditure Committee consists of 49 members (a quorum of 9) but rarely meets as a full committee as it normally functions in six sub-committees. Five of the six sub-committees have jurisdictions which cover specific areas of government involvement and the sixth sub-committee is the general sub-committee. For the purpose of this analysis the five functional sub-committees are being considered within the category of functional select committees.

26 The terms of reference of the Expenditure Committee state quite clearly that its functions relate to the scrutiny of public expenditure and estimates, etc. In describing in detail the activities of its sub-committees it is necessary to make some generalisations one of which is that it is only the general sub-committee which engages in detailed financial and accounting type scrutiny of public expenditure and public expenditure forecasts. The other five sub-committees tend to investigate areas of government activity which are topical and of concern. Although their investigations are tied to the financial documents which the government tables in the Parliament the main thrust of their inquiries tends to be more

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4 Standing order no. 87. *Standing Orders of the House of Commons - Public Business 1975.* Page 69.

along the line of scrutiny of general governmental activity or inquiry into areas of governmental concern rather than scrutiny of fiscal policy or forward programming of the kind intended when the committee was first established. Line by line or item by item consideration of the estimates, though it may have been contemplated at the inception of this Committee, has not in practice eventuated.

(c) Select Committees which have Functional Jurisdictions  
(Permanent)

27 For some time the House of Commons has experimented with long term select committees charged with looking at specific areas of interest. At present there are four committees established by temporary standing orders which have general orders of reference and which will continue in existence until the end of the Parliament (1979). These committees are each of about 15 members with quorums of four or five; they are the Committees on Nationalised Industries, Science and Technology, Overseas Development, and Race Relations and Immigration. The temporary standing orders establishing these committees are quoted in Appendix E.

28 To the four select committees established by temporary standing orders should be added the five functional sub-committees of the Expenditure Committee. The areas of responsibility of these sub-committees are :

Defence and External Affairs  
Trade and Industry  
Environment  
Education, Arts and Home Affairs  
Social Services and Employment

These sub-committees each contain 8 members (quorum of 3).

To all intents and purposes the sub-committees of the Expenditure Committee can be treated as separate committees as they maintain a considerable level of autonomy.

29 In effect, then, the House of Commons has a body of nine committees all of which have the power to initiate their own inquiries, take evidence and report to the Parliament as they see fit.

(d) Select Committees with a Scrutiny Function

30 Three committees of the House of Commons which are set up under temporary standing order (see Appendix F) have a general scrutiny role. These are the Select Committee on the Parliamentary Commissioner for Administration, the Select Committee on European Secondary Legislation, and the Select Committee on Statutory Instruments. These committees could be described as watchdog committees.

(e) Select Committees with Domestic Roles

31 The domestic committees of the Commons are various. The Select Committee on House of Commons (Services) performs the roles of the House and Library committees of our Parliament and has some other executive functions as well. The Select Committee on Assistance to Private Members is appointed by resolution. Its name describes its functions quite adequately. The Select Committee on Members' Interests (Declaration) is of interest to our Parliament but it is not appropriate for the sub-committee to make any comment because the question of members' interests is currently being investigated by another joint committee of the Parliament. The Select Committee of Privileges is appointed under temporary standing order. The operation and functions of this committee do not require explanation. The Committee of Selection has a number of functions which are of interest.

It nominates membership of standing committees and nominates additional members to the Grand Committees. It has the power to discharge members from standing committees and appoint others in substitution.

32 The other type of domestic select committee includes the Select Committees on Procedure and on Standing Orders. The Procedure Committee is normally charged with the continuing review of the practices and procedures of the House. In this session it has also been provided with four specific references and required to report to the House on these matters (they are opposition amendments; sitting hours and conditions; speech times; and methods of dealing with European legislation). The Standing Orders Committee contains a number of office holders and does not have such a positive role as the Procedure Committee.

33 The Procedure Committee consists of 15 members and the quorum is four. The committee has been appointed regularly since the 1950s and an essential feature of its constitution is that it is comprised of backbench members (unlike the standing orders committees of the Australian Parliament which contain a considerable number of party leaders and office holders).

(f) Ad Hoc Select Committees with an Inquiry Function

34 The use of select committees for general inquiry is traditional and at any given time there are normally several such select committees in operation. In the main these committees operate in a manner similar to those of the Houses of the Australian Parliament. One kind of select committee which does not operate similarly is what might be called the pre-legislation type select committee - a select committee which has as its basic document a government green paper or perhaps a white paper which proposes that the government will take a certain general action. The responsibility of this kind



of committee is to determine the best method of implementing such a government policy and the report of such a committee would normally be followed by a government Bill which followed the guidelines laid down in the report.

35 Select committees are also used to consider legislation between the second reading and the standing committee stages. This enables an interested committee of the House to take evidence and fully consider the legislation whilst not replacing the standing committee stage of examination.

36 At the time of the sub-committee's visit to Westminster there were four inquiry type select committees in operation which represent the total spectrum of select committee activity. The Select Committee on Wealth Tax was conducting a pre-legislation inquiry. The Select Committee on the Abortion (Amendment) Bill was conducting an inquiry in relation to a Bill which was already before the House. The Select Committee on the Right Honourable Member for Walsall North (Mr Stonehouse) was conducting an inquiry with a view to recommending to the House what it should do in the case of a notoriously absent member. The Select Committee on Violence in Marriage was conducting an inquiry into a subject matter of topical interest and concern.

#### Notes on Select Committees

37 Most select committees are appointed pursuant to standing order or a temporary standing order; nowadays, few are appointed sessionally by resolution. Standing orders prescribe that a select committee shall not exceed 15 except, of course, in the case of the Expenditure Committee. Quorums are normally one-third of the membership. Some select committees have opposition chairmen and three of the Expenditure Committee's sub-committees have opposition chairmen. As a general rule, the five committees with

opposition chairmen are of a domestic or scrutiny nature (with the exception of the Public Accounts Committee which has had a tradition of opposition chairmanship). The membership of committees reflects the membership of the parties in the House so even in those committees with opposition chairmen there is a government majority.

38 With the exception of inquiry type committees all of the select committees have broad terms of reference to enable them to initiate their own inquiries within their general area of over-view.

39 The reports of the inquiries conducted by committees are not usually debated on presentation to the House although three days are allotted each year for debating the recommendations of committee reports. As well, the government from time to time will make statements on its attitude to specific committee reports.

#### PART B - JOINT COMMITTEES

40 The two Houses of the British Parliament do not appoint very many joint committees. There are joint committees on Consolidation Bills and on Statutory Instruments and, as well, the Commons Committee on European Secondary Legislation has the power to confer with a similar committee in the Lords (in fact, they share documentation and attempt wherever possible to avoid duplication). At the moment there are no joint committees concerned with financial scrutiny or large scale inquiry matters. The joint committees in existence tend more to fall into category (d) (scrutiny committees).

## PART C - HOUSE OF LORDS

41 At present the House of Lords does not have an extensive committee system. It has a number of domestic and scrutiny type committees some of which relate to its functions as a court of law. The Lords European Communities Committee contains six functional sub-committees and provides an effective avenue for involvement at the committee level in nearly all aspects of European or British administration.

42 As a result of the constitutional differences between the two Houses the Upper House does not attempt to use committees to examine estimates. Occasionally, select committees are appointed to inquire into matters of interest; there are no such committees in action at the moment. The constitutional limitations on the powers of the House of Lords and the nature of its membership are clearly distinguishable from the position of the Australian Senate and make comparisons of their committee systems of little value.

## PART D - GENERAL COMMENT

43 Chapter IV contains the main conclusions of the sub-committee and gives a more detailed assessment of the applicability of the British or Canadian systems to the Australian Parliament. At this stage it is sufficient to report that the sub-committee was most impressed by the standing committees of the House of Commons which serve a most important and valuable function (not so much because they expedite the passage of legislation but because they permit a thorough appraisal of the legislation).

44 The sub-committee was also impressed by the manner in which the House of Commons uses select committees to perform a variety of inquiry roles, including the assessment of legislation. It has also emphasised that the output of the Procedure Committee is much greater than that of our standing orders committees.

45 It should be explained that the classification of House of Commons committees which has been used in this Chapter is the sub-committee's classification. It is a classification based on the actual work done in the various committees of the Commons rather than a classification based on the theoretical terms of reference of the committees or their sub-committees.

## CHAPTER III

### THE CANADIAN COMMITTEE SYSTEMS

#### PART A - HOUSE OF COMMONS

##### General

46 It is not possible to classify the committees of the Canadian House of Commons in the same manner as the British committees were classified. However, with the exception of the British Expenditure Committee and the use by the British House of Commons of select committees to deal with legislation, the Canadian committee system performs much the same tasks as the British system.

47 All committees of the Canadian House of Commons, except special inquiry committees (ad hoc select committees), are appointed pursuant to standing orders. Standing orders provide for the appointment at the commencement of each Parliament of a striking committee of seven members, the function of which is to allocate members of the Commons to 18 standing committees<sup>5</sup>. The 18 standing committees consist of :

- (a) thirteen committees with jurisdictions closely aligning them with aspects of governmental activity or specific government departments;

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*Appendix G* contains a complete list of the standing committees of the Canadian House of Commons.

- (b) two have a financial role - the Public Accounts Committee and the Miscellaneous Estimates Committee (within the functional committees there is a Finance, Trade and Economic Affairs Committee as well);
- (c) \* there is a committee on Miscellaneous Private Bills and Standing Orders;
- (d) \* two domestic committees are appointed - Privileges and Elections, and Procedure and Organisation;
- (e) the standing orders also provide for certain joint committees. These are discussed in Part B of this Chapter.

(a) Functional Committees

48 Thirteen functional standing committees of either 20 or 30 members each are established by standing orders. The standing orders provide a technique for establishing the membership of these committees at the commencement of each Parliament. The standing committees have three separate functions :

- (i) taking the committee stages of Bills;
- (ii) examining departmental estimates;
- (iii) general inquiry on reference from the House or examination of matters referred by the Minister.

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\* Categories (c) and (d) contain committees which have mixed functions - they deal with domestic matters and also with certain public bills.

(i) The Committee Stage of Legislation

49 When a Bill has been given a second reading in the House the motion contains a specific reference to the committal of the Bill to a specific functional committee. When a Bill has been referred to a committee the committee may take evidence on the general issues involved in the legislation, it may debate the general text of the Bill and also discusses and may amend the text of the Bill, clause by clause.

50 Proceedings on Bills in committee are quite different from proceedings in Britain as the Canadian committees have an opportunity to provide a forum for interested and affected parties to make representations on the legislation and they have the opportunity to question the relevant Ministers and departmental officials.

(ii) Estimates

51 The estimates are tabled some months in advance of the Budget and the relevant parts of the estimates are referred to standing committees. The standing committees are empowered to hear evidence in relation to the estimates and to debate them generally. The standing committees report the estimates back to the House without comment and if estimates have not been reported back by the end of May they are deemed to have been so reported. As with the House of Commons at Westminster, line by line or item by item consideration, though initially contemplated, has not, in practice, eventuated as standard practice.

(iii) Inquiries

52 From time to time the government will refer subjects to standing committees for inquiry and report and a Minister may refer any papers which he tables or any other matters to a standing committee. Ad hoc inquiries are usually carried out by so-called special committees but the government has the choice of referring an ad hoc inquiry either to an existing standing committee or to a special committee.

Operational Arrangements for the  
13 Functional Standing Committees

53 These standing committees contain either 20 or 30 members of the House of Commons. The chairman of each committee is a government member and the party strengths in the House are reflected in the membership of the committee.

54 The committees are relatively autonomous in the sense that they are able to allocate their own priorities. This could provide an opportunity to delay the passage of legislation and is considered by some to lead to inadequate assessment of the estimates because a committee with a number of Bills in front of it is unable to find the time to review estimates. Generally speaking the combination of the various functions of these committees and the necessity for the committees to allocate their priorities leads to conflict of priority and allegations that the committees are not adequately performing one or perhaps two of their three basic functions. This is probably inevitable, given the structure of the committees and the decision of the Parliament that the committees should handle these different types of business.



(b) Finance Committees

55 The Public Accounts and Miscellaneous Estimates Committees both consist of 20 members. The Public Accounts Committee is the only standing committee with an opposition chairman. The Public Accounts Committee does not operate very differently to the Public Accounts Committees of other Parliaments but the Miscellaneous Estimates Committee is of a kind not known in Australia. The Miscellaneous Estimates Committee has referred to it financial legislation which does not fall neatly within the jurisdiction of one of the 13 standing committees mentioned above. However, it does not operate along the lines of the British Expenditure Committee.

56 (c) The Miscellaneous Private Bills Committee is a committee of a kind not known in Australia. In Britain at least one standing committee gives private Bills precedence and in Canada there is a standing committee for private Bills. The procedures of the British and Canadian Parliaments, insofar as they relate to providing for consideration of private members' legislation, are greatly different to those of the Australian Parliament. As a consequence it is not particularly fruitful to go into great detail in describing or assessing the committees which deal with private Bills.

(d) Domestic Committees

57 The two domestic committees established by standing orders are Privileges and Elections, and Procedure and Organisation. The Procedure and Organisation Committee consists of 12 members and it has an on-going function of reviewing the procedures and practices of the Canadian House of Commons. As well, from time to time, it receives major references to inquire into and report on matters which are

domestic to the Parliament (for example, radio and television broadcasting). The Committee appears to be particularly active despite the fact that its membership includes some of the more prominent members of the House of Commons (the government House leader is Chairman of the Committee).

58 (e) Select committees are occasionally appointed to inquire into specific matters of interest or concern. Some times these are joint committees. The methods of operation of such select committees (or "special committees", as they are called in Canada) are not sufficiently different to those of the committees of our Parliament to warrant detailed explanation or analysis.

#### PART B - JOINT COMMITTEES

59 Joint committees of the Canadian Parliament have co-chairmen and fall into three categories. The standing order of the two Houses provide for the appointment of joint domestic committees on printing, the library and the restaurant. Standing orders also provide for the Joint Committee on Regulations and other Statutory Instruments. This is a specific scrutiny committee and has a role not unlike that of the Australian Senate's Regulations and Ordinances Committee and the British Parliament's Statutory Instruments Committees.

60 The third category of joint committee is the ad hoc special committee. From time to time joint special committees are appointed to inquire into and report on particular issue of concern to the Parliament and to the nation. Whilst an excellent example of such a committee is the present committee which is conducting an inquiry into immigration laws and practices in Canada, joint committees do not appear to have much appeal as the separate committees of each House.

## PART C - THE SENATE

61 The Canadian Senate is an appointed body with limited powers and for these reasons, as with the House of Lords, comparison with the role of the Australian Senate is of little direct value. The standing orders of the Canadian Senate provide for the appointment of eight functional committees, the jurisdictions of which embrace the entire spectrum of governmental activity<sup>6</sup>. To these committees can be referred any Bill, message, petition, inquiry, paper or other matter. These committees do not operate very differently from those of the Lower House although it must be remembered that there are constitutional differences between the Houses which preclude the Upper House from involving itself in matters of finance, the estimates, etc., to the same level as the Australian Senate is involved.

62 The standing orders provide also for Senate membership on five joint committees, each of which have been discussed in either Part A or Part B above. As well, the Senate may appoint such special committees as it deems advisable. The appointment of select committees under this power was seen by members of the Canadian Senate as one of the more important roles of the Senate as a non-elected House of review.

### General Comments on the Senate Committees

63 A number of general comments should be made in relation to the operation of the Senate's committees.

- (a) It must be emphasised again that the role of the Canadian Senate is not directly comparable to the role of the Australian Senate.

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6 *Appendix H* contains a complete list of the standing committees of the Canadian Senate.

- (b) The Canadian Senate does not consider legislation in the same detail as does the Lower House although it is understood that a practice has developed of committees considering legislation which is in the Lower House before it has been transmitted to the Senate. Thus there is a sort of pre-legislative committee activity.
- (c) The Senate's Finance Committee regularly conducts an inquiry into the expenditure and relevant administrative arrangements of one or two governmental organisations each year - this is a British Expenditure Committee type function.

#### PART D - GENERAL CONCLUSIONS

64 The detailed assessment of the British and Canadian systems is contained in the following Chapter. However, it may serve to round off this Chapter if the sub-committee makes a number of general comments about the Canadian committee system at this stage.

65 The conflict of the various responsibilities and functions of the House of Commons functional standing committees create a serious problem and on occasion leads to the committees paying less attention to some of the matters before them than they pay to others. This is inevitable and will continue to be the case so long as functional committees have a variety of roles. Similar situations occur with the legislative and general purpose committees of the Australian Senate. In considering the text of legislation the standing committees of the House of Commons inevitably delay legislation because of the practice of taking evidence. At this point the sub-committee does not make an evaluation of the conflicting aims of relatively speedy passage of legislation and very careful scrutiny of legislation, but points out that one cannot achieve

both aims by the same means. It should also be pointed out that when a Bill has passed through a standing committee the report stage in the House of Commons might well traverse the same amendments which had been put unsuccessfully in committee. Although the entire Bill is not before the House the Chair will accept motions to amend the clauses of the Bill as reported and does not select in the same manner as is done in Britain.



## CHAPTER IV

### APPLICATION OF THE BRITISH AND CANADIAN SYSTEMS TO THE AUSTRALIAN PARLIAMENT

66 One of the first matters to be taken into account when assessing the applicability of aspects of the British and Canadian Parliamentary systems is the question of the comparability of workload and resources of the Parliaments. Amongst the more important differences to bear in mind in comparing our Parliament with the British and Canadian Parliaments are :

- (a) that they can call on a much larger membership;
- (b) that they sit for five days a week;
- (c) that many of their members reside permanently in the national capital;
- (d) that both Parliaments have a tradition of taking a considerable time to pass legislation;
- (e) that they allow much more time for private members' business in their Houses;
- (f) that their legislative workload (in terms of quantity, at least) is lighter;
- (g) that their committee systems are geared to the peculiar demands of their Parliaments;

- (h) that party discipline in Britain is not as tight as it is in Australia or Canada; and
- (i) that the constitutional differences between the three Westminster style Parliaments are much greater than they appear to be to the casual observer; the total roles of the Parliaments are seen differently; the roles of members are seen differently and the needs and functions of committees are thus different.

67 As well there are structural and administrative differences between the Parliaments (such as the facilities provided for committees to meet, the level of research support and staffing provided, etc.). At this stage it is not proposed to discuss these matters in detail..

68 At the end of Chapters II and III the sub-committee made comments on what it considers to be the most notable features of the British and Canadian committee systems. A number of these points are emphasised again :

- (a) The British and Canadian Parliaments have different systems for dealing with legislation.
- (b) The British system of using "standing committees" for consideration of legislation seems preferable to the Canadian technique of referring legislation to existing functional committees.
- (c) Neither Britain nor Canada seems to have managed to establish an effective method of closely scrutinising proposed government expenditure. The Canadian standing committees have departmental estimates referred to them and,



generally, the committee scrutiny is considered to be ineffectual. The British Expenditure Committee has the capacity through its six sub-committees to closely question the estimates and projections of public expenditure. It is not unfair to say that the British Expenditure Committee does not perform the role of financial scrutiny nearly as effectively as it performs the role of general inquiry and investigation.

- (d) The techniques used to deal with Bills reported back to the House from committee vary between the British and Canadian Parliaments - in both Parliaments the Chair has more personal discretion than in the Australian Parliament. In Britain this discretion extends to the selection of amendments so as to prevent a second debate on an amendment which the committee has already refused. In the case of second reading committees the question is put from the Chair without debate. As well, the chairmen of the British standing committees also have an impartial role and are accorded certain discretions of a kind which have not been exercised by the Presiding Officers of the Australian Houses.
- (e) When dealing with Bills, the Canadian committees may take evidence and hold a general debate on the subject matter of the Bill before going into clause by clause consideration. By comparison the British Parliament has the facility to take evidence in connection with Bills and debate the general principles of Bills in committees and also to consider Bills

clause by clause, but these stages are carried out by different committees specifically appointed for the purpose of their tasks. It is considered that the British system offers greater flexibility in that it does not allow the principles behind the legislation to be questioned again unless the Bill goes to a select committee.

- (f) The Canadian Parliament appoints special committees to carry out specific inquiries and it may also use its standing committees to carry out inquiries which fall within their jurisdiction. There is a loss of flexibility in referring ad hoc inquiries to functional committees as opposed to using special select committees for this purpose.
- (g) Running through the points above is a general theme supporting the proposition that a committee should be established to do a particular job. The major drawback of the Canadian committee system is that a committee could be overloaded with work (it could have Bills, estimates and other inquiries before it concurrently). This could be frustrating for committee members and it could also frustrate the wishes of both government and opposition.
- (h) The use of inquiry type committees to deal with the revision and development of the practices of the Parliament is sensible. Both the British and the Canadian Parliaments have committees which concern themselves with the continuing assessment of their procedures.

The standing orders committees of the Australian Parliament are not constituted with a view to facilitating this sort of analysis or development.

69 The questions facing the sub-committee are what could be transferred from the British or Canadian committee systems and what should be transferred.

70 The answers to the first question lie very much in an appraisal of the structural differences between the Parliaments. The answers to the second question may not be the same, as committees which could be transplanted may not be the best solution.

71 It would not be possible for either Australian House to support the Canadian House of Commons standing committee system. The demands placed on the membership of our Houses would be too great. It is not sufficient to argue that we could have the same standing functional committees but with small membership because a small membership may be appropriate for a committee which is conducting an inquiry or perhaps a committee which is scrutinising estimates. When a committee deals with legislation the membership must be sufficient to provide proportional representation between the parties and to provide a broad cross-section of members of the Parliament. The Canadian standing committee structure should not be transplanted into our Parliament.

72 The British standing committee system could not be transferred to the Australian House of Representatives in toto as the Australian House could not possibly support as many as 10 committees of an average membership of more than 20 as well as supporting those committees necessary to enable the House to carry out its scrutiny functions and its general inquiry functions. Also, the discretion permitted to the chairman of

a standing committee might not be acceptable in the Australian Parliament, and it is likely that without this level of discretion being given to an impartial chairman the system would founder.

73 However, the Australian Parliament should develop committees which can handle the various stages of legislation which need not be handled by the Houses as a whole. The technique used should be that used in Britain where specific committees are used for each specific job.

74 It would not be difficult to establish a committee of either Australian House or, for that matter, a joint committee which had a role similar to that of the British Expenditure Committee. It would have to be borne in mind that the establishment of such a committee in the House of Representatives would greatly restrict any other activity it could undertake and it must also be remembered that the British Treasury publishes the estimates and financial forecasts well in advance of the Budget. The Australian Treasury might well argue that it does not have the capacity to provide information to an expenditure committee as far in advance as can the British Treasury. It might also be argued that the forecasts provided by the British Treasury are not usable workable documents as too many day to day decisions, which affect the government's role in the management of the economy, are made which necessitate reassessment of long term forecasts.

75 The Australian Parliament should not attempt to transplant the financial scrutiny function of the British Expenditure Committee or the Canadian committees (as they deal with estimates). These committees made considerable demands on the availability of members for any other committee activity and the sub-committee is not convinced that they perform their roles effectively, nor is it convinced that there is sufficient interest amongst members of the Lower House in either the

British or Canadian Parliament to support the committees; we believe that it is unlikely that there would be sufficient interest that members of our House of Representatives would immerse themselves in such detailed examinations.

76 The Australian Parliament could and should adopt the use of committees which deal with other stages of legislation. The British House of Commons uses committees to deal with the second reading stage of legislation, to deal with general inquiries into legislation which has already been before the House, to carry out pre-legislative inquiries and, occasionally, to handle the report stage of legislation. Once again it must be emphasised that these committees place considerable demands on the membership of the House.

77 The Australian Parliament already has in existence a number of functional committees which have general terms of reference and which can carry out continuing scrutiny of government activity within their jurisdiction and can conduct inquiries into matters of interest which fall within their scope. This is a capacity that the British and Canadian committee systems both have and it should be maintained in Australia's Parliament also.

78 The Australian Parliament could and should adopt the British and Canadian practice of undertaking more critical, continuous, evaluation of its own procedures and practices.

79 In the last ten paragraphs above (paragraphs 69-78) the sub-committee has discussed those aspects of the British and Canadian Parliamentary committee systems which are most relevant to the needs of the Australian Parliament. The sub-committee has not discussed all the types of committees in existence in those Parliaments because either the Australian Parliament already has comparable committees which function quite effectively or the other Parliaments are not relevant, different constitutional demands being placed on them.

80 It has been suggested that because of their scope and large scale the Canadian standing committees could not be incorporated into the committee system of either Australian House. It has been suggested that with some adjustment the Australian Parliament might adopt committees of the same kind as the British standing committees, other British committees which deal with legislation, the functional committees and the Procedure Committees of both Parliaments but not the British Expenditure Committee.

## CHAPTER V

### THE NEW PARLIAMENTARY COMMITTEE SYSTEM - EVIDENCE TAKEN BY THE COMMITTEE

#### Joint Committees

81 Witnesses before the Committee presented arguments supporting various committee systems. Some advocated a system of joint committees while others, each with their own view of the constitutional differences between the two Houses, urged separate committee systems for each House.

82 The Prime Minister suggested that the establishment of joint standing committees would reduce confrontation between the House of Representatives and the Senate and would also prevent duplication of inquiries. On the other hand the Clerk of the Senate argued that "joint committees subvert bi-cameralism" and that the constitutional roles of the Houses militated against joint committees. Other witnesses opposing joint committees pointed to administrative difficulties.

83 On balance, the weight of evidence did not support the establishment of an extensive system of joint committees for the Australian Parliament although domestic joint committees have worked successfully and there seems no reason why they should not continue to do so. The predominant attitude was that a system of institutional committees, recognising the different roles of the two Houses, be established. There was general agreement that duplication between committees of the two Houses was inefficient and, so far as possible, to be avoided.

## Legislative Committees

84 A majority of witnesses before the Committee saw a need to use the committee system to improve Parliament's scrutiny of legislation. The Committee of the Whole stage of Bills was considered to be unsatisfactory, not allowing detailed consideration of legislation. Evidence to the Committee suggested that legislative committees would improve the standard of legislation and would enable Parliament to devote more time to other important matters.

85 Legislative committees in the House of Representatives which would act as miniature Committees of the Whole were suggested by the Speaker of the House of Representatives, the Leader of the Opposition, and the Clerk of the House of Representatives. Such committees could operate along the lines of British standing committees. Opinions on the number and size of legislative committees varied considerably.

86 Other witnesses favoured legislation committees which would take evidence and carry out detailed investigations of Bills along the lines of standing committees of the Canadian House of Commons.

87 The Committee also heard proposals supporting the use of committees to deal with legislation prior to introduction in the Parliament; this also included the consideration of legislation in the form of a green paper rather than in the form of a Bill. Little evidence was offered on this matter although there were some objections to using joint committees for this function.



## Financial Scrutiny

88 On the question of financial scrutiny of the executive there was a widespread belief among witnesses that at present Parliament is giving inadequate attention to scrutiny of the estimates and the expenditure of the government. Most witnesses agreed that because financial legislation originates in the Lower House it should be the responsibility of that House to assess whether estimates have been formulated properly in accordance with government policy and priorities. It was put to the Committee that the Senate, as a House of review, has had to assume the functions of scrutinising the government's expenditure because the Lower House has not yet accepted its obligations. Thus the Senate estimates committees have been forced to perform a role that should be played by the Lower House.

89 Other suggestions including the strengthening of the Joint Committee on Public Accounts, the establishment of estimates committees in the House of Representatives and the establishment of an economic committee.

90 Overall the evidence strongly supported the establishment of a committee of the House of Representatives that would play a major role in the field of expenditure. Professor G.S. Reid of the University of Western Australia urged an omnibus joint expenditure committee which would rationalise resources and would consider estimates in detail. But the weight of evidence favoured an expenditure committee in the Lower House, along the lines of the British Expenditure Committee, which would carry out detailed inquiries into aspects of the government's financial function and would examine priorities and forward planning of expenditure. This could render the Senate estimates committees superfluous.

## Investigatory Committees

91 The question of investigatory committees was given considerable attention by those giving evidence to the Committee. The Prime Minister and the Clerk of the House of Representatives suggested joint standing committees established along functional lines to carry out detailed inquiries and investigations on various matters of government administration.

92 Other witnesses presented the view that the Senate's role as a House of review made it more appropriate for such investigations to be carried out by the Upper House alone. Arguments presented above against joint committees also apply to this suggestion.

93 Whether investigatory committees should be the sole responsibility of the Senate or of the House of Representatives or whether they could operate successfully as joint committee is a matter of conjecture and there appeared to be little agreement as to which type would be appropriate for the Australian Parliament. However, if agreement could be reached between the two Houses either by conference or by using House Managers there would be no reason to suggest that such committees could not successfully be established separately in both Houses. But this statement must be tempered by appreciation of the level of workload being imposed on each House and by the argument for an institutional system. These points favoured the establishment of functional committees in the Senate only.

## Select Committees

94 There has been general agreement among witnesses that each House should retain the right to appoint ad hoc select committees as and when required to carry out specific inquiries

Witnesses emphasised that the problems of manning committees are considerable in a Parliament as small as Australia's and the Houses should give careful consideration to proposed committees before they are established. This is particularly relevant to the Senate.

#### Other Functions for Committees

95 The Committee heard suggestions from the Leader of the Opposition and the Hon. C.R. Kelly, M.P., that a committee should be established to scrutinise reports of the Industries Assistance Commission and to examine Customs Tariff Proposals. It was also proposed that a special committee be established to scrutinise statutory authorities. Whilst there is considerable merit in such suggestions it can be argued that investigations of this nature could be carried out by other committees already envisaged.

#### Domestic Committees

96 Little evidence given to the Committee has touched on the domestic committees of the Parliament. Some witnesses however, have suggested that standing orders committees of the two Houses could function more effectively if their membership comprised backbenchers solely (at present a number of party leaders and office holders are on the standing orders committees). These witnesses recommended the re-establishment of standing orders committees along the lines of the Procedures Committees of the British and Canadian Parliaments. It was suggested that this change would enable the standing orders committees to conduct on-going inquiries into the practices and procedures of the Houses. No witness opposed this view particularly strongly.

## Other Existing Committees

97 Those witnesses who suggested the establishment of an expenditure type committee in the House of Representatives were divided on the question of the fate of the Public Accounts Committee. The trend of evidence led towards the incorporation of the Public Accounts Committee in the Expenditure Committee or, alternatively, maintaining it as a committee of the Lower House only as a complement to the Expenditure Committee. This view is consistent with the attitude that the Lower House is the House with the financial responsibility.

98 Whilst witnesses generally favoured the retention of the Public Works Committee they had not considered the question of whether it should remain a joint committee or to which House it might be more appropriately attached. It would be consistent with the majority of proposals if the Public Works Committee were to be attached to the Senate.

99 The Committee heard no evidence which would lead it to recommend any change in the present status of the Regulations and Ordinances Committee of the Senate.

100 Four joint committees are presently in existence of which two have been regularly re-appointed for many years and the other two have been appointed in each of the last two Parliaments<sup>7</sup>. These are the Committees on Foreign Affairs and Defence, the A.C.T., Prices, and the Northern Territory.

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A fifth long term joint committee (the Joint Standing Committee on the New and Permanent Parliament House) was appointed in August 1975.

The House of Representatives has three standing committees which have been in existence, in some form, for several Parliaments. These are the Committees on Aboriginal Affairs, Environment and Conservation, and Road Safety. The weight of evidence leads to the conclusion that neither House could sustain its membership on these committees as well as maintaining the new system of committees and that therefore the functions of these committees would be absorbed into the Senate legislative and general purpose committees or into the expenditure committee of the House of Representatives or, if they were to be appointed, the functional standing committees of the House of Representatives.

### Conclusion

101 Whilst ideas and suggestions for a desirable committee system varied considerably, witnesses were in agreement that Parliamentary committees have a valuable role to play in the Australian Parliament. In particular it was generally felt that the House of Representatives has much to gain from an improved committee system, especially in areas of financial scrutiny of the executive and in the consideration of legislation. It was also agreed that committees operating in the Senate have been effective and this should be taken into consideration when discussing a desirable committee system for the Parliament.

102 Although many witnesses looked to overseas committee practices and procedures when formulating their proposals, all agreed that the Australian Parliament has its own problems and features and cannot be compared directly with any other Parliament. For this reason the evidence strongly pointed to an examination of relevant aspects of committee systems overseas whilst keeping in mind the differences that exist.



## CHAPTER VI

### A PROPOSED SYSTEM OF COMMITTEES FOR THE AUSTRALIAN PARLIAMENT

103 It should have become clear from Chapters IV and V that there is some conflict between the views of the sub-committee (which are based on experience in Britain and Canada) and the consensus views developed by the full Committee (which are based on evidence taken in Australia). The main issue in dispute is whether the House of Representatives should establish a committee similar to the British House of Commons Expenditure Committee and take a more active role in examining departmental estimates. The resolution of this issue is important because it affects the entire structure of the remaining committee framework. Until the question has been resolved it is not possible to consider other aspects of the new committee system because the establishment of a broad ranging expenditure committee would considerably restrict the potential for other types of committee activity in the Lower House. The view of the sub-committee is that it would not greatly advantage the House of Representatives if such an expenditure committee were established. This is a basic premise upon which ensuing recommendations depend.

104 By way of further explanation of the ensuing recommendations it is pointed out that they also depend upon another premise; the understanding that all existing committees of the Parliament would be abolished to make way for a new system.

105 The remainder of this Chapter describes a new committee system which the sub-committee thinks would most advantage the two Houses and would provide the most efficient use of the time **Members** have available to attend to committee business. The committees are described under headings which reflect the particular function to which they will contribute in the Australian Parliament.

### Legislation Committees

106 There is little doubt that the Parliament's method of dealing with legislation could be improved by using committees to handle the detailed consideration of the text of many Bills. As well, the British practice of using specially appointed select committees to handle pre-legislative inquiries, to handle inquiries after the second reading stage and to use committees for the second reading of non-controversial Bills commends itself. It is emphasised that the sub-committee considers that these functions should be separated and should not be performed by the same committee.

#### *Recommendation 1*

*107 It is recommended that in both Houses there be established a number of legislation committees to consider Bills clause by clause after they have passed the second reading. The number of committees in existence at any time will depend upon the workload.*

108 The subsidiary recommendations of the sub-committee are as follows :

- (a) that each House appoint a Committee of Selection to operate in the same manner as the British House of Commons Committee of Selection;



- (b) that each Presiding Officer appoint a panel of chairmen who will have an impartial role in legislation committees; will have a casting vote only and will use that casting vote for the purpose of preservation of the legislation and the best interests of committee deliberation;
- (c) that, in the House of Representatives, committees be of not less than 13 members and, preferably, not more than 19 members, excluding the chairman (a quorum to be one-third);
- (d) that Senate legislation committees be of not less than six members and not more than 18 members (a quorum to be one-third);
- (e) that a Bill normally be referred to a legislation committee only in the House in which it is initiated;
- (f) that each House have the right to dispense with all committee stages, by leave;
- (g) that the motion to refer a Bill to a legislation committee be on notice and that the motion shall fail if objected to by one-sixth of the membership of the Senate or the House;
- (h) that the Committee of Selection, in appointing membership of a legislation committee, appoint the Minister and the opposition spokesman nominated by their party leaders;

- (i) that the Presiding Officer have the discretion to not permit an amendment to be moved at report stage if it, or a similar amendment, has already been negatived in a legislation committee.

*Recommendation 2*

109 *It is recommended that both Houses be enabled to use legislation committees to take the second reading stages of Bills where appropriate.*

110 Subsidiary recommendations of the sub-committee are that legislation committees taking the second reading stage of Bills :

- (a) shall be appointed by the Committee of Selection and have similar membership, chairmanship, etc., as other legislation committees;
- (b) that the motion referring a Bill to a legislation committee for second reading must be carried without a dissenting voice.

*Recommendation 3*

111 Each House has a standing order which enables a Bill to be referred to a select committee immediately after the second reading. *It is recommended that the Senate and the House apply standing orders 196A (Senate) and 221 (House of Representatives) whenever it is considered that there should be further inquiry into the principles of legislation.* It is stressed that this is not seen as an alternative to committing a Bill to a legislation committee but as a different stage of the legislative process.

*Recommendation 4*

112 *It is recommended that the government adopt the practice of referring white papers or green papers containing legislative proposals to select committees appointed specifically for the task of recommending on the most satisfactory methods of legislative control in the areas in question.*

113 In further explanation of recommendations 3 and 4 the sub-committee suggests that such select committees should not exceed seven members and that the normal arrangements for select committees should prevail.

114 The Committee recognises that consideration should be given to the question of whether provision should be made for committee consideration of private members' Bills.

Financial Scrutiny

115 The sub-committee considers that the level of scrutiny of government expenditure can be improved in the Australian Parliament by taking two steps; by strengthening the Public Accounts Committee and by providing the Senate estimates committees with better information and better support services.

*Recommendation 5*

116 *It is recommended that a new Public Accounts Committee be appointed, consisting of members of the House of Representatives only.*

117 Subsidiary to recommendation 5 it is also recommended that :

- (a) the Public Accounts Committee consist of 15 members;

- (b) it normally operate in three sub-committees of five;
- (c) its terms of reference should be those of the present Public Accounts Committee with the addition of the power to consider the policy aspects of the expenditure of government departments and statutory authorities and any forward programming of expenditure that Treasury, Departments or statutory authorities are able to specify.

It might be desirable that the chairman of the sub-committee dealing with the new term of reference be an opposition member.

*Recommendation 6*

*118 It is recommended that the practice of the Senate of committing the estimates of government departments and statutory authorities which are contained in major Appropriation Bills to estimates committees be continued.*

119 Subsidiary to this it is recommended that as many such committees as are appropriate be appointed; that the committees be provided with documentation by the Australian Treasury and by government departments which will enable them to fully consider the estimates; that this documentation be provided at the same time as the estimates are tabled in the Senate and that the estimates committees be provided with adequate research and support staff to enable thorough scrutiny of the government's expenditure proposals. The sub-committee is of the opinion that Treasury should be obliged to produce departmental estimates, in draft form at least, well in advance of the presentation of Appropriation Bills in the House. It is not proposed that the estimates committees should remain in existence other than as an extension of the

Committee of the Whole; the estimates committees are not seen as another version of the British House of Commons Expenditure Committee which operates year round.

### General Scrutiny and Inquiry

#### *Recommendation 7*

*120 It is recommended that a set of functional standing committees be appointed in both Houses and that each committee have a clearly specified jurisdiction which corresponds to a specific area of activity of government or to a specified number of government departments and instrumentalities.*

121 Subsidiary recommendations are :

- (a) that no more than 10 standing committees be appointed in the House of Representatives and that no more than seven standing committees be appointed by the Senate;
- (b) that the maximum membership of a standing committee be seven;
- (c) that standing committees have all the powers of committees presently appointed by the Houses and that for the purpose of taking evidence their quorum shall be two;
- (d) that an informal Chairmens Liaison Committee be appointed by the Presiding Officers; such a committee to meet regularly with a view to avoiding conflict in inquiry and investigation between the standing committees of the two Houses and to determine any jurisdictional disputes between the two Houses.

The Chairmens Liaison Committee could also be granted other powers in connection with the allocation of funds, etc., however, this is a matter for the report of the full Committee.

*Recommendation 8*

122. *It is recommended that the Senate establish a standing committee specifically empowered to carry out the roles, so far as it may be deemed necessary, that are currently assigned to the Joint Committee on Public Works, the Joint Committee on the Australian Capital Territory and the Joint Committee on the Northern Territory. Such a committee could well be one of the Senate's seven functional committees.*

*Recommendation 9*

123. *It is recommended that there be appointed a Senate Standing Committee on Delegated Legislation. This committee could have the roles of the present Committee on Regulations and Ordinances but its role might also be expanded to consider other administrative decisions of a quasi-legislative nature (for example, by-law determinations made under the customs tariff legislation).*

*Recommendation 10*

124. *It is recommended that each House retain the right to appoint select committees to conduct long term inquiries into issues of concern to the Houses. It is emphasised that such long term inquiries should be carried out by specially appointed ad hoc committees and not referred to existing standing functional committees.*

## Domestic Committees

125 Neither the Committee nor the sub-committee has found any compelling reason to rationalise the domestic committees of the Senate or the House. Whilst no recommendation is made it is pointed out that there may be economies in rationalising the present system whereby different committees are appointed to deal with broadcasting, the library, House and publications matters. It would be quite feasible to appoint a joint standing committee on services with similar powers to the existing domestic committees. An important role of such a joint committee would be the maintenance of a permanent sub-committee which would replace the present Joint Standing Committee on the New and Permanent Parliament House

126 The sub-committee knows of no reason for changing the present arrangement whereby each House appoints a Privileges Committee pursuant to standing orders.

### *Recommendation 11*

127 *It is recommended that the standing orders committees of the two Houses be given specific terms of reference to continually review and report on desirable changes in the practices and procedures of the Parliament. It is also recommended that such newly structured standing orders committees not contain a preponderance of office holders, party leaders, etc., and that from time to time they make recommendations directly to the Presiding Officers on matters of practice and interpretation which need not have the ratification of the plenum.*

128 The recommendations above are directed to the full Committee and it is the intention of the sub-committee that the full Committee take these into account when it continues to the later stages of its inquiry. The recommendations are incomplete in the sense that the sub-committee has not traversed issues other than the basic structure of a committee system. It is not thought appropriate that this report, which, it is hoped, will be published, should contain recommendations concerning those issues on which the full Committee has not yet completed the taking of evidence. It should be borne in mind however, that the implementation of recommendations 1 to 11 will depend to a great extent upon the other aspects of the inquiry. The recommendations should not be expected to be able to stand alone and members of the Committee will have to take cognisance of the sub-committee's first report where it discussed these matters in the light of its experience of the operations of the British and Canadian Parliaments.

H.A. JENKINS  
P.E. RAE  
P.F. MORRIS  
I.L. ROBINSON

September 1975



# Bills, Estimates and Matters referred to Standing Committees

by the House of Commons in Session 1974-75

STANDING COMMITTEE A	STANDING COMMITTEE B	STANDING COMMITTEE C	STANDING COMMITTEE D	STANDING COMMITTEE E	STANDING COMMITTEE F	STANDING COMMITTEE G	STANDING COMMITTEE H	SCOTTISH GRAND COMMITTEE	FIRST SCOTTISH STANDING COMMITTEE	WELSH GRAND COMMITTEE	SECOND READING COMMITTEES
<p><b>GENERAL RATE BILL</b> Committee: Mrs. Joyce Bolder Chairman: Mr. Saund Reported 21st November</p> <p><b>SOCIAL SECURITY BILL</b> Committee: Mr. Michael English Chairman: Mr. Saund Reported 21st November</p> <p><b>HOUSING RENTS AND SUBSIDIES BILL</b> Committee: Mr. Richard Crawshaw Chairman: Mr. Saund Reported 19th November</p>	<p><b>GENERAL RATE BILL</b> Committee: Mrs. Joyce Bolder Chairman: Mr. Saund Reported 21st November</p> <p><b>SOCIAL SECURITY BILL</b> Committee: Mr. Michael English Chairman: Mr. Saund Reported 21st November</p> <p><b>ARBITRATION BILL</b> Committee: Mr. Albert Cowan Chairman: Mr. Saund Reported 16th January</p>	<p><b>EDUCATION BILL</b> Committee: Mr. John Wells Chairman: Mr. Saund Reported 26th November</p> <p><b>WILD CRAFTS AND FISH PROTECT. BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>UNSOLICITED GOODS (AMENDMENT) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>MENTAL HEALTH (AMENDMENT) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>DEVELOPMENT BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>INDUSTRY BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>INDUSTRY BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>TRADE UNION AND LABOUR RELATIONS (AMENDMENT) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>RESERVE BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>INDUSTRY BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>EMPLOYMENT PROTECTION BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>FINANCE (No. 2) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>PUBLIC SERVICE OFFENCES BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>COMMUNITY LAND BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>FINANCE (No. 2) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>PUBLIC SERVICE OFFENCES BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>FINANCE (No. 2) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>PUBLIC SERVICE OFFENCES BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>CRIMINAL JURISDICTION BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>HOUSING RENTS AND SUBSIDIES (SCOTLAND) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>LOCAL GOVERNMENT (SCOTLAND) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>DISTRICT COURTS (SCOTLAND) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>HOUSING RENTS AND SUBSIDIES (SCOTLAND) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>LOCAL GOVERNMENT (SCOTLAND) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>DISTRICT COURTS (SCOTLAND) BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>INDUSTRY AND EMPLOYMENT IN WALES</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>ENVIRONMENT IN WALES</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>ECONOMY IN WALES</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>	<p><b>ARBITRATION BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>RESERVE BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p> <p><b>INDUSTRY BILL</b> Committee: Mr. Saund Chairman: Mr. Saund Reported 24th January</p>





Statutory Instruments referred to Standing Committees

by the House of Commons in Session 1974-75

Table with 4 columns: FIRST STANDING COMMITTEE ON STATUTORY INSTRUMENTS, SECOND STANDING COMMITTEE ON STATUTORY INSTRUMENTS, THIRD STANDING COMMITTEE ON STATUTORY INSTRUMENTS, and FOURTH STANDING COMMITTEE ON STATUTORY INSTRUMENTS. Each column lists various draft bills and regulations with their respective chairmen and dates.

16th July, 1975







STANDING ORDERS NOS. 60 - 74 OF THE  
BRITISH HOUSE OF COMMONS

STANDING COMMITTEES

Standing Order No. 60

- (1) As many standing committees shall be appointed as may be necessary for the consideration of bills or other business committed or referred to a standing committee.
- (2) Subject to the provisions of Standing Order No. 69 (Scottish Standing Committees), the bills committed and statutory instruments or draft statutory instruments referred to a standing committee shall be distributed among the committees by Mr Speaker.
- (3) In all but one of the standing committees government bills shall have precedence.
- (4) Government bills allocated to a particular standing committee shall be considered in whatever order Her Majesty's Ministers may decide.

Standing Order No. 61

- (1) The chairman or chairmen of each standing committee shall be appointed by Mr Speaker from the Chairmen's Panel
- (2) Mr Speaker may change the chairmen so appointed from time to time.

- (3) When more than one chairman is appointed to a standing committee any of the chairmen so appointed may exercise the powers conferred by paragraph (3) of Standing Order No. 65 (Procedure in standing committees).
- (4) The Chairmen's Panel, of whom three shall be a quorum, shall have power to consider matters of procedure relating to standing committees and to report their opinion thereupon to the House from time to time.
- (5) Any member of a standing committee may, at the request of the chairman of the committee, act as chairman for not more than a quarter of an hour: Provided that such member shall not exercise the powers conferred on the chairman of a standing committee by paragraph (3) of Standing Order No. 65 (Procedure in standing committees).

Standing Order No. 62

- (1) Save in the case of -
  - (a) the Scottish Grand Committee,
  - (b) the Welsh Grand Committee, and
  - (c) a standing committee for the consideration of a bill on report.

the Committee of Selection shall nominate not less than sixteen nor more than fifty Members to serve on each standing committee for the consideration of each bill committed, allocated or referred to it, or for the consideration of statutory instruments or draft statutory instruments referred to it.



- (2) In nominating such Members the Committee of Selection shall have regard to the qualifications of those Members nominated and to the composition of the House, and shall have power to discharge Members from time to time and appoint others in substitution for those discharged:

Provided that -

- (i) for the consideration of any public bill certified by Mr Speaker as relating exclusively to Scotland or of a public bill (or part of a public bill) ordered to be considered by a Scottish standing committee, the committee shall be so constituted as to include not less than sixteen Members representing Scottish constituencies;
- (ii) for the consideration of any public bill relating exclusively to Wales, the committee shall be so constituted as to include all Members sitting for constituencies in Wales.

Standing Order No. 63

- (1) Mr Attorney-General, the Lord Advocate, Mr Solicitor General, and Mr Solicitor General for Scotland, being Members of this House, or any of them, though not members of a standing committee, may take part in the deliberations of the committee, but shall not vote or make any motion or move any amendment or be counted in the quorum.

- (2) In a standing committee which is to consider a bill brought in upon a Ways and Means resolution any Minister of the Crown, being a Member of this House, though not a member of the standing committee, may take part in the deliberations of the committee, but shall not vote or make any motion or move any amendment or be counted in the quorum.

Standing Order No. 64

- (1) A standing committee to whom a bill or other business has been committed shall meet to consider such business on the day and at the hour named by the Member appointed chairman of the committee in respect of that business. If the consideration of the business is not completed at that sitting the committee shall meet further to consider the business on such days of the week (being days on which the House sits) as may be appointed by the committee at half-past ten o'clock, unless the committee otherwise determine :

Provided that no standing committee shall sit between the hours of one o'clock and half-past three o'clock in the afternoon, except as hereinafter provided.

- (2) If a standing committee is not previously adjourned, the chairman shall adjourn the committee without putting any question at one o'clock :

Provided that -

- (i) if, in the opinion of the chairman, the proceedings on a bill or other business could be brought to a final conclusion by a short extension of the sitting, he may defer adjourning the committee until a quarter past one o'clock;

- (ii) if proceedings under Standing Order No. 30 (Closure of debate) be in progress at the time when the chairman is required to adjourn the committee under this paragraph, he shall not adjourn the committee until the question for the closure of debate, the question or questions consequent thereon and on any further motion as provided in that standing order, have been decided.

Standing Order No. 65

- (1) The quorum of a standing committee shall be seventeen or one third of the number of its members excluding the chairman, whichever is the less; and in calculating the quorum fractions shall be counted as one.
- (2) Strangers shall be admitted to a standing committee unless the committee otherwise order.
- (3) (a) Any notice of an amendment to a bill which has been committed or referred to a standing committee shall stand referred to the committee, and the chairman shall have the like powers as are given to Mr Speaker and the Chairman of Ways and Means respectively by Standing Order No. 33 (Selection of amendments).
- (b) Standing Order No. 30 (Closure of debate) and Standing Order No. 31 (Majority for closure) shall apply to standing committees, except that the number necessary to render the majority effective for the closure shall be the number prescribed as the quorum by paragraph (1) of this order.

(c) The chairman of a standing committee shall have the like powers as the Chairman of Ways and Means has under the following standing orders :

No. 22 (Irrelevance or repetition)

No. 28 (Dilatory motion in abuse of rules of House)

No. 48 (Debate on clause or schedule standing part).

(d) The following standing orders shall apply to standing committees :

No. 79 (Entry on minutes of proceedings of select committee)

No. 80 (Minutes of proceedings to be laid upon the Table)

No. 83 (Quorum of select committee).

(4) On a division being called in the House the chairman of a standing committee shall suspend the proceedings in the committee for such time as will, in his opinion, enable Members to vote in the division in the House and return to the committee.

(5) All standing committees shall have leave to print and circulate with the Votes the minutes of their proceedings and clauses of bills as amended by them.

Standing Order No. 66

- (1) A motion, of which not less than ten days' notice has been given, may be made by a Minister of the Crown at the commencement of public business, that a public bill be referred to a second reading committee, and the question thereupon shall be put forthwith; and if, on the question being put, at least twenty Members rise in their places and signify their objection thereto, Mr Speaker shall declare that the noes have it:

Provided that no such notice shall be given until the bill has been printed and delivered to the Vote Office.

- (2) A second reading committee shall be a standing committee.
- (3) A second reading committee shall report to the House either that they recommend that the bill ought to be read a second time or that they recommend that the bill ought not to be read a second time, and in the latter case they shall have power to state their reasons for so recommending.
- (4) Upon a motion being made for the second reading of a bill reported from a second reading committee, the question thereon shall be put forthwith.

Standing Order No. 67

- (1) If, after any public bill has been printed, whether introduced in this House or brought from the House of Lords, Mr Speaker is of opinion that its provisions relate exclusively to Scotland, he shall give a certificate to that effect:

Provided that a certificate shall not be withheld by reason only that a provision of that bill amends the First Schedule to the House of Commons Disqualification Act 1957.

- (2) On the order for the second reading of any such bill being read, a motion may be made by a Minister of the Crown, 'That the bill be referred to the Scottish Grand Committee', and the question thereupon shall be put forthwith; and if, on that question being put, not less than ten Members rise in their places and signify their objection thereto, Mr Speaker shall declare that the noes have it.
- (3) A bill so referred to the Scottish Grand Committee shall be considered in relation to the principle of the bill, and shall be reported as having been so considered to the House and shall be ordered to be read a second time upon a future day.
- (4) When the order for the second reading of any such bill has been read, a motion may be made by a Minister of the Crown, 'That the bill be committed to a Scottish Standing Committee', and the question thereupon shall be put forthwith: Provided that this paragraph shall not apply in the case of any bill to the second reading of which notice of an amendment has been given by not less than six Members.
- (5) If such a motion shall have been agreed to, the bill shall be deemed to have been read a second time, and shall be committed to a Scottish Standing Committee.
- (6) Proceedings in pursuance of paragraphs (2) and (4) of this order, though opposed, may be decided after the expiration of the time for opposed business.

Standing Order No. 68

- (1) There shall be a standing committee to be called the Scottish Grand Committee which shall consider -
  - (a) bills referred to them for consideration in relation to their principle under paragraph (2) of Standing Order No. 67 (Public bills relating exclusively to Scotland);
  - (b) bills referred to them under Standing Order No. 73 (Consideration on report of certain bills by a standing committee);
  - (c) Scottish estimates referred to them under Standing Order No. 70 (Scottish estimates); and
  - (d) specified matters referred to them under Standing Order No. 71 (Matters relating exclusively to Scotland).
- (2) The Scottish Grand Committee shall consist of all the Members representing Scottish constituencies, together with not less than ten nor more than fifteen other Members to be nominated in respect of any bill or other business by the Committee of Selection, who shall have regard in such nomination to the approximation of the balance of parties in the committee to that in the whole House, and shall have power from time to time to discharge the Members so nominated by them, and to appoint others in substitution for those discharged.

Standing Order No. 69

For the consideration of bills certified by Mr Speaker as relating exclusively to Scotland and committed to a standing committee or bills committed to a Scottish Standing Committee not more than two standing committees may be appointed.

Standing Order No. 70

A motion may be made by a Minister of the Crown at the commencement of public business to the effect that the estimates or any part of the estimates for which the Secretary of State for Scotland is responsible be referred to the Scottish Grand Committee for consideration on not more than six days in any session, and the question thereon shall be put forthwith; and if such motion be agreed to, the Committee shall consider the estimates referred to them and shall from time to time report only that they have considered the said estimates or any of them.

Standing Order No. 71

- (1) A motion may be made by a Minister of the Crown at the commencement of public business to the effect that a specified matter or matters relating exclusively to Scotland be referred to the Scottish Grand Committee for their consideration, and the question thereon shall be put forthwith; and if, on that question being put, not less than ten Members rise in their places and signify their objection thereto, Mr Speaker shall declare that the noes have it.
- (2) If such a motion be agreed to, the Scottish Grand Committee shall consider the matter or matters to them referred on not more than two days in a session, and shall report only that they have considered the said matter or matters.



Standing Order No. 72

- (1) There shall be a standing committee to be called the Welsh Grand Committee, which shall consider -
  - (a) bills referred to them; and
  - (b) such specified matters relating exclusively to Wales as may be referred to them and shall consist of all Members sitting for constituencies in Wales, together with not more than five other Members to be nominated by the Committee of Selection, who shall have power from time to time to discharge the Members so nominated by them and to appoint others in substitution for those discharged.
  
- (2) A Motion, of which not less than ten days' notice has been given, may be made by a Minister of the Crown at the commencement of public business, that a public bill be referred to the Welsh Grand Committee, and the question thereupon shall be put forthwith; and if, on the question being put, at least twenty Members rise in their places and signify their objection thereto, Mr Speaker shall declare that the noes have it:

Provided that no such notice shall be given until the bill has been printed and delivered to the Vote Office.
  
- (3) The Committee shall report to the House either that they recommend that the bill ought to be read a second time or that they recommend that the bill ought not to be read a second time, and in the latter case they shall have power to state their reasons for so recommending.

- (4) Upon a motion being made for the second reading of a bill reported from the Committee, the question thereon shall be put forthwith.
- (5) A motion may be made by a Minister of the Crown at the commencement of public business to the effect that a specified matter or matters relating exclusively to Wales be referred to the Welsh Grand Committee for their consideration, and the question thereon shall be put forthwith.
- (6) If such a motion be agreed to, the Committee shall consider the matter or matters to them referred and shall report only that they have considered the said matter or matters.

Standing Order No. 73

- (1) A bill which has been considered by a second reading committee or by the Scottish Grand Committee in relation to the principle of the bill may be referred for consideration on report to a standing committee or to the Scottish Grand Committee, as the case may be, upon a motion made after notice by a Minister of the Crown at the commencement of public business; and the question on such motion shall be put forthwith; and if, on the question being put, at least twenty Members rise in their places and signify their objection thereto, Mr Speaker shall declare that the noes have it.
- (2) A standing committee to consider bills on report shall consist of not less than twenty nor more than eighty Members, to be nominated by the Committee of Selection to serve on the committee during the consideration of each bill referred to it; and in the nomination of such Members, the Committee of Selection shall have regard to their qualifications and to the composition of the House.

Provided that, for the consideration of all public bills relating exclusively to Wales and Monmouthshire, the committee shall be so constituted as to include all Members sitting for constituencies in Wales and Monmouthshire.

(3) Any committee to whom a bill is referred under this order shall report to the House that they have considered the bill and have made amendments or have made no amendment thereunto, as the case may be; and the bill so reported shall be ordered to be read the third time upon a future day.

Standing Order No. 73A

(1) There shall be one or more standing committees, to be called standing committees on Statutory Instruments, for the consideration of statutory instruments or draft statutory instruments referred to them.

(2) Any Member, not being a member of such a Standing Committee may take part in the deliberations of the Committee, but shall not vote or make any motion or move any amendment or be counted in the quorum.

(3) Where -  
(i) a Member has given notice of a motion for an humble address to Her Majesty praying that a statutory instrument be annulled, or of a motion that a draft of an order in Council be not submitted to Her Majesty in Council, or that a statutory instrument be not made, or that the House takes note of a statutory instrument, or

(ii) a Minister of the Crown has given notice of a motion that a statutory instrument or draft statutory instrument be approved,

a motion may be made by a Minister of the Crown at the commencement of public business, that the said instrument or draft instrument be referred to such a Committee and the question thereupon shall be put forthwith; and if, on the question being put, not less than twenty Members rise in their places and signify their objection thereto, Mr Speaker shall declare that the noes have it.

- (4) Each Committee shall consider each instrument or draft instrument referred to it on a motion, 'That the Committee has considered the instrument (or draft instrument)'; and the chairman shall put any question necessary to dispose of the proceedings on such a motion, if not previously concluded, when the committee shall have sat for one and a half hours or, in the case of an instrument or draft instrument relating exclusively to Northern Ireland, two and a half hours after the commencement of those proceedings; and the Committee shall thereupon report the instrument or draft instrument to the House without any further question being put.
- (5) If any motion is made in the House of the kind specified in paragraph 3(i) or 3(ii) of this Order, in relation to any instrument or draft instrument reported to the House in accordance with paragraph (4) of this Order, Mr Speaker shall put forthwith the question thereon; and proceedings in pursuance of this paragraph, though opposed, may be decided after the expiration of the time for opposed business.

Standing Order No. 74

- (1) Whenever an order has been made by the House allocating time to the proceedings of a standing committee on any bill which has been allocated or committed to them, the order shall stand referred to that committee, and shall be considered by a sub-committee thereof to be called the business sub-committee.
- (2) A business sub-committee shall consist of the chairman or one of the chairmen of the committee (who shall be chairman of the sub-committee) and seven members of the committee, to be nominated by Mr Speaker as soon as may be after such an order has been made; the quorum of the sub-committee shall be four, of whom the chairman so nominated shall be one; and the sub-committee shall have power to report from time to time to the committee.
- (3) A sub-committee shall report to the committee their resolutions upon -
  - (a) the number of sittings to be allotted to the consideration of the bill;
  - (b) the allocation of the proceedings to each sitting; and
  - (c) the time at which any proceedings, if not previously concluded, shall be brought to a conclusion.
- (4) All such resolutions shall be reported to the committee at the commencement of the next sitting of the committee and shall be recorded in the minutes of the proceedings of the committee.

(5) Whenever a sub-committee have made a report to the committee, the Member in charge of the bill may forthwith move 'That, this committee do agree with the business sub-committee in their resolution (or resolutions)'; and the question on such a motion shall be put forthwith.

(6) If the question is agreed to, the resolution (or resolutions) shall have effect as though included in the order aforesaid, but if it is negatived the resolution (or resolutions) shall stand re-committed to the business sub-committee.

TEMPORARY STANDING ORDERS II, VI, VII & IX  
OF THE BRITISH HOUSE OF COMMONS

II SELECT COMMITTEE ON NATIONALISED INDUSTRIES

(Standing Orders made 15 November 1974)

(1) That there shall be a select committee to examine the Reports and Accounts of the Nationalised Industries established by Statute whose controlling Boards are appointed by Ministers of the Crown and whose annual receipts are not wholly or mainly derived from moneys provided by Parliament or advanced from the Exchequer; and of the Independent Broadcasting Authority, Cable and Wireless Ltd, and Horserace Totalisator Board, and to examine such activities of the Bank of England as are not -

(i) activities in the formulation and execution of monetary and financial policy, including responsibilities for the management of gilt-edged, money and foreign exchange markets;

(ii) activities, as agents of the Treasury, in managing the Exchange Equalisation Account and administering Exchange Control; or

(iii) activities as a banker to other banks and private customers.

(2) That the Committee do consist of Thirteen Members.

- (3) That the Committee have power to send for persons, papers and records, to adjourn from place to place and to report from time to time.
- (4) That the Committee have power to report from time to time the Minutes of the Evidence taken before them and any Memoranda submitted to them.
- (5) That the Committee have power to appoint persons with specialist knowledge for the purpose of particular enquiries, either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference.
- (6) That Five be the Quorum of the Committee.
- (7) That the Committee have power to appoint Sub-committees and to refer to such Sub-committees any of the matters referred to the Committee.
- (8) That every such Sub-committee have power to send for persons, papers and records, to report to the Committee from time to time, and to adjourn from place to place.
- (9) That Three be the Quorum of every such Sub-committee.
- (10) That the Committee have power to report from time to time the Minutes of the Evidence taken before such Sub-committees, and any Memoranda submitted to them.

#### VI SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY

(Standing Orders made 21 November 1974)

- (1) That there shall be a select committee to consider Science and Technology and to report thereon from time to time.



- (2) That the Committee have power to send for persons, papers and records, to sit notwithstanding any Adjournment of the House, to adjourn from place to place, and to report from time to time the Minutes of the Evidence taken before them and any Memoranda submitted to them.
- (3) That Five be the Quorum of the Committee.
- (4) That the Committee have power to appoint Sub-committees and to refer to such Sub-committees any of the matters referred to the Committee.
- (5) That every such Sub-committee have power to send for persons, papers and records, to sit notwithstanding any Adjournment of the House, to adjourn from place to place, and to report to the Committee from time to time.
- (6) That Three be the Quorum of every such Sub-committee.
- (7) That the Committee have power to report from time to time the Minutes of the Evidence taken before such Sub-committees and any Memoranda submitted to them.
- (8) That the Committee have power to appoint persons with technical or scientific knowledge for the purpose of particular inquiries, either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference.

#### VII SELECT COMMITTEE ON OVERSEAS DEVELOPMENT

(Standing Orders made 22 November 1974)

- (1) That there shall be a select committee to consider United Kingdom assistance for overseas development, and to report thereon.

- (2) That the Committee have power to appoint persons with expert knowledge for the purpose of particular enquiries, either to supply information which is not readily available or to elucidate matters of complexity within the Committee's Order of Reference.
- (3) That the Committee have power to send for persons, papers and records, to sit notwithstanding any Adjournment of the House, to adjourn from place to place, and to report from time to time.
- (4) That Three be the Quorum of the Committee.

#### IX SELECT COMMITTEE ON RACE RELATIONS AND IMMIGRATION

(Standing Orders made 14 January 1975)

That there shall be a Select Committee *to review policies*, but not individual cases, in relation to -

- (a) the operation of the Race Relations Act 1968 with particular reference to the work of the Race Relations Board and the Community Relations Commission; and
- (b) the admission into the United Kingdom of Commonwealth citizens and foreign nationals for settlement:

That the Committee have power to appoint persons with expert knowledge for the purpose of particular inquiries, either to supply information which is not readily available or to elucidate matters of complexity within the Committee's Order of Reference.

That the Committee have power to send for persons, papers and records; to sit notwithstanding any Adjournment of the House; to adjourn from place to place; and to report from time to time the Minutes of the Evidence taken before them and Memoranda submitted to them.

That Four be the Quorum of the Committee.

That the Committee have power to appoint Sub-committees and to refer to such Sub-committees any of the matters referred to the Committee.

That every such Sub-committee have power to send for persons, papers and records; to sit notwithstanding any Adjournment of the House; to adjourn from place to place; and to report to the Committee from time to time.

That the Committee have power to report from time to time the Minutes of the Evidence taken before such Sub-committees and Memoranda submitted to them.

That Three be the Quorum of every such Sub-committee.



TEMPORARY STANDING ORDERS IV & VIII  
OF THE BRITISH HOUSE OF COMMONS

IV SELECT COMMITTEE ON EUROPEAN SECONDARY LEGISLATION

(Standing Orders made 18 November 1974)

- (1) That there shall be a select committee to consider draft proposals by the Commission of the European Economic Communities for secondary legislation and other documents published by the Commission for submission to the Council of Ministers, and to report their opinion as to whether such proposals or other documents raise questions of legal or political importance, to give their reasons for their opinion, to report what matters of principle or policy may be affected thereby, and to what extent they may affect the law of the United Kingdom, and to make recommendations for the further consideration of such proposals and other documents by the House.
- (2) That the Committee do consist of Sixteen Members.
- (3) That the Committee have power to appoint persons with expert knowledge for the purpose of particular enquiries, either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference.
- (4) That the Committee have power to send for persons, papers and records; to sit notwithstanding any Adjournment of the House; to adjourn from place to place; and to report from time to time the Minutes of Evidence taken before them and any Memoranda submitted to them.
- (5) That the Committee have power to report from time to time.

- (6) That Five be the Quorum of the Committee.
- (7) That the Committee have power to appoint Sub-committees and to refer to such Sub-committees any of the matters referred to the Committee.
- (8) That every such Sub-committee have power to send for persons, papers and records; to sit notwithstanding any Adjournment of the House; to adjourn from place to place; and to report to the Committee from time to time.
- (9) That the Committee have power to report from time to time the Minutes of the Evidence taken before such Sub-committees, and any Memoranda submitted to them.
- (10) That Three be the Quorum of every such Sub-committee.
- (11) That the Committee on European Secondary Legislation, &c., or any Sub-Committee appointed by the Committee have leave to confer with any Committee appointed by the Lords on the European Communities or any Sub-committee appointed by them.

VIII SELECT COMMITTEE ON PARLIAMENTARY COMMISSIONER FOR  
ADMINISTRATION (Standing Orders made 22 November 1974)

- (1) That there shall be a select committee to examine the Reports of the Parliamentary Commissioner for Administration and of the Health Service Commissioners for England, Scotland and Wales, which are laid before this House, and matters in connection herewith.
- (2) That the Committee have power to send for persons, papers and records; and to report from time to time.
- (3) That Four be the Quorum of the Committee.

STANDING COMMITTEES OF THE CANADIAN HOUSE OF COMMONS

(Extract from Standing Orders)

Standing Order No. 65

- (1) At the commencement of the first session of each Parliament, a Striking Committee, consisting of seven Members, shall be appointed, whose duty it shall be to prepare and report, within the first ten sitting days after its appointment, lists of Members to compose the following standing committees of the House:
- (a) Agriculture, to consist of not more than 30 members;
  - (b) Broadcasting, Films and Assistance to the Arts, to consist of not more than 20 members;
  - (c) External Affairs and National Defence, to consist of not more than 30 members;
  - (d) Finance, Trade and Economic Affairs, to consist of not more than 20 members;
  - (e) Fisheries and Forestry, to consist of not more than 20 members;
  - (f) Health, Welfare and Social Affairs, to consist of not more than 20 members;
  - (g) Indian Affairs and Northern Development, to consist of not more than 20 members;
  - (h) National Resources and Public Works, to consist of not more than 20 members;

- (i) Justice and Legal Affairs, to consist of not more than 20 members;
  - (j) Labour, Manpower and Immigration, to consist of not more than 20 members;
  - (k) Regional Development, to consist of not more than 20 members;
  - (l) Transport and Communications, to consist of not more than 20 members;
  - (m) Veterans Affairs, to consist of not more than 20 members;
  - (n) Miscellaneous Estimates, to consist of not more than 20 members;
  - (o) Miscellaneous Private Bills and Standing Orders, to consist of not more than 20 members;
  - (p) Privileges and Elections, to consist of not more than 20 members;
  - (q) Public Accounts, to consist of not more than 20 members; and
  - (r) Procedure and Organization, to consist of not more than 12 members;
- (2) Each of the said committees shall elect a chairman and a vice-chairman at the commencement of every session and, if necessary, during the course of a session.



(3) The Striking Committee shall also prepare and report lists of Members to compose the following standing joint committees :

- (a) On Printing, to act as members on the part of this House on the Joint Committee of both Houses on the subject of the printing of Parliament, to consist of 23 members;
- (b) On the Library of Parliament, so far as the interests of this House are concerned, and to act as members of the Joint Committee of both Houses, to consist of 21 members;
- (c) On Regulations and other Statutory Instruments, to act as members on the part of this House on the Joint Committee of both Houses established for the purpose of reviewing and scrutinizing statutory instruments standing permanently referred thereto by section 26 of the Statutory Instruments Act, to consist of 12 members.



STANDING COMMITTEES OF THE CANADIAN SENATE

(Extract from Standing Orders)

Standing Order No. 67

- (1) The standing committees shall be as follows :
  - (a) The Joint Committee on the Library of Parliament to which shall be appointed seventeen senators.
  - (b) The Joint Committee on the Printing of Parliament to which shall be appointed twenty-one senators.
  - (c) The Joint Committee on the Restaurant of Parliament to which shall be appointed the Speaker and six other senators.
  - (d) The Joint Committee on Regulations and other Statutory Instruments to which shall be appointed eight senators.
  - (e) The Committee on Standing Rules and Orders, composed of twenty members, five of whom shall constitute a quorum, which is empowered on its own initiative to propose to the Senate amendments to the rules from time to time.
  - (f) The Committee on Internal Economy, Budgets and Administration, composed of twenty members, five of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers and other matters relating to internal economy, budgetary matters and administration generally.

- (g) The Senate Committee on Foreign Affairs, composed of twenty members, five of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers and other matters relating to foreign and commonwealth relations generally, including :
- (i) treaties and international agreements;
  - (ii) external trade;
  - (iii) foreign aid;
  - (iv) defence;
  - (v) immigration;
  - (vi) territorial and offshore matters.
- (h) The Senate Committee on National Finance, composed of twenty members, five of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers and other matters relating to federal estimates generally, including :
- (i) transport and communications by land, air, water, and space, whether by radio, telephone, telegraph, wire, cable, microwave, wireless, television, satellite, broadcasting, postal communications or any other form, method or means of communications or transport;
  - (ii) tourist traffic;
  - (iii) common carriers;

- (iv) pipelines, transmission lines and energy transmission;
  - (v) navigation, shipping and navigable waters.
- (j) The Senate Committee on Legal and Constitutional Affairs, composed of twenty members, five of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers and other matters relating to legal and constitutional matters generally, including :
- (i) federal-provincial relations;
  - (ii) administration of justice, law reform and all matters related thereto;
  - (iii) the judiciary;
  - (iv) all essentially juridical matters;
  - (v) private bills not otherwise specifically assigned to another committee, including those related to marriage and divorce.
- (k) The Senate Committee on Banking, Trade and Commerce, composed of twenty members, five of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers and other matters relating to banking, trade and commerce generally, including :
- (i) banking, insurance, trust and loan companies, credit societies, caisses populaires and small loans;

- (ii) customs and excise;
  - (iii) taxation legislation;
  - (iv) patents and royalties;
  - (v) corporate and consumer affairs;
  - (vi) bankruptcy;
  - (vii) natural resources and mines.
- (1) The Senate Committee on Health, Welfare and Science, composed of twenty members, five of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers and other matters relating to health, welfare and science generally, including :
- (i) veterans affairs;
  - (ii) Indian and Eskimo affairs;
  - (iii) health and welfare;
  - (iv) social and cultural matters;
  - (v) pensions;
  - (vi) labour legislation;
  - (vii) aging.

(m) The Senate Committee on Agriculture, composed of twenty members, five of whom shall constitute a quorum, to which shall be referred on motion all bills, messages, petitions, inquiries, papers and other matters relating to agriculture.

(2) Any bill, message, petition, inquiry, paper, or other matter which does not fall within the subject matters assigned to a standing committee under subsection (1), shall be referred, as the Senate may decide, to any committee.





DISSENTING REPORT BY  
DR THE HON. A.J. FORBES, M.C., M.P.

1 The Committee has ratified the recommendation of the sub-committee which is contained at paragraph 11 of the sub-committee's second report. I disagree with the ratification of this recommendation not because I am at issue with the propositions set out in the sub-committee report but because I do not believe that the publication of a sub-committee report without an indication of the attitude of the Committee as a whole to its recommendations serves the interests of the Parliament.

2 As far as I am aware there was no member of the Committee who would have opposed the ratification of the second report of the sub-committee. Admittedly it was at odds with the general conclusions which the Committee had come to after taking evidence in Australia on the question of a new committee system; but the whole purpose of supporting the sub-committee visit to Canada and Britain was that the Committee was not certain that the evidence which it had been taking was sufficient for the construction of firm recommendations. It is my opinion, and I suspect that it is the opinion shared by many members of the Committee, that when a sub-committee is sent to perform a task it should not be obliged to report as an isolated unit; rather it should present its findings to its parent body, have them ratified and then present them to the Parliament. I reiterate my statement that I am aware of no member of the Committee who opposes the conclusions which have been reached by the sub-committee. However, I do oppose strongly the technique which the Committee has endorsed.

3 Further to my dissent I should state that I am totally opposed to committees producing white papers or green papers in order to generate reaction within the Parliament. A committee is charged by the Parliament with performing a specific task. It has no right to abrogate that function and to retreat behind discussion papers. A committee which has thoroughly investigated an issue should be firm in its recommendations and positive in its report.

4 During the course of the Committee's inquiry I have had occasion to speak about the problems of joint committees. At a meeting of the Committee in May I moved a motion in the following terms:

"That the Committee takes note of the events of 12 May 1975, when the Committee lapsed for want of a quorum, with a view to recognising in its report the special problems of sitting arrangements for committees, the size of committees and difficulties associated with joint committees".

The motion was carried unanimously. Likewise the way in which the Committee approaches its responsibilities in this instance is relevant to the confidence the Parliament will have in its recommendations for a new committee system. The Parliament is entitled to expect that the procedure adopted in carrying out its responsibilities and reporting to the Parliament is a demonstration of the way the new committee system will work in practice. It will not serve the needs of the Parliament if the new committees adopt the practice of reporting tentatively rather than positively - taking two bites at the cherry.

5 Finally, it is important to emphasise that this dissent is not directed against the recommendations of the sub-committee. The dissent is directed against the techniques which the Committee has used in presenting the sub-committee's recommendations to the Parliament. I am unaware of any

opposition to the views expressed in the sub-committee report. In this circumstance it is improper for the Committee to use the guise of a sub-committee report or a white paper to test the response to the report which it will ultimately present. Committees are charged by the Parliament with inquiry and reporting. This is a serious responsibility which should not be avoided in the fashion in which this Committee has abrogated its responsibilities.

A.J. FORBES

October 1975