13. The Parliamentary Committee System

A major strength of effective Upper Houses is the existence of a strong and vibrant committee system. Although the major committees in the Victorian Parliament are Joint House committees, resourced from both the Legislative Assembly and the Legislative Council, a number of specialist committees in the Council are formed from time to time.

Issues

The central issues that emerged from the Commission’s review of the Parliament and its committee system were:

• Can Upper House committees be made more independent?
• Can the committee system be extended to strengthen the relationship between the Parliament and the community?
• Can the committees be made more effective through enhanced resourcing?

The Commission’s recommendations for multi-member electorates are in part aimed at improving the ability of Upper House members to be more effective in representing the diverse interests of the voters in their electorates. A strengthened committee system that includes greater involvement and input from the community will also improve the effectiveness of the Upper House.

There is a perception that the committees lack independence from the influence of the major Parties, and that committee decisions are guided by the party political allegiances of their members, rather than objective assessments in the best interests of the community. This comes about from the method of appointment of committee members, reflecting the relative position of the political Parties in the two Houses.

Can Committees be made more independent?

There are three types of committees operating in the Victorian Parliament. Firstly, the “House” committees unique to each House. They are the Privileges, Standing Orders and Printing Committees. Secondly, there are select committees in the Upper House. They are established from time to time to investigate and report on specific issues. Thirdly, there are Joint Committees of both Houses, which are standing committees appointed for a broad range of purposes, including for example Public Accounts and Estimates, Drugs and Crime Prevention and Scrutiny of Acts and Regulations.

The Commission found that despite the good work done by committees, and their attempt to involve the public by holding meetings and hearings, there is still a gulf between the Parliamentary committees and the community.

Respondents to the Commission’s feedback form in its Consultation Paper were asked if...
they would like to see the Legislative Council make greater use of committees. A large majority, 82 per cent, were in favour of expanding the use of committees. C.J. Fraser of Warragul summed up a common view in favour of expanded use of committees in these words: “Committees offer opportunity for in-depth analysis of issues away from the win-lose atmosphere of the Parliament.” Further, Councillor Rob Hamilton of the Yarra Ranges Shire said: “Committees are a valuable way of allowing the community voice to be heard, but they shouldn’t be a hollow facade. For them to be meaningful they must be able to come up with non-partisan recommendations for consideration by Parliament.”

While it is difficult to remove party political considerations from committee decision-making, it is possible to minimise that outcome and the perception of lack of independence by making the membership of the committee more diverse. This would be assisted by the Commission’s proposed reforms to the electoral system. These reforms would enable broader representation in the Upper House committees, facilitated by a better opportunity for the election of smaller Parties and Independents.

Can the Committee system be extended?

Despite the work now done by individual Legislative Council Members and by committees, Newspoll has identified a low level of recognition and contact between the community and the Upper House. For instance, of the 81 per cent of all respondents to the Newspoll who have heard of the Legislative Council, only 44 per cent were aware that they had two Legislative Councillors and only 19 per cent knew who they were. Only 14 per cent had met their Legislative Councillors.

The problem therefore may be not the lack of effort by individuals but the absence of systems that sufficiently involve the community and enable greater knowledge and input. Multi-member electorates have already been referred to as one step in that direction. Another is the establishment of regional committees.

Some of the concerns of the regions voiced in previous inquiries included their lack of “effective voice” in decisions that affected them, lack of appreciation of their contributions and of their economic and social needs. There was also a concern that public sector agencies had a “silo” mentality, which resulted in a lack of communication and coordination.

Part of the problem was identified by Professor Cliff Walsh of South Australia in a paper to the Productivity Commission’s Workshop on Structural Adjustment:

Fundamental structure changes occurring in Australia (and everywhere else) are putting the value of many regional resources at risk, and putting regional institutions under stress - and not only in rural and remote Australia, although the pressures may be felt more sharply in
those sub-sets of regional Australia because support systems are much less resilient and less deep than in larger capital and provincial cities.18

From the consultation process, it is the Commission’s view that these sorts of concerns are stronger in non-metropolitan regions. There was an overwhelming concern expressed in the non-metropolitan regional communities that they are being overlooked.

In view of those concerns the Commissioners had discussions with local government representatives, people who have conducted studies and inquiries, and members of the public. Responses to the Commission’s survey in the Consultation Paper provided a number of suggestions for improvement. As noted above, a large majority, 82 per cent, supported greater use of committees by the Council. Other suggestions for better links with the Victorian community were greater use of public meetings, more visits by Ministers and more Parliamentary open days.

It is therefore recommended that each region should have a Regional Committee, comprising all regional members of the Legislative Council. These would be official committees of the Legislative Council and would report to it. Legislative Assembly and Federal Members for the region, representatives of its local governments and community representatives could be invited to attend and participate in discussions. Only the Legislative Councillors would vote on the committee.

The regional committees should operate on a non-partisan basis. They would include Members of all Parties and any Independents elected for the region, who would work together for its benefit. They could conduct hearings and receive representations from all interested parties. They could become involved with the development of policies and help with solutions to specific regional problems.

Given the rapid demographic changes in metropolitan areas, the Commission believes that similar committees would be of use in multi-member metropolitan Legislative Council electorates. These should help improve cooperation between community groups, Local Government, the State Government and Parliament. Knowledge gained by Members of the Legislative Council would aid their work on issue-specific committees of the Upper House or on Joint House Committees. Such interaction would aid the integration of disparate groups in electorates and expand knowledge of Parliamentarians on common issues throughout Victoria.

Issues such as water purification and conservation, and drug addiction were mentioned in public debate with the Commission as being State-wide whereas they often appear to be perceived otherwise. This process of viewing most issues as being common to all Victorians but with specific variations in some districts will be consolidated when issue-specific committees, comprising metropolitan and regional Members, travel the State with Hansard reporters members of the Legislative Council spending more time on committee work and community involvement than in traditional sittings of the House.

It is to be expected that the full House will consider reports from such Committees and make recommendations to the Legislative Assembly, the House in which the Government resides. Some of these Committee Reports will deal with legislation passed by the Legislative Assembly, but some may recommend legislation and even initiate it by passing its own and sending it to the Legislative Assembly for consideration.

The regional committees would inform the Upper House and give it a greater capacity for independent review, not based on party-political lines, but on broader community input. This may also lead to greater accountability to the community by the political parties and their candidates. It would certainly lead to more effective representation for the regions.

**How Can Legislative Council Committees Further Assist?**

In both the Senate and the New South Wales Legislative Council the committee systems have been strengthened by the diversity achieved through proportional representation, and there is no reason why this should not occur in Victoria as well.

It would be a mistake to seek to specify in advance what new committees should be established and with what composition. That must be a matter for the new Council to consider and develop in consultation with the government of the day. In doing so, the following issues need to be addressed:

1. Whether the existing joint committee system should be modified, wholly or in part;
2. Whether all or any of the new committees should have non-government majorities and for/or government chairs;
3. Whether there should be a group of general purpose committees, each covering several portfolio areas, and together spanning them all;
4. Whether the chair should have a deliberative or a casting vote, or both;
5. The remuneration of chairpersons;
6. The responsibility of Ministers and their staff and officers to be available to committees, particularly if Ministers are phased out of the Upper House;
7. The arrangements, limitations and possibly sanctions required for that purpose;
8. The resources required to ensure the system operates effectively;
9. The means of best assuring the independence of committee members engaged in investigations and reviews;
10. The prospective timetables and requirements or Government responses to committee reports, and for the reporting of Government following action.
All committees will need to facilitate extensive community consultation, and strategies for this will need to be developed.

Developing a balance between the needs and requirements of the Parliament, Government and the community on these issues will not be easy, but the Legislative Council of Victoria and the Government will have the benefit of existing structures in place for the Commonwealth and New South Wales.

The Commission’s recommendations with respect to the Committee system were prepared prior to the release by the Scrutiny of Acts and Regulations Committee of its report titled “Improving Victoria’s Parliamentary Committee System” May 2002. The Commission’s recommendations are in no way inconsistent with that Report, which the Commission commends to the Government.