

**Innovative committee  
methods: Case studies from  
two Parliaments**

A report prepared by  
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## Acknowledgements

This report on innovative committee practices has its genesis in one of several projects undertaken by Legislative Council committee staff from January to May 2003.

The hiatus in inquiries during the parliamentary recess provided a valuable opportunity to consider various aspects of committee practice and how they may be enhanced.

We therefore appreciate the support of the Clerk of the Parliaments, Mr John Evans, the Deputy Clerk, Ms Lynn Lovelock and the Clerk Assistant Committees, Mr Warren Cahill, for allowing us to undertake this research and encouraging a workplace culture which values reflection and evaluation.

Thanks are also due to our committee colleagues in the NSW Parliament, the Australian Senate and the House of Representatives, who generously shared their experiences of committee methods.

Expanding opportunities to compare and contrast methods and approaches in Parliaments across Australia can only be a good thing. We hope this report takes a small step in this fundamental direction.

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Senior Project Officers  
Legislative Council Committees

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# Chapter 1 Introduction and methodology

Can the model of 15 members around the table with a clerk, a chairman and a witness survive in the next 20 to 25 years as a method of consultation? Is it the most efficient way to reach citizens or groups of people who are interested in the committee business? That is a question we must ask and it is an issue we must anticipate.<sup>1</sup>

The traditional methods that parliamentary committees use to undertake inquiries serve them very well. But as this quote from Robert Marleau, former Clerk of the Canadian House of Commons, attests, we cannot assume that this will always be the case. Our parliaments and committee systems are changing. Parliamentary committees in most modern democracies have undergone major expansion and reform in recent years, forging themselves a greater role in both the scrutiny of government and the development of public policy. At the same time, community expectations are evolving and placing new demands on government, especially with regard to public input into decision-making. By anticipating and responding to these changes, and developing new ways of working, committees can harness their growing relevance and maximise their effectiveness in the democratic process.

Some committees are already responding to this imperative and leading the way in using innovative methods. Others stand to gain enormously by learning from these pioneers.

## The purpose of the report

- 1.1** The purpose of this report is twofold. It is primarily designed to provide practical information about a range of innovative techniques that are being used by some parliamentary committees during inquiries. By documenting examples of innovative methods, including the advantages and disadvantages of each, we hope to assist committee staff and members to make informed decisions about the range of alternative techniques available during the course of an inquiry.<sup>2</sup>
- 1.2** This report is neither exhaustive nor definitive: there are undoubtedly countless other examples of exciting and effective committee practices which *could* and *should* be included in this report or any future editions. We do not advocate the ad hoc adoption of procedures or practices from other jurisdictions: innovative practices in one parliament, or even one inquiry, may be entirely unsuitable in another depending on the type of committee, the parliamentary environment, and the nature of the inquiry being undertaken.<sup>3</sup> Our aim is

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<sup>1</sup> Marleau, R., 'Some thoughts on the future of parliamentary committees, *Canadian Parliamentary Review*, Autumn 2000, p.26

<sup>2</sup> The project was undertaken by Beverly Duffy and Merrin Thompson, Senior Project Officers, NSW Legislative Council

<sup>3</sup> Audit Committee of the Scottish Parliament, Legacy Paper, Session 1, *Parliamentary Audit: The Audit Committee in Comparative Context*, SP Paper 839, Session 1 2003, <http://www.scottish.parliament.uk>, accessed 5/05/03, p.11 of 88

simply to share the wealth of ideas and experience in committee secretariats within and across parliaments.

- 1.3** The other purpose of this report is to contribute to the recent focus in parliamentary and academic circles on the evaluation of parliamentary and committee performance. Committees are increasingly perceived to be the ‘engine rooms’ that power the Parliament.<sup>4</sup> At the same time, public sector reforms over the past 20 years emphasise the importance of measuring performance and setting benchmarks. If we are to meet citizens’ heightened expectations and to maximise committee effectiveness, it is critical to reflect on our practices and how they may be enhanced. While measuring parliamentary performance may be a ‘young and uncertain science’<sup>5</sup> it deserves our attention, so that committees can continually evolve and thus become ever more effective in realising the goals of parliamentary democracy.

## How the guide is organised

- 1.4** The report is organised into six chapters. This chapter (Chapter 1) includes a brief description of the project methodology and the research parameters. Chapters 2 to 5 present the key research findings and reflect the chronology of a ‘typical’ inquiry: *Getting Started, In Progress, The Final Stages* and *Evaluating Performance*. These chapters provide both descriptive and evaluative information on a range of committee techniques, including a table which summarises the key advantages and disadvantages of each method. Chapter 5 includes a discussion of the need to evaluate committee performance and documents recent attempts by some parliaments and committees to do just that. Chapter 6 concludes the report with an analysis of the key findings.

## Project methodology

### The interviews

- 1.5** Information about innovative committee methods was collected in two ways. Most material was gathered via personal interviews with a total of 21 committee staff from the NSW Parliament and the Australian Parliament over the period April-May 2003.
- 1.6** In the NSW Parliament, we approached committee staff who were known to have used innovative or unusual techniques in the inquiries for which they were responsible. In some cases, interviewees suggested we approach other colleagues for interview.

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<sup>4</sup> The Scottish Parliament, *Annual Report 2001-2002*, <http://www.scottish.parliament.uk>, accessed 24/03/03, p.1 of 9.

<sup>5</sup> Audit Committee *op cit*, p.18 of 88

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- 1.7 In the Australian Parliament, slightly different approaches were used in each House. In each case contact was first made with the respective Clerk Assistant - Committees<sup>6</sup> who advised us of the best way to recruit potential interviewees.
- 1.8 In the House of Representatives, we were also assisted by the Director of the Liaison and Projects Office, Mr Andres Lomp. Mr Lomp discussed the project at a meeting of committee secretaries and followed this up by an email asking prospective interviewees to contact us if they were interested in being interviewed. Therefore most of the interviews with House of Representatives committee staff were arranged prior to our visit to the Australian Parliament in early April 2003.
- 1.9 A slightly different approach was taken to recruit interviewees in the Senate. The Clerk Assistant - Committees, Mr John Vander Wyk, arranged a meeting between the project coordinators and the secretaries of senate committees to discuss the project, after which several secretaries agreed to a one-to-one interview.
- 1.10 A short interview schedule was devised to guide the interviews and modified slightly after being piloted by one interviewee. A copy of the schedule is included in Appendix 2. Each interview was tape recorded and took approximately 40 minutes to complete. A list of interviewees can be found at Appendix 1. Table 1 shows the number of interviews conducted by House and jurisdiction.

**Table 1: Number of interviewees by House<sup>7</sup>**

| The Senate | House of Representatives | NSW Legislative Council | NSW Legislative Assembly |
|------------|--------------------------|-------------------------|--------------------------|
| 3          | 6 <sup>8</sup>           | 6                       | 6                        |

### **Internet research**

- 1.11 The second means of gathering information was the internet. In addition to the interviews, we consulted the websites of several overseas parliaments in an effort to identify different approaches to committee methods. The Scottish Parliament provided some particularly interesting material which is referred to frequently throughout this report.

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<sup>6</sup> The Deputy Clerk, Mr Bernard Wright, was acting as Clerk Assistant - Committees of the House of Representatives during the relevant period.

<sup>7</sup> In several cases, more than one person was interviewed about a particular case study.

<sup>8</sup> This includes one staff member who worked for a joint committee, administered by the House of Representatives as well as an interview with Mr Andres Lomp Director of the Media Liaison and Projects Office.

## Project rationale

### What do we mean by innovative methods?

- 1.12** By committee methods or techniques we mean the range of processes that parliamentary committees use when they undertake an inquiry. The traditional model for a parliamentary inquiry is once an inquiry is established, the committee calls for submissions then conducts hearings to gather further information and evidence to inform the report that the committee prepares and tables in Parliament. Submissions and hearings are the primary tools that committees use in this model. By innovative, we mean those methods that depart from the ‘trinity’ of the typical inquiry: submissions, hearings and reports.
- 1.13** While it is likely that submissions, hearings and reports will continue to be the mainstay of inquiries, some committees find that it is often valuable to their inquiry, and more generally the policy process, to use techniques that fall outside this traditional model. While much innovation occurs in the evidence-gathering phase of an inquiry, more novel methods may be used at any point in the inquiry process. Innovative methods can have a range of objectives, for example to:
- consult with stakeholders and members of the public
  - generate interest in, and awareness of, a particular inquiry
  - clarify inquiry terms of reference
  - open up lines of communication between various interests
  - test support for committee recommendations
  - promote the findings of an inquiry and give further impetus to the committee’s recommendations.



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## Chapter 2 Getting started

The following three chapters present the findings from our interviews with committee staff, and to a lesser extent, material found on the websites of several overseas parliaments. The chapters follow the chronological order of the inquiry process. Chapter 2, *Getting started* examines the methods commonly associated with the initial stages of an inquiry. Chapter 3, *In progress* discusses the techniques employed once an inquiry is underway and Chapter 4, *Finishing up* looks at several ways committees seek to ensure their findings and recommendations are implemented.

This chapter describes a number of innovative practices utilised in the very early stages of an inquiry. Given this is a comparatively brief stage in the overall inquiry process, it is probably not surprising that there were fewer examples of innovation compared with latter stages. We have documented three creative approaches in this critical period: developing relevant and influential terms of reference, establishing inquiry reference panels, and maximising the publicity associated with a committee and/or inquiry.

### ‘Workshopping’ the terms of reference

- 2.1 Given the critical importance of terms of reference to the scope and direction of an inquiry, opportunities to clarify or modify these are usually warmly welcomed. Committees with self-referral powers, such as the Legislative Council’s General Purpose Standing Committees, develop the terms of reference for a particular inquiry themselves. By contrast, chairs of committees without the ability to self-refer are sometimes invited to comment on draft terms of reference before an inquiry is formally referred to them by the House or the relevant Minister, but this is not always guaranteed.
- 2.2 We were given an example of a third approach: a committee that identified a particular policy area needing attention, and which took the opportunity to ‘workshop’ the potential terms of reference with stakeholders before seeking a reference from the House.

#### **Framing an inquiry into adult education**

In the 1990s, the Senate Education and Training Committee was keen to establish an inquiry into adult education, a policy area which had received little recent attention. According to the former Committee Secretary, Brenton Holmes, ‘There hadn’t been a national co-ordinated adult education policy since just after the war and the Committee was keen to fill the void.’

Given the paucity of policy work in this area, and because they were dealing with a sector which felt pretty neglected, Brenton recalls that the Committee were keen to ‘nail down’ the inquiry parameters before seeking a reference from the Senate. ‘So we invited the relevant stakeholder groups to meet with the Committee for several hours to nut out meaningful terms of reference that would also be owned by the sector.’

According to Brenton, ‘It really helped us to get off to a good start and feel like we were heading down the right track. I would strongly recommend this approach to another committee in a similar position.’

### **Advantages and disadvantages**

- 2.3** The advantages of clear and relevant terms of reference are self-evident. Seeking the advice of an informed group can help a committee identify the key issues that need attention, or in other words, ensure that it will be addressing the right problems. This means that the committee can know where its energy will be best spent, and can be more judicious in planning the content and process of the inquiry from its earliest stages.
- 2.4** At the same time, as reflected in the above case study, drawing on the expert advice of key stakeholders at the outset of an inquiry can mean that participants have a greater investment in that inquiry and may be more collaborative through the evidence gathering and report preparation phases. These ‘inquiry champions’ can be enormously helpful over the course of an inquiry, for example in developing recommendations, and even more so afterwards, in promoting accountability and change as a result of those recommendations.
- 2.5** There are some risks associated with inviting stakeholders to have input into the terms of reference, such as consulting with the wrong people or tapping into entrenched positions. In our view, however, these risks are minimal, and moreover, are part and parcel of the inquiry process that committees and their staff routinely manage well.
- 2.6** In most inquiries the opportunity to workshop the terms of reference simply does not arise: as noted above, it is generally only self-referencing committees that can do so, and often the urgency of an issue means that there is little or no time for exploration before a reference is formalised. Legislative Council inquiries referred by a Minister, which are generally less contentious and tend to have less pressure to commence, may lend themselves to this kind of technique. However, committees may be reluctant to use them because to some extent they blur the boundaries that exist around the referencing process. Nevertheless we believe that the advantages associated with this method mean that it could be of significant benefit to committees of the Legislative Council and other parliaments.

### **Expert panels and advisers**

- 2.7** At the beginning of each inquiry, committees in the Scottish Parliament are encouraged to consider the appointment of expert panels or advisers to provide technical and expert support.

Panels would normally be appointed to cover a specific issue for a specific period of time, and will always report to the committee ... To get the maximum benefit from working with experts, committee members should have access to a wide range of experience and perspectives ... To that end, while all appointments should be based on merit, in the case of panels in particular, those appointed

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should represent a range of opinion and experience. Committees should agree on the composition of the panel.<sup>9</sup>

### **Inquiry into the Purposes of Scottish Education**

The Scottish Parliament's Education, Culture and Sport Committee recently undertook an inquiry into the purposes of Scottish education. The inquiry was concerned with fundamental questions regarding the purpose of education and how it might best be delivered. To assist with this broadly focused and philosophical task, the Committee appointed four advisers which provided 'stimulating interaction' throughout the inquiry: the Chief Executive of a Shire Council, a Professor of Education, a Senior Lecturer in Education and a Professor of Education Policy. As a first step the expert panel produced a discussion paper to summarise the evidence and to form the basis of consultation.<sup>10</sup>

- 2.8** While some committees in the Australian or NSW Parliaments may consult academics or subject specialists during the course of an inquiry on an informal basis or as part of the formal hearing process, we uncovered few examples where this practice had been formalised, as occurs routinely in Scotland. A notable exception occurred during Legislative Council Workers' Compensation inquiry, when an actuary was engaged to provide detailed costings of options for reform, and to assist with analysis of large volumes of technical financial information. In addition, the NSW Parliament's Joint Legislation Review Committee, which from September 2003 will consider all bills introduced in the Parliament, is establishing a panel of external legal advisers.
- 2.9** It appears at least one other inquiry body in Australia has adopted a similar approach. At the beginning of each of its inquiries, the Australian Law Reform Commission establishes an advisory committee to provide ongoing advice and guidance. These committees comprise relevant experts with experience or authority in the agencies or industries likely to be affected by reform proposals. The committees, which tend to meet two or three times during an inquiry, advise on the direction of an inquiry, comment on draft publications, and provide strategic links to key communities and agencies.<sup>11</sup>

### **Advantages and disadvantages**

- 2.10** As with consultation to inform a committee's terms of reference, appointing expert panels or advisors to a committee enables it to be more informed from an early stage and to use its energies most strategically. While these collaborators need to be carefully selected (and may take some time and resources to support), they offer a committee readily accessible

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<sup>9</sup> Scottish Parliament, *Guidance for the Operation of Committees*, <http://www.scottish.parliament.uk>, accessed 24/03/03, p.7 of 29

<sup>10</sup> Education, Culture and Sport Committee, *Report of the Inquiry into the Purposes of Scottish Education*, Volume 1, 2003, p.2, [www.scottish.parliament.uk/S1/official\\_report/cttee/educ-03](http://www.scottish.parliament.uk/S1/official_report/cttee/educ-03)

<sup>11</sup> Australian Law Reform Commission, *Annual Report 2002*, Report 94, [www.austlii.edu.au/au/other/](http://www.austlii.edu.au/au/other/), p.2

expertise, as well as valuable links to other inquiry stakeholders. Each of these benefits can significantly enhance the effectiveness of an inquiry.

- 2.11** There are perhaps cultural barriers to using expert panels or advisers. For example, some committees may prefer to keep experts, like other inquiry participants, at arms length in order to preserve the integrity of the inquiry. In addition, there is a risk in committees that do not take a bipartisan approach, that experts may be ‘co-opted’ and their task politicised. In such cases, it may be best to avoid engaging outside expertise.
- 2.12** If a committee does decide to use advisors, it should consider the appropriateness of paying the individual experts in the light of the likely time and intellectual labour that they will devote to the inquiry. In our view, experts should be well briefed on their role and responsibilities relative to those of the committee itself, especially that they are *advisors* to the committee, while it is the members who are decision makers around an inquiry.

## Publicising inquiries

- 2.13** Generating publicity around an inquiry is a task that can extend throughout the life of that inquiry, but nevertheless is particularly important in the beginning stages. Advertising a new inquiry and its terms of reference is an essential step in the inquiry process, not least because of the principle of public participation on which our committee systems are founded.
- 2.14** The issue of publicising parliamentary committees and their work was a primary focus of the House of Representatives’ Standing Committee on Procedure’s inquiry into the opportunities for individuals and community groups to become involved in the procedures and practices of the House and its committees. The Committee’s final report, *It’s Your House*, states:
- It is through the activities of parliamentary committees that the community has the greatest opportunity to become involved in the day to day work of our parliamentary system ...<sup>12</sup>
- 2.15** The recommendations of the inquiry, which was completed in 1999, included the establishment of a strategy to improve media support for committees, as well as a professional communications service to provide media support and liaison for committees.

### House of Representatives checklist of strategies to publicise an inquiry

*It’s Your House* documented a number of strategies for committees when they commence an inquiry:

- Announce your reference at a press conference with the Minister.

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<sup>12</sup> Standing Committee on Procedure, *It’s Your House: Community involvement in the procedures and practices of the House of Representatives and Committees*, Australian Parliament, October 1999, pp.41-2

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*If an inquiry has been referred to the committee by a Minister, better media coverage might be achieved if the chair and Minister formally announce the start of the inquiry preferably at a press conference with an accompanying joint press release.*

- Try placing advertisements in different media and outlets, for example radio, regional television, tabloid newspapers, magazines, sports or news sections of newspapers.

*Advertising is expensive and works best if targeted at the people from whom it is hoped to receive submissions. Professional interest groups may be reached as satisfactorily using direct mail and specialist publications as through traditional broadsheet newspaper advertisement. Community groups and individuals may respond better to popular press and radio.*

- Use a less formal style for advertisements.

*Individuals may respond better to advertisements couched in simple language that avoids technical and bureaucratic terminology. The term submission might be avoided or explained.*

- Think about using press conferences to give progress reports or advertise the committee's presence in a particular area.
- Televisual hearings held within Parliament House so that footage is available for use by the media or for the production of videos of the committee's work.<sup>13</sup>

## 2.16

As a result of the inquiry, the House of Representatives established a Liaison and Projects Office staffed by people with media and public relations expertise. The Office utilises a number of means to generate publicity for committees:

- A full time media advisor assists committees to develop and implement media strategies, has direct contact with national, state and local media, especially in relation to hearings, and prepares media releases in collaboration with committee staff
- Committee inquiries, reports, hearings and other publications are advertised each fortnight on page 2 of *The Australian* newspaper
- The Office produces *About the House*, the bimonthly House of Representatives magazine, with news and features on committee and other House activities, as well as a brief status report on each inquiry
- An email alert system, which now has over 600 subscribers, provides regular announcements of new inquiries, hearings and other committee activities
- A news website, which is part of the House of Representatives website, collects together all stories and updates on committee work, rather than simply having them scattered throughout the pages of individual committees.

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<sup>13</sup> Standing Committee on Procedure, *op cit*, pp.58-9

### **Giving committees the tools to get their message across: lessons and outcomes of the House of Representatives approach**

Andres Lomp, Director of the House of Representatives Liaison and Projects Office told us that a multi-faceted, tailored approach to publicity is what works. ‘Each element of our strategy is important in its own way,’ he says. ‘What we’ve found is that there are small things that you can do to maximise publicity for committee work. There’s no one simple and magic formula. The strategy you choose will depend on the subject matter, as well as the inquiry itself.’

Andres believes the benefits flowing from these strategies are tangible: there has been a marked increase in media reporting of inquiries, coverage is more accurate, and stories that wouldn’t previously have gained media attention now have it. Lastly, a longstanding thorn in the side of the House of Representatives – its inquiries being reported as Senate inquiries – occurs much more rarely now.

‘People are now seeing there’s a lot more to Parliament than just Question Time. They can also access information through us that they can’t get elsewhere ... we’re making the work easier for committees by acting as a resource for advice and assistance. Where previously committees would have struggled on their own, we’re giving them the tools to get their message across.’

### **Advantages and disadvantages**

- 2.17** There are a number of key advantages to effective publicity for the work of committees, some of which are reflected in the above case study. First, by generating public interest in committees, more individuals and organisations participate in the inquiry process. By maximising opportunities for the public to take part in the inquiry process, we affirm government as responsible to - and responsive to - the people. On a more pragmatic level, participation means that an inquiry is likely to be more grounded in reality, to have more legitimacy with government, and to have a greater impact on policy.
- 2.18** There is perhaps reluctance on the part of committee staff and members to use the media actively and strategically. This may relate to a number of factors such as the resources available, as well as having the knowledge, skills and confidence for effective media liaison, and a desire to protect the inquiry process from the political risks that accompany publicity. In addition, publicity is generally not seen as a central task in the inquiry process: the committee’s primary energies are focused on gathering evidence and preparing the report, with media liaison occurring as a secondary consideration.
- 2.19** Nevertheless, it is clear from the above discussion that there are real benefits from publicity, and because of these benefits, media liaison is arguably part of the core business of most activities in the policy process. But the reality of advertising and publicity is that they require resources and skill to be effective. While the House of Representatives has the resources to justify an in-house publicity office, other parliaments may not. Alternative measures are available however, such as media and publicity training for committee staff,

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who can then support and advise each other as they gain expertise in this area. Other strategies such as email lists and web pages are relatively resource neutral and their maintenance can be factored into the routine work of the committee secretariat.

**2.20** Table 2 presents a summary of the advantages, disadvantages and risks associated with various innovative methods used in the beginning stages of an inquiry. In addition, it lists practical tips provided by interviewees to help ensure good outcomes, and identifies situations where the methods are to be avoided.

**Table 2: Summary of the advantages and disadvantages of innovative methods used in the beginning stage of an inquiry**

| <b>Method</b>                                                | <b>Advantages</b>                                                                                                                                                                                                                                                                                | <b>Disadvantages and risks</b>                                                                                                                                                                                                                                                              | <b>Practical tips for good outcomes</b>                                                                                                                                                                                                                      | <b>Not recommended when</b>                                                                                        |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Workshopping the terms of reference with stakeholders</b> | <ul style="list-style-type: none"> <li>• Ensures most appropriate terms of reference</li> <li>• Helps identify / confirm the key issues needing attention</li> <li>• Enables better planning for content and process of inquiry</li> <li>• Maximise stakeholder investment in inquiry</li> </ul> | <ul style="list-style-type: none"> <li>• May blur boundaries around referencing process</li> </ul>                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• Research potential participants to ensure you're consulting with the right people</li> </ul>                                                                                                                        | <ul style="list-style-type: none"> <li>• Stakeholders are strongly divided on the issue in question</li> </ul>     |
| <b>Expert panels and advisers</b>                            | <ul style="list-style-type: none"> <li>• Provides ready access to technical and expert support</li> <li>• Enables committee to be optimally informed from an early stage</li> <li>• Ensures strategic use of energies</li> <li>• Facilitates links to other external stakeholders</li> </ul>     | <ul style="list-style-type: none"> <li>• May take time and resources to recruit and support</li> <li>• Committees may prefer to keep experts at 'arms length'</li> <li>• Where a committee does not take a bipartisan approach, advisers may find their task becomes politicised</li> </ul> | <ul style="list-style-type: none"> <li>• Ensure advisers are carefully selected</li> <li>• Try to access a wide range of experience and perspectives</li> <li>• Provide strong briefing on advisers' role relative to that of the committee</li> </ul>       | <ul style="list-style-type: none"> <li>• The inquiry is contentious and a bipartisan approach is absent</li> </ul> |
| <b>Generating publicity for an inquiry</b>                   | <ul style="list-style-type: none"> <li>• Optimises awareness of and participation in the inquiry which in turn helps ensure the inquiry is grounded in reality and has more legitimacy</li> </ul>                                                                                                | <ul style="list-style-type: none"> <li>• Can be, but isn't necessarily, expensive</li> </ul>                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Tailor your strategy to the inquiry</li> <li>• Use a multi-faceted approach</li> <li>• Consider low cost approaches such as email and web pages</li> <li>• Train staff in publicity and media techniques</li> </ul> |                                                                                                                    |



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## Chapter 3 In progress

There is a plethora of terms to describe the range of consultation techniques employed by committees to gather evidence or information once an inquiry is in progress. Referred to variously as workshops, seminars, roundtable discussions, public meetings, forums and private briefings, their content and format may differ markedly between parliaments and even between committees from the same parliament. Two of the most frequently mentioned innovations in committee processes in recent years are roundtables and public forums, which are discussed in some detail in this chapter as well a small number of less commonly used methods to refine and test report recommendations.

At the heart of many of these consultation methods, like some noted in the previous chapter, is a desire to make the processes of committees more participatory. There is a recognition that less formal methods can assist with this goal as they can make people feel more comfortable than they might during hearings. At the same time, and perhaps partly because of the imperative to maximise public input, many committees are employing techniques that lend new levels of efficiency to the consultation process by enabling input from many individuals in a single committee event.

As with all methods, however, a flexible and selective approach is required. An appropriate method for one inquiry may not work for another. As is clear from the information on each method in this chapter, the key to selecting and using methods effectively is to weigh up their advantages and disadvantages, manage their risks, and seek to maximise the control of the committee over the process.

### Roundtable meetings

- 3.1 Roundtable discussions are a relatively new, but increasingly popular consultation technique used by parliamentary committees.<sup>14</sup>
- 3.2 While the purpose and format of roundtables may vary within and between committees and inquiries, they generally involve a meeting between key stakeholders and committee members to discuss specific issues of concern to the inquiry. Instead of the ‘question and answer’ format of traditional hearings, roundtables offer the opportunity for dialogue and debate among participants and committee members. The number of participants can range from between six and twenty people, but there may be as few as five.
- 3.3 In most cases the meetings are facilitated by the committee chair and take between one and a half and three hours. Participants are rarely sworn, but a transcript is usually produced which may or may not be published. Discussion or issues papers are commonly prepared to assist participants to focus on the key issues.
- 3.4 We came across a number of examples of roundtables being used with varying purposes in mind. In the following case studies, one roundtable was used to gather evidence, while the

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<sup>14</sup> The House of Representatives Legal and Constitution Committee organised a roundtable meeting in 1995 as part of its inquiry into s 53 of the Constitution and this is thought to be the first time a House committee had used this particular technique (interview with Catherine Cornish, April 2003).

other was also intended to garner support and consensus around the recommendations of an inquiry.

### **Gathering evidence on local government and cost shifting**

In its inquiry into local government and cost shifting, the House of Representatives Economics, Finance and Public Administration Committee has used a series of roundtable discussions to gather evidence and identify appropriate strategies to address this complex issue.

Because funding arrangements differ across states and territories, it has been particularly important for the committee to hear from people in a range of jurisdictions. According to Russell Chafer, Committee Secretary, and Susan Cardell, Inquiry Secretary, being able to consult with several people at once is both efficient and effective.

Russell told us, ‘Some witnesses can be a bit nervous coming before the committee and having their say, but in that sort of format it feels like an informal discussion. They’re a lot more relaxed. It’s also more interesting for members, getting them to engage rather than ask the same questions every time’.

Russell believes that over time, the committee has refined its technique: ‘We’ve moved on a bit in terms of format,’ he says. ‘We used to do roundtables where the committee sat on one side of the table and the witnesses on the other. We’ve moved to the point where committee members make a point of scattering themselves around amongst the participants. It sounds trivial but it helps it become a real to and fro session.’

### **Forging agreement on child protection**

The Legislative Council’s Social Issues Committee held a roundtable discussion towards the end of its inquiry into child protection services. Key inquiry participants were invited to the session, aimed at forging agreement on a way forward for the troubled government and non-government child protection sectors in New South Wales. The meeting was held in private in order to allow for a full and frank discussion. Two of the participants were ‘outsiders’ specifically chosen to challenge the others to think beyond their usual positions.

According to Tony Davies, Committee Director, the forum had two specific purposes. The first was to gather further evidence, particularly on the recommendations that the committee should make to government. The roundtable commenced with the Chair saying, ‘The problems are taken as given. What are the solutions? That’s why you are here.’

The second goal was to achieve common ground where possible and generate consensus on the way forward. By building cohesiveness around the issues at hand, the Committee sought to enable the key stakeholders present to become more effective advocates for the inquiry’s recommendations once the work of the committee was done.

Tony told us, ‘It’s a little hard to judge the effectiveness of the roundtable in achieving our longer term goal, but we felt it went very well on the day. We gathered excellent suggestions for recommendations in a whole range of areas. People really covered a lot of ground, and certainly, we felt that it moved people forward at the time and helped bring

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both participants and committee members together on a lot of issues. It was a very effective approach to take late in the inquiry.’

### Advantages and disadvantages

- 3.5** While the rationale for roundtables varies, interviewees frequently mention that their interactive format means that they provide the opportunity to tease out and debate difficult issues and for participants to appreciate alternate points of view:

It can be a very constructive experience ... It’s pleasing to see people accepting other people’s points of view, not adopting it, but understanding it a bit more.<sup>15</sup>

- 3.6** As is reflected in the child protection example above, roundtables can also provide the opportunity for a committee to go beyond gathering evidence to challenging and influencing key inquiry stakeholders. In such cases a committee is taking a more active or instrumental role in addressing a policy issue. This will be explored further in the following section.

- 3.7** Senate Fellow, John Uhr, argues that setting up meetings between the committee and experts and professional associations are good examples of bringing the ‘people to parliament’. While he acknowledges that inviting selected groups carries the risk of ‘insider-trading and anti-democratic elitism’, he believes that in most cases it is a more effective way to reach the public than ‘going bush hoping people will turn out, as though the Committee were as attractive as the Olympic torch or some such community icon’.<sup>16</sup>

- 3.8** Roundtables are seen as an efficient way to gather a large amount of evidence in the time available and reduce the burden imposed on busy witnesses:

I suspect you wouldn’t get the same benefit from maybe two days of hearings ... people are busy these days, people who make submissions to inquiries, their time is precious ... they don’t want to put in half a day or a day turning up for hearings.<sup>17</sup>

- 3.9** Notwithstanding their widespread support, several interviewees warned that the success of this method depends to a large extent on the presence of an effective facilitator:

The key is a skilled chair who is following the flow of evidence and able to elicit information from people who may not be as forthcoming as others ... The chair should keep things flowing, directed, orderly. They should be in charge.<sup>18</sup>

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<sup>15</sup> Catherine Cornish, former Secretary of the Committee on Legal and Constitutional Affairs, House of Representatives, interview April 2003

<sup>16</sup> Uhr, J., ‘Marketing parliamentary committees’, *Canberra Bulletin of Public Administration*, No 98, December 2000, p.40

<sup>17</sup> Catherine Cornish, former Secretary of the Committee on Legal and Constitutional Affairs, House of Representatives, interview April 2003

<sup>18</sup> Catherine Cornish, former Secretary of the Committee on Legal and Constitutional Affairs, House of Representatives, interview April 2003

**3.10** There are many benefits to be gained by having a chair who is skilled in this area:

With creative and skilful chairing, committees can move away from the limitations of single-witness question and answer sessions towards more interactive formats, for example, involving interaction between different witnesses or even direct debate between competing experts and public officials. Such methods are more likely to get to the nub of issues and policies than the somewhat tame presentation of rehearsed material and answers.<sup>19</sup>

**3.11** Interviewees said that there is generally little difference in the way a roundtable and a hearing are handled procedurally. In the Legislative Council, as with hearings, parliamentary privilege applies as long as a quorum is present, and participants are generally not sworn. The committee may choose to conduct the proceedings in public or in camera.

**3.12** In the case of the Social Issues Committee's private child protection roundtable, the secretariat and committee encountered procedural difficulties concerning the status of the transcript. Circumstances meant that they did not have time to resolve with participants whether the evidence could be made public, so the committee had to go with its original intention – to which participants had consented – not to publish the transcript but to quote individuals in the report without identifying them. While this was both reasonable and appropriate, ultimately it was felt that it detracted from the power of the evidence and meant that important information was not placed on the public record.

## Mediation meetings

**3.13** While roundtable meetings are generally designed to discuss a range of issues relevant to a particular inquiry, our project has identified at least two examples where a committee has organised a meeting with a small number of stakeholders specifically to generate consensus around a specific issue. These meetings are to all intents and purposes mediation sessions where the committee chair acts as the mediator seeking to broker agreement among the parties around a specific issue.

### Advantages and disadvantages

**3.14** As the examples below demonstrate, mediation sessions can be a powerful tool in a committee's repertoire of techniques. They may break a deadlock between parties that threatens the successful, bipartisan resolution of an inquiry, or some other kind of impasse between policy stakeholders. Indeed, in some cases it may not even be necessary for the committee to facilitate the mediation session themselves, as a request by a parliamentary committee for parties to reconcile their differences may be enough of an incentive. This is demonstrated in the following example.

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<sup>19</sup> O'Keefe, P., 'The scope and function of parliamentary committees', *The Parliamentarian*, 1992, p.272

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### **‘Sorting things out’ in overseas student policy**

In the mid 1990s a Senate Legislation Committee recommended various reforms to the Services for Overseas Students Act, which among other things, regulates language colleges. The legislation came back to the Committee on several occasions for more ‘tweaking’, much to the frustration of its members, who felt that effective reforms were being thwarted by the inability of the key stakeholders to agree on some big picture issues.

Committee staffer, Brenton Holmes, told us it got to the point where the Committee said, ‘“Look, you guys from the education department and you guys from the private sector, we want you to go away and sort something out. Bring it back here.” We eventually got the result required and were finally able to move on.’

While the parties had discussed these issues previously, Brenton believes that there was something about a Senate committee making the request that enabled them to make the concessions they weren’t prepared to make earlier, ‘When they were just the two of them arguing against each other, there was less incentive to give ground. Once the committee made a specific request, we finally saw real progress.’

### **3.15**

As with roundtable meetings, the successful use of this brokering method depends to a large extent on the skill of the chair. All mediators require sensitivity, creativity and authority to ensure that the range of perspectives are voiced and acknowledged, and achieve an outcome that is acceptable to all. The following example highlights the challenges inherent in this technique.

### **Mediating policy consensus on police complaints in New South Wales**

In the early 1990s, the Joint Committee on the Ombudsman began an inquiry into the role of the Ombudsman in investigating police complaints. At the time, the Ombudsman’s Office was overburdened by minor complaints against police, which some people believed could and should be handled by the police themselves. Whilst key stakeholders agreed on the need for systemic reform, their views collided on how to achieve this while maintaining the necessary checks and balances to ensure the interests of the public were preserved.

The Committee felt it had gone about as far as it could in public hearings and correspondence and that some other mechanism was called for to ‘thrash out’ the remaining concerns. According to the then committee chair, Andrew Tink MP, ‘it is not exaggerating to say that the whole package hung in the balance until the dispute on this matter was resolved’.<sup>20</sup>

Thus the Committee proposed the ‘unprecedented step’ of a private roundtable conference between the Committee, the Ombudsman and the Police Commissioner to seek agreement on the issues in dispute.

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<sup>20</sup> Tink, A., ‘Police Complaints: Parliamentary solutions to an administrative standoff’, paper delivered to a Conference at the Australian Institute of Criminology, 20 April 1993

The committee clerk at the time, Helen Minnican, remembers it as a pretty tense affair: ‘It was a difficult negotiation, things were testy, but we eventually came up with a win-win outcome.’

By all accounts the meeting was a great success. The parties agreed that minor complaints would be returned to Police Managers but that the Ombudsman would have more power to deal with serious complaints. The report recommendations received bipartisan support and formed the basis of new legislation to reform the complaints system.

While parliamentary committees are generally expected to hear evidence in public, Helen defends holding the meeting in camera: ‘It wasn’t a cop out. We’d done all of the hard work in public and participants agreed to allow us to publish parts of the transcript where it related to the agreement. The only way we were going to get past the impasse we had struck was to have some heart to heart discussions in private.’ This view was shared by Andrew Tink, who wrote that ‘Things were said which would never have been said in public by participants with the experience, confidence and authority to make concessions on the spot.’<sup>21</sup>

**3.16** Perhaps more than other innovative committee methods, the use of mediation pushes the boundaries of the traditional committee role, where as a group, members simply gather evidence, analyse it and report to Parliament. That conceptualisation of committees defines their responsibilities narrowly as ‘investigator’ and ‘adviser’. By becoming ‘negotiator’, the role of a committee becomes a more active and instrumental one. The committee does not simply recommend change but actually seeks to bring it about.

**3.17** There may be some debate as to the legitimacy of taking on a mediation role, precisely because it goes beyond the standard understanding of a parliamentary committee’s functions. Significantly, Odgers goes some way to recognising the added value that a committee can bring to resolving a policy issue:

The characteristic multi-partisan composition and approach of committees can also produce unexpected benefits by providing an opportunity for proponents of divergent views to find common ground. The orderly gathering of evidence by committees and the provision of a forum for all views can often result in the dissipation of political heat, consideration of issues on their merits and the development of recommendations that are acceptable to all sides ...<sup>22</sup>

**3.18** In our view, concerns about the legitimacy of brokering agreement should be weighed against the potential benefits to the public that may flow from that agreement. As the case studies in this report show, those benefits might be significant, and moreover, may not be achievable by other means.

**3.19** In turn, however, those potential benefits must be weighed against the risks of using such a method and the capacity of the committee, particularly the chair, to manage those risks. In many circumstances it would be inappropriate to attempt to broker change, for example where the chair does not have the respect of the major players, where the issues are

<sup>21</sup> Tink, *op cit*, p.5

<sup>22</sup> Evans, H., (ed), *Odgers Australian Senate Practice*, 10<sup>th</sup> Edition, p.366

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extremely party political, or where the parties are intransigent and have no intentions of changing their positions. It should also be remembered that like the outcomes of any mediation, an agreement or decision reached between two parties via a committee might not be lasting in the longer term.

**3.20** Helen Minnican, former Clerk of the Joint Committee on the Ombudsman, offers good advice on managing the risks:

Be prepared. You need to be clear about the issues to be resolved and the palatable options. Prior to the meeting there was a good deal of written negotiation between the Committee and the key parties so we knew where probable areas of agreement and disagreement were going to be ... If we hadn't done the heavy negotiations before the roundtable I don't think it would have been a success.<sup>23</sup>

### Seeking independent advice

**3.21** During the course of an inquiry it is common to confront controversial issues for which there appear to be two very opposing views, each supported by well-respected experts and equally convincing evidence. Such dilemmas can pose major challenges to the effective running of an inquiry. In these instances, it may be a good idea to attempt to reconcile the differences between opposing positions by calling in a third party or seeking independent advice. In some cases, committees may have to pay for this advice. In the following example, the service was provided for free.

#### **Accurately estimating projected average retirement incomes**

During its inquiry into the adequacy of retirement savings in Australia, the Senate Select Committee on Superannuation received two different estimates of projected average retirement incomes from two reputable bodies: the Commonwealth Treasury and the Association of Superannuation Funds of Australia. However, there was a marked difference of up to \$10,000 between the two sets of figures.

Given the subject matter of the inquiry, an accurate estimate of projected average retirement incomes was considered essential. The Committee resolved to consult a third party, the Institute of Actuaries of Australia, to look at both sets of figures and make an independent assessment.

Acting Committee Secretary Stephen Frappell told us, 'It turns out they were both right, but their assessments were based on different models using different assumptions. In other words, the Committee had not been comparing apples with apples. Once the Committee had established these facts, it was able to move on. What could have been a real point of contention was very effectively resolved.'

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<sup>23</sup> Helen Minnican, former Clerk of the Joint Committee on the Ombudsman, NSW Parliament, interview March 2003

### **Advantages and disadvantages**

- 3.22** Seeking independent and impartial assistance to resolve a controversial or complex issue can break a stalemate and ensure a committee is proceeding on the basis of the most accurate information. By ensuring the reliability of its evidence, a committee can help to secure its own credibility.
- 3.23** The use of paid expert advice can, however, be expensive. Depending on the particular issue that needs to be resolved, this type of advice may cost several thousands of dollars or more. Selecting and engaging a consultant is also a time-intensive exercise. Lastly, the risk exists that the advice will be equivocal and will not clarify or resolve the matter.
- 3.24** In the Legislative Council context there are few procedural issues associated with paying for expert advice, which is allowed under the resolutions establishing its committees.<sup>24</sup> Perhaps one of the reasons why this facility is so rarely used is because of parliamentary committees' power – and their preference – to use the evidence gathering process, and to a lesser extent informal discussions with experts and other stakeholders, to obtain, as far as possible, the information they require. There may nevertheless be times where such means are insufficient and the committee must resort to engaging a consultant.

### **Public forums or meetings**

- 3.25** Like roundtable meetings, public forums have emerged as an important tool for parliamentary committees, particularly during inquiries that draw strong public interest. They provide an efficient means for people to speak directly to parliament
- 3.26** Public forums typically involve between 30 and 100 people drawn from the geographical community or interest groups relevant to an inquiry. The committee attends these meetings and the chair usually acts as the facilitator. Participants are often invited to make a short presentation, although if there are a large number of people who wish to speak, a ballot system may be used to determine the list of speakers. The level of formality may vary according to the preference of the committee.

### **Advantages and disadvantages**

- 3.27** Public forums are, of course, founded on the participatory principles of committees. These events allow a larger number of people to have their say about an issue than does the traditional hearing format. This is particularly relevant in inquiries where significant numbers of people want to appear before the committee to give evidence and to recount their personal stories. We were told that participants greatly valued the opportunity to share their experiences with members, even with a strictly enforced timeframe. It seems that ordinary people often feel empowered by the experience of 'having their say' in the presence of parliamentarians - and the media.

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<sup>24</sup> The capacity to engage consultants is implied or encapsulated in paragraph 5(1) of the resolution establishing the Law and Justice, Social Issues and State Development Standing Committees passed 21 May 2003, and paragraph 2(1) of the resolution establishing the General Purpose Standing Committees passed 3 July 2003.



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- 3.28** The downside for participants is that their views do not always influence the committee's findings and recommendations, and they may question whether their involvement was worthwhile. In addition, public forums will rarely provide a complete solution to hearing all voices. Some people will still miss out.
- 3.29** Also, the process of organising public forums is very time and labour intensive, and the responsibilities that accompany their often emotive content can place significant pressure on committee members and staff.
- 3.30** A significant difficulty with public forums, especially those focused on highly controversial issues, is that they are inherently more prone to volatility. Participants may be tempted to use the committee process inappropriately to further their own ends. For example, emotions may 'get out of hand' and some participants may say things that may damage other people's reputations. At least some of these risks relate to the fact that public forums, because of their comparatively less formal nature, involve the committee relinquishing some direction over proceedings. The risks are well illustrated in the following case studies.

#### **Adoption forum: putting real peoples' stories on the record**

During its landmark inquiry into past adoption practices, the Legislative Council's Social Issues Committee held a public forum to hear from people about their experience of the adoption system. The committee had received an enormous number of requests to give evidence and needed a way to hear from individuals that was both efficient and fair. The forum was held in the Legislative Council Chamber to highlight that people were talking directly to Parliament. Participants were primarily birth mothers, as well as some birth fathers, adoptive parents and adoptees.

Given the sensitivity of the issues and the finite time available, the Committee took special care with the process. Participants were chosen by ballot beforehand; they were sworn and their set speaking time of ten minutes was strictly enforced. The secretariat prepared a set of procedures specifically for the event, which were formally adopted by the Committee.

A deliberately high level of preparation and committee control meant that the day went very well, with many participants reporting that they felt they had been given a voice and that the forum had provided a 'healing process'.

Nevertheless, some things didn't go as planned. In particular, the Committee did not anticipate that some participants would use the opportunity to 'name names'. A number of birth mothers made allegations against individual social workers, who they said had removed their children without consent.

Committee Director, Tony Davies, says that in retrospect, it would have been helpful for the Committee to tell participants not to adversely name others. In the end, where allegations had been made, the decision was taken to excise names from the transcript of evidence. This was unsatisfactory for some participants and involved a significant amount of work for committee staff, but the secretariat believes it was the right decision.

As Julie Langsworth, Senior Project Officer, told us, it was an extremely valuable learning experience. 'It was really one of the first times we've held a forum like that, so we really

were setting precedents. It was one of those examples when there's been a mistake that has ended up informing practice in the LC in a positive way because we had to think through that problem, and together with the Clerk Assistant – Committees, come up with a solution to it.'

### **Policing in Cabramatta**

In 2000 and 2001 a Legislative Council Standing Committee conducted an inquiry into policing in the Sydney suburb of Cabramatta. Towards the end of the inquiry, the Committee held a public forum at a local club to give residents a chance to comment on the *Premier's Package*, a set of reforms to tackle drug and crime problems in the region, which had been announced during the course of the inquiry. The Committee wanted to include in its report an account of the views of local residents on the impact of the *Premier's Package*.

According to the former Committee Director, David Blunt, 'The Committee had organised several public meetings at earlier stages of the inquiry and they had all gone well, with local residents, including school students, able to put their views directly to the Committee without unnecessary formality. But on this occasion it was obvious something was going on when we arrived at the venue and all the TV crews were there.'

Participants were invited to address the Committee for five minutes concerning their response to the *Premier's Package*. However, it soon became clear that some people had other ideas about the purpose of the forum. 'One participant sought to tender a submission, and for it to be made public,' says David. 'When it was his turn to speak all the TV lights went on. While the Committee hadn't seen the submission, it was clear it contained serious allegations against certain police officers and, whilst some sections were relevant to the terms of reference for the inquiry, the submission was not relevant to the purpose of the particular meeting.'

The Committee resolved to defer the decision to make the submission public but were faced with another challenge within minutes. 'Someone else sought permission for a young man to address the Committee. It was stated that the young man was a former gang member. The young man was a minor. It would seem that certain people thought this meeting might be the last opportunity before the end of the Committee's inquiry to get media coverage of the issues the young man would raise. But once again, that was not the purpose of that particular meeting.'

'Fortunately the Committee reacted swiftly,' David told us. 'The Chair ruled that the young man not address the Committee and that the media not publish his name or image. The Committee exerted its authority and maintained control of the meeting,' he said.

While David still considers less formal mechanisms are a valuable way to gauge community views, he cautions that they also have their risks. For those contemplating a similar approach, he offers the following words of advice.

'Beware of using informal consultation mechanisms in highly charged, politicised inquiries. Even though the Committee had made effective use of similar meetings at earlier stages of the inquiry, by this time, the inquiry was attracting considerable political and media

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attention, and there was a group of stakeholders anxious to make their point before the inquiry wound up. With the benefit of hindsight, a more formal method of consultation such as a formal hearing would have been more appropriate in the circumstances.’

### **Consulting on the closure of inner city schools**

Steven Reynolds, Director of a Legislative Council Committee that inquired into the proposed closure of five inner city schools in 2002, offered some helpful advice about the practicalities of public forums when the venue is off site. His committee held a public forum to discuss the closure of Hunters Hill High School.

Between 100 and 150 people attended the meeting at Hunters Hill Town Hall, including parents, teachers, and past and present students, the majority of whom were passionately opposed to the decision to close down their local school. The venue provided no clear separation of the audience from the Committee, and as Steven recalls, it was a pretty emotional event.

‘People clapped and cheered at comments made by certain members, but booed and called out very loudly at comments made by other members.’ This kind of reaction can happen in a hearing as well, but generally the more informal the meeting, the harder it is for the chair or another committee member to keep a lid on the behaviour of the crowd. In such cases, Steven suggests, it is necessary to pay special attention to security and room arrangements.

‘You need to minimise the opportunity for angry members of the public to approach committee members. It’s a good idea to create a physical separation between members and participants if the hearing involves emotive issues. It also helps if you have a separate exit door for members. People can get pretty annoyed if a member has to leave an event early because they have a prior commitment.’

### **Managing the risks of public forums**

- 3.31** The key messages from these examples, are firstly that, as is appropriate to the occasion, the committee should maximise its control of proceedings, both prior to and during the event. Most importantly, where it appears that the integrity of the committee process is at risk, the chair must step in to maintain – and communicate – their authority over the event.
- 3.32** The second key message is that public forums should be used judiciously, and that where they are used, committees must anticipate and plan for a range of contingencies. As far as possible, a preventative approach is best. Our interviewees suggested a number of strategies:
- In as many ways as possible, communicate that the forum belongs to the committee and the chair is in charge. For example, swearing in and using the Chamber reinforces the gravity of proceedings
  - The chair should make an opening statement explaining the process and purpose of the forum. They should also explain that while privilege applies, its misuse will not be tolerated and participants should not adversely name individuals

- Prepare explicit guidelines for participants (which may be formally adopted by the committee) to ensure that they know in advance the rules for how the forum is to be conducted
- Don't be afraid to strictly enforce time limits as this is generally respected
- Think carefully about the set up of the venue. In some cases you may need to allow for some physical distance between the committee and participants
- Look after participants, who may be feeling emotional, by providing refreshments.

**3.33** A more recent forum held by the Legislative Council Select Committee on Mental Health benefited from the experience reflected in the above case studies. This example highlights the significant gains that can flow from public forums, both for the committee and for forum participants.

#### **Mental health forum**

Fairly early in its 2002 inquiry into mental health services, the Select Committee on Mental Health recognised the need to hold a special consultative event targeting carers and consumers.

The secretariat could foresee that the Committee's report would necessarily focus on mental health services. However, it had received a large number of submissions from consumers, carers, family members, friends and so on who were really focused on their personal experience of services, and in many cases, their inability to access them. The Committee knew that those experiences – and the strong emotions that accompanied them – needed to be acknowledged, and that doing so would provide a sort of 'pressure valve'.

According to Senior Project Officer, Bayne McKissock, these goals were met, but there was also an unexpected benefit. 'All members of this Opposition-chaired committee saw the emotion, determination and grief of participants, and recognised that the issues warranted a bipartisan approach. It was a real turning point.'

The Committee capitalised on the experience of others who had conducted similar forums. It successfully avoided problems with control and adverse allegations, and participants were very respectful of the processes used.

## **Testing draft recommendations**

**3.34** Our final example of innovative methods during the 'in progress' phase of a committee's inquiry is the testing of draft recommendations. Often, as the inquiry report is being prepared, this occurs on an informal basis with trusted stakeholders. Some committees go so far as to formalise this process through an additional consultative event.

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### **Debating an inquiry's conclusions in the Scottish Parliament**

In the final phase of its 1999-2000 inquiry into local economic development services in Scotland, the Enterprise and Lifelong Learning Committee held a 'Business in the Chamber' event, where around 130 business people were invited into the parliamentary chamber to debate the Committee's interim conclusions.

The Scottish Parliament's annual report states, "The event was a great success, giving the key external communities an input into the parliamentary process, and assisting the Committee in testing its views with the customers of economic development services."<sup>25</sup>

### **Advantages and disadvantages**

- 3.35** As reflected in this case study, the key advantage of introducing an extra step to pre-release and debate the committee's draft recommendations is that it enables them to be tested and validated. In turn, this can help to ensure the credibility and influence of the inquiry's conclusions. Like other methods discussed in this chapter, such a method can also help to generate consensus and commitment among inquiry stakeholders to addressing an issue.
- 3.36** This technique is probably not suitable, however, for more controversial inquiries, where committees actively work against media and other players becoming privy to inquiry findings ahead of time, and where committees often seek to maximise their impact on government by 'making a bang' with the release of their report.
- 3.37** This method may also not be attractive to committees with a limited timeframe for their inquiry, as like other consultative techniques, organising a formal event will have considerable time and resource demands.
- 3.38** Table 3 presents a summary of the advantages, disadvantages and risks associated with innovative methods used in the evidence gathering stage of an inquiry, along with practical tips for success and situations where the methods are best avoided.

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<sup>25</sup> *Annual Report of the Scottish Parliament Committees 2000*, [www.scottish.parliament.uk](http://www.scottish.parliament.uk), p.4 of 6

**Table 3: Summary of advantages and disadvantages of innovative methods used in the evidence-gathering stage of an inquiry**

| <b>Method</b>              | <b>Advantages</b>                                                                                                                                                                                                                                                                                                                                                                          | <b>Disadvantages and risks</b>                                                                                                                                                                                                                                                                                                                                           | <b>Practical tips for good outcomes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Not recommended when</b>                                                                                                                                                                                                                                             |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Roundtable meetings</b> | <ul style="list-style-type: none"> <li>• Efficient means of gathering evidence</li> <li>• Provide opportunity for dialogue and debate among participants and committee members</li> <li>• Less formal approach means some participants are more comfortable</li> <li>• Can be used to ‘move people forward’ on an issue</li> <li>• Less of a time commitment for busy witnesses</li> </ul> | <ul style="list-style-type: none"> <li>• Success rests on an effective chair</li> <li>• When held in private, confidential evidence may not be published</li> <li>• Can be time and resource intensive to organise</li> </ul>                                                                                                                                            | <ul style="list-style-type: none"> <li>• Ensure chair is skilled in facilitation and is well briefed on the issues to be discussed</li> <li>• Ensure participants are also well briefed</li> <li>• Consider room layout so as to maximise interaction between participants and members</li> <li>• Consider ahead of time whether you want to publish the evidence</li> <li>• If being transcribed, provide clear signage for each participant</li> <li>• Don’t invite too many participants. Between 10 and 15 is probably best</li> </ul> | <ul style="list-style-type: none"> <li>• Formal question and answer format of hearings is required</li> <li>• Confidentiality is extremely important – the more people present the less you can ensure this</li> <li>• Witnesses’ capacities differ markedly</li> </ul> |
| <b>Mediation meetings</b>  | <ul style="list-style-type: none"> <li>• Provides opportunity to break a deadlock and achieve agreement on a particular issue</li> <li>• When held in private, can enable key players to be more open and pragmatic</li> </ul>                                                                                                                                                             | <ul style="list-style-type: none"> <li>• Requires chair who is skilled in mediation</li> <li>• Some may be concerned when session occurs in camera, or the legitimacy of committees taking a ‘brokering’ role</li> <li>• Potentially time intensive</li> <li>• Agreement reached may not last</li> <li>• Confidential information may not be used as evidence</li> </ul> | <ul style="list-style-type: none"> <li>• Make sure chair is skilled in mediation and well briefed</li> <li>• Do the ‘back room’ work with parties to ensure clarity on the issues to be resolved and the palatable options</li> </ul>                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Parties’ positions are fixed</li> <li>• The chair does not have the respect of participants or strong mediation skills</li> <li>• The issues are extremely party political</li> </ul>                                          |

| Method                                                            | Advantages                                                                                                                                                                                                                                                                                                                                                                                                                  | Disadvantages and risks                                                                                                                                                                                                                                                                                                                                                                               | Practical tips for good outcomes                                                                                                                                                                                                                                                                                                                                                                                                                              | Not recommended when                                                                                                                                                                                                                           |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Seeking independent advice</b>                                 | <ul style="list-style-type: none"> <li>• Can enable resolution of a complex or controversial issue</li> <li>• Ensures reliability of evidence before a committee</li> </ul>                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Purchasing advice may be expensive</li> <li>• Engaging consultants can be time intensive</li> <li>• The issue may be unable to be resolved</li> </ul>                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Select the consultant carefully</li> <li>• Brief the consultants thoroughly</li> </ul>                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>• Resources to purchase advice are not available</li> </ul>                                                                                                                                             |
| <b>Public forums or meetings</b>                                  | <ul style="list-style-type: none"> <li>• Provides efficient means for many people to speak to a committee</li> <li>• Valuable for inquiries where it is important for people to tell their personal stories – gives people ‘a voice’ and provides rich evidence</li> <li>• Less formal approach means some participants may be more comfortable</li> <li>• Members can readily gauge community views on an issue</li> </ul> | <ul style="list-style-type: none"> <li>• More prone to volatility and inappropriate use of process by participants</li> <li>• Emotive content can place significant pressure on members and staff</li> <li>• Organisation is time and labour intensive</li> <li>• May seem tokenistic when participants’ views do not influence recommendations</li> <li>• Some people will still miss out</li> </ul> | <ul style="list-style-type: none"> <li>• Use formal proceedings and other means to maximise - and communicate - the committee’s control over the event</li> <li>• The chair should be actively in charge of proceedings</li> <li>• Anticipate and plan for a range of contingencies</li> <li>• Consider the best physical set up for proceedings</li> <li>• Prepare guidelines for participants</li> <li>• Set and enforce time limits on speakers</li> </ul> | <ul style="list-style-type: none"> <li>• Highly charged, politically sensitive inquiries</li> <li>• The chair is not strongly competent in running public meetings</li> <li>• The inquiry has time constraints or limited personnel</li> </ul> |
| <b>Testing draft recommendations through a consultation event</b> | <ul style="list-style-type: none"> <li>• Enables draft recommendations to be tested and validated</li> <li>• Assists credibility and influence of inquiry’s conclusions</li> </ul>                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• Can have time and resource demands</li> </ul>                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Select participants carefully</li> </ul>                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• More controversial inquiries where confidentiality is important</li> </ul>                                                                                                                            |

## Chapter 4 Finishing up

I think if there's any weakness in our processes it's that having tabled a report we don't follow it up.<sup>26</sup>

The Committee feels strongly that the committee inquiry process should not end with the publication of a report.<sup>27</sup>

Traditionally the role of a parliamentary committee ends with the tabling of a report. Once a committee has reported to Parliament on its reference, it moves onto another issue or inquiry and may never return to the subject of its previous inquiry or follow up on the outcomes of its work. For many, this is a frustrating state of affairs. Other committees, because of either their functions or their own initiative, take a more active role following the completion of an inquiry. In many instances committees develop an interest and expertise in a policy area they wish to pursue. We identified a number of innovative techniques that committees are using to ensure that their recommendations are advanced and implemented. These fall into two broad areas: monitoring and following up recommendations and activities that promote the committee's findings.

### Monitoring and following up inquiry recommendations

- 4.1** Several interviewees told us of instances where a committee had taken a significant additional step at the end of an inquiry by assigning itself a formal monitoring role over government activities in response to an inquiry. A number of other participants said they were eager to expand this area of activity, and thereby generate new opportunities for achieving government accountability. Here they looked to the example set by certain types of parliamentary committees with explicit monitoring powers over a particular agency or policy area.
- 4.2** As the following examples show, such monitoring and follow-up strategies vary. They may, for instance, involve exchanging correspondence, holding further hearings, conducting additional consultations and reporting again to Parliament. In all cases the intent is to place on the public record both government activities in response to an inquiry, and the committee's views on that response, so as to prolong the scrutiny function of the committee and thereby create greater impetus for change.

#### **Gypsy Travellers and public policy**

In 2001 the Equal Opportunities Committee of the Scottish Parliament published a report into Gypsy Travellers and Public Sector Policies, described as the first serious attempt to detail the issues affecting this unique population group in Scotland. However, the committee was disappointed with the 'tone and extent' of the Government response to its

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<sup>26</sup> Margaret Swieringa, Secretary of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Australian Parliament, interview April 2003

<sup>27</sup> Equal Opportunities Committee, Scottish Parliament, *Report on Gypsy Traveller Civic Participation Event*, 4<sup>th</sup> Report 2001, SP Paper 448, [www.scottish.parliament.uk](http://www.scottish.parliament.uk), p. 2 of 32



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report and decided to invite members of the Gypsy Traveller community and others to a seminar to discuss that response.

The Committee sought written submissions to help inform discussions, which were carried out in workshop groups facilitated by committee members. Each group brought forward a set of recommendations for future action to the plenary session where they were put to the vote.

The Committee also booked a morning session of Parliament to debate the issues raised by the seminar and committed itself to keeping a watching brief on the inquiry outcomes. Its final report states: ‘The Committee is keen to ensure that the benefits to the Gypsy Traveller community arising from [the inquiry] are monitored and reported back to Parliament. To that end, the Committee will be returning to the issue towards the end of 2002.’<sup>28</sup>

### **‘Follow up inquiries’ in the Legislative Assembly**

The following example from Ian Thackeray, Director of the Public Works Committee, demonstrates how committees can routinely follow up inquiries even if they do not have a right to receive a formal government response to their recommendations.

‘If we’ve done an inquiry where we’ve made significant recommendations for major change, and we don’t get any response after six months or a year, we’ll get the Chair to write to the Minister. If the Minister comes back with what the committee considers an inadequate response, then we actually have another formal inquiry called a ‘follow up inquiry’. We just do it by correspondence and report on what we were told. We put that on the public record. We’ve never gone to public hearings, but the committee might be prepared to do that, to get them in and say, “We reported on that a year ago. You reckon you’ve done this. Why hasn’t that happened? The Government has reasons for not acting and that’s fine, but tell us what they are.” ’

### **Accountability in the Indian Parliament**

In the Indian Parliament, the Government is expected to indicate the action taken on committee recommendations within six months after the submission of a report. The replies received from the Government are examined by the committee, which prepares a follow-up report called the ‘Action Taken Report’ which is submitted to the House. This would normally mark the end of the committee’s role. However, if the Action Taken Report notes that there are elements of the Government response still outstanding, the government agency concerned is compelled to respond to those matters.<sup>29</sup>

**4.3** The decision to take a formal role in scrutinising the performance of government in response to an inquiry is a significant one. One effective and procedurally sound

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<sup>28</sup> Equal Opportunities Committee, *ibid*, p.3

<sup>29</sup> Subhash C Kashyap, ‘Committees in the Indian Lok Sabha’, in J.D. Lees and M. Shaw (eds), *Committees in Legislatures: A Comparative Analysis*, Duke University Press, 1979; The Indian Parliament, *Parliamentary Committees*, <http://164.100.24.208/ls/committee/parlcomm.htm>

mechanism for a standing committee assigning itself this ongoing accountability role is to do so in its recommendations to Parliament.

### **Recommending yourself a monitoring role**

Senate committee secretary, Brenton Holmes told us, ‘Some committees are making it a deliberate strategy to put agencies on notice that they will be closely monitoring developments in a particular area. For example, in the Foreign Affairs Defence and Trade Committee’s inquiry on the Defence Material Organisation, the Committee made a number of recommendations designed to maintain scrutiny over how well the Organisation manages procurement processes for the purchase of weapons systems and ongoing logistics support for the defence force.’

‘The Committee recommended that the Senate order the production of certain documents and that the Auditor General conduct annual reviews to keep up the pressure. The Committee also told the Defence Material Organisation that it would undertake a review in 2005 to see what progress has been made on the recommendations and even prepared an appendix which benchmarked the issues the committee would be checking them against.’

### **A watching brief on pesticides**

In the final report of its inquiry into the use and management of pesticides in New South Wales, the Legislative Council’s Standing Committee on State Development made a series of recommendations to ensure the accountability of government in addressing a number of issues. According to the Director, Rob Stefanic, the Committee took this significant step because of the serious public health, environmental and economic concerns regarding the use of pesticides raised in the inquiry.

It was very important, says Rob, that the Committee publicly acknowledge the need for monitoring and reporting on government activities to address the range of problems it had uncovered. After careful thought about the most appropriate procedural mechanisms, it recommended that:

- The Committee itself monitor the implementation and impact of amendments to the *Pesticides Act 1978* for four years, consider any representations made to the Committee on those amendments, and potentially report to the Legislative Council on these matters.
- The NSW Environmental Protection Authority provide the Committee with annual reviews for four years outlining the progress and impact of amendments to the Act.
- NSW Agriculture provide the Committee with annual reviews for four years identifying impediments and enhancements to productivity and competitiveness experienced by the agricultural industry, as a result of amendments to the Act.<sup>30</sup>

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<sup>30</sup> Standing Committee on State Development, *Use and Management of Pesticides in New South Wales*, Report No.21, 1999, p.xvii

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## Advantages and disadvantages

4.4 For many observers, the ability of committees to pursue the outcomes of their recommendations is both natural and desirable. As one commentator has written,

Committees need to beef up their follow-up procedures which are at present limited ... unless committees are interested to find out whether recommendations are implemented no one else will be.<sup>31</sup>

4.5 As noted above, the key advantage of monitoring and following up the actions of government in response to an inquiry is to prolong the scrutiny role of a committee, and in doing so, create a climate that encourages further change in response to the committee's recommendations.

4.6 The primary disadvantage of such methods is the time and resources required to undertake them. Indeed, a key reason why quality follow up often does not occur is that the work demands of some committees are such that once one reference is completed, the committee must immediately turn its attention to another inquiry. As we were told by one interviewee who sought to implement such a method:

It was an excellent idea because it maintained interest in an issue and publicised the report. However, it didn't work in practice as well as we would have hoped, partly because we received another unexpected inquiry and it consumed us, reducing our capacity for really good follow up.<sup>32</sup>

## Activities to promote a committee's recommendations

4.7 Activities to promote a committee's recommendations differ from monitoring and following up inquiry recommendations in that the latter is basically scrutinising what the government has done in response to an inquiry, while the former aims to influence that response by 'spotlighting' recommendations and garnering further support and energy around the issues addressed by an inquiry. We were told about two examples of this kind, both of which involved the committee holding some kind of post-inquiry event. One was a product-focused expo, and the other an action-oriented forum. In both cases, key inquiry stakeholders were invited to participate, with a focus on 'where to from here' as a result of committee recommendations.

### Alternative Energy Expo

After completing its inquiry into government energy reduction targets, the Legislative Assembly's Public Works Committee, in partnership with the Sustainable Energy

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<sup>31</sup> Aldons, M., 'Rating the effectiveness of parliamentary committee reports: the methodology', *Legislative Studies*, Vol. 15, No.1, 2000, p.30

<sup>32</sup> Margaret Swieringa, former Secretary, Joint Standing Committee on Foreign Affairs, Defence and Trade, Australian Parliament, interview April 2003

Development Authority, hosted an expo at Parliament House to showcase a range of energy-efficient products. The event was targeted at individuals responsible for energy reduction in government agencies. Ian Thackeray, Committee Director, told us that in a sense, the event was aimed at pursuing one of the recommendations of the committee: to help increase awareness in government agencies about new technologies available to help reduce energy consumption.

According to Ian, ‘We can’t spend all our time trying to sell our recommendations, we have to move on. But there may be a need to come up with some techniques to try and pursue recommendations.’

Ian was very honest about the effectiveness of the day, telling us, ‘In the end I’d have to say it wasn’t a great success. The day in a sense was, but the outcome probably wasn’t. I think this went back to the essence of the inquiry, that the people in charge of energy reduction in government agencies should be at a much higher level.’

### **Mental health forum**

Bayne McKissock, Senior Project Officer with the Legislative Council Select Committee on Mental Health, told us about a public forum held by the former committee chair, the Hon Dr Brian Pezzutti MLC, after the completion of that inquiry. The event was aimed at providing an opportunity for stakeholders to discuss the findings and recommendations with committee members, and for non-government as well as consumer and carer representatives to develop a way forward for influencing the Government as it considered the report. The former chair wanted to empower the sector to take the inquiry’s findings into the future.

This event had its difficulties too, as Bayne readily recalls, largely because the necessary resources to achieve the Chair’s vision weren’t available, as the secretariat had been dissolved.

Nevertheless, the event has led to some very positive outcomes, according to Bayne. The forum prompted the former chair to take on an informal advisory role with the non-government sector and carer and consumer representatives, with regard to how they might most effectively influence the Government’s response to the Committee’s recommendations. Many participants are now using this advice to develop strategic and creative approaches to their advocacy.

### **Advantages and disadvantages**

- 4.8** The advantage of post-inquiry forums such as these is that by both generating and focusing energy around the findings of a committee, they can improve the accountability of government to implement the inquiry’s recommendations. In other words, these strategies can help make an inquiry more effective in bringing about positive change.
- 4.9** However, a key procedural issue associated with this sort of activity concerns the ability of a committee to act in respect of an inquiry once it is complete. In the case of select committees, which cease to exist upon tabling their final report, this is perhaps a greater issue than for standing committees. In either case, a narrow interpretation of the

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committee process may judge such activities inappropriate. On the other hand, especially for standing committees, there may be no procedural reason why a committee may not take on such a role. At the same time a committee may not want to be seen to be ‘captured’ advocates and may feel the need to move on. In our view, however, such considerations should be weighed against the potentially significant benefits that might flow from an activity, and that opportunities to increase the effectiveness of an inquiry should be valued.

- 4.10** The use of partnerships in the examples we have documented point to both advantages as well as risks associated with working with other stakeholders. In the case of the Energy Expo, working in collaboration with another agency meant that the Committee had access to more organisational resources and was able to achieve greater leverage in marketing the event. On the other hand, while it was procedurally necessary for the Select Committee on Mental Health to hand over the reins to another organisation for the forum, it meant that the committee and secretariat had less control over events – and was less able to ensure their effectiveness.
- 4.11** One final issue to consider in relation to post-inquiry forums, as with other forums and events, is who to target as participants. It is interesting that in both the examples outlined, interviewees commented that the forums might have been more strategically targeted so as to ensure that the aims of the committee could be most effectively realised.
- 4.12** Table 4 presents a summary of the advantages, disadvantages and risks associated with innovative methods used in the final stages of an inquiry, along with practical tips for success and situations where the methods are not recommended.

**Table 4: Summary of the advantages and disadvantages of innovative methods used in the final stage of an inquiry**

| <b>Method</b>                                      | <b>Advantages</b>                                                                                                                                                                         | <b>Disadvantages and risks</b>                                                             | <b>Practical tips for good outcomes</b>                                                                                                                                                                                                                     | <b>Not recommended when</b>                                                                                                                                                                                                                                                                         |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Monitoring and following up recommendations</b> | <ul style="list-style-type: none"> <li>• Prolongs the scrutiny of a committee over an issue and therefore promotes the accountability of government in response to the inquiry</li> </ul> | <ul style="list-style-type: none"> <li>• Requires further time and resources</li> </ul>    | <ul style="list-style-type: none"> <li>• Use the inquiry's recommendations or similar mechanisms to formalise this role</li> </ul>                                                                                                                          | <ul style="list-style-type: none"> <li>• A committee has significant other demands on its time and energy</li> </ul>                                                                                                                                                                                |
| <b>Promoting recommendations</b>                   | <ul style="list-style-type: none"> <li>• Can help to promote change in response to an inquiry by generating more attention and support for key recommendations</li> </ul>                 | <ul style="list-style-type: none"> <li>• Requires additional time and resources</li> </ul> | <ul style="list-style-type: none"> <li>• Ensure the event is carefully targeted to maximise impact</li> <li>• Make sure it is forward looking, focusing on practical ways for stakeholders to influence government in respect of recommendations</li> </ul> | <ul style="list-style-type: none"> <li>• A committee has significant other demands on its time and energy</li> <li>• There is no procedural basis for the continuation of a committee's activities</li> <li>• Bipartisan support across the committee for the recommendations is lacking</li> </ul> |

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## Chapter 5 Evaluating performance

There are no doubts that parliamentary committees exist. Information on how they exist is available, but the Australian community deserves more and better information on why they exist, and what reasonably can be expected of them as elements in the parliamentary and wider policy process.<sup>33</sup>

If we are to judge whether a committee is doing its work well, we must have in our minds certain criteria of success, which we must attempt to formulate in advance, however vaguely...<sup>34</sup>

Just because a particular committee method is innovative, does not necessarily mean it will be effective. In this chapter we argue that one of the most important ways to encourage innovative and effective committee practice is to foster a commitment to evaluation within committees and parliaments. By constantly reviewing their performance, committees are more likely to consider a wider array of methods and select the techniques most appropriate to achieving their goals. In so doing, they are also likely to maximise their relevance and effectiveness in the longer term.

While this chapter includes some examples of committees or parliaments attempting to evaluate their practices and outcomes, we do not comment on their relative advantages or disadvantages. We did not set out to examine evaluation practices in any detail and so the information provided is preliminary only.

### Why evaluate performance?

- 5.1** There is a confusing array of terms used in the literature on performance evaluation. In the interests of clarity, when discussing committee or parliamentary performance, we use the term 'evaluation' in its most general sense to describe a 'process which leads to judgements about the worth, effectiveness and efficiency of an activity, project or strategy'.<sup>35</sup>
- 5.2** Performance indicators are one of the many tools available to an evaluator. Indicators are simple statistics or summaries of information which can be used to make statements about the effectiveness of an organisation or program.<sup>36</sup> While the NSW Government has been using indicators in agency planning for the past 20 years, there is now a significant debate about the ways these indicators have been employed during this time. Critics argue that managers have failed to realise the limitations of indicators and that some programs can

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<sup>33</sup> Uhr J., 'Parliamentary Committees: What are Appropriate Performance Standards?', discussion paper prepared for Constitutional Centenary Foundation, May 1993, p.4

<sup>34</sup> Wheare K.C., *Government by Committee: An Essay on the British Constitution*, Oxford, 1955

<sup>35</sup> Scott, G., *Change Matters: Making a Difference in Education and Training*, Allen & Unwin, Sydney, 1999, p.202

<sup>36</sup> Owen J.M., *Program Evaluation: Forms and Approaches*, Allen & Unwin, Sydney, 1993, p.121

only be assessed by a 'judicious mix' of qualitative indicators as well as more descriptive, qualitative data.<sup>37</sup>

- 5.3** There are compelling reasons to evaluate committee performance, the most important of which is to improve committee functioning. By reviewing what we do and why, we become more conscious of how to do things better. In turn we increase our potential effectiveness and relevance. Given the extent of reforms over the past twenty years to make the public sector more efficient, often referred to as the 'new managerialism',<sup>38</sup> committees have an even greater responsibility to demonstrate their own value:

Preaching accountability, many committees seem themselves unhindered by accountability obligations, operating at times as laws unto themselves.<sup>39</sup>

- 5.4** In terms of developing appropriate standards, it would appear we are well behind schedule:

...it remains an important task of the 1990s to develop and implement more reliable mechanisms to evaluate the performance and impact of such valuable resources as parliamentary committees if they are to continue to retain in the future the meaningful scope and effective function which their unique characteristics suggest they should have within the system of parliamentary government<sup>40</sup>

## The challenges of assessing committee performance

- 5.5** In recent years growing attention has been given to issues associated with assessing the performance of parliaments and their committees, but many have struggled with how this might be achieved. One of the most significant challenges in evaluating the performance of committees is, according to Uhr, their 'fascinating variety':

Committees are confusing: there are many types, each with many potential forms of operation and impact ... committee systems vary, even if only in subtle ways, across the nine ... Australian elected assemblies. There is no one prevailing model.<sup>41</sup>

- 5.6** Given the array of committee types it is no wonder that devising feasible standards for committees as a group is such a challenge. Even if you try to compare the same type of committee from similar legislatures, for example, audit committees in the parliaments of the United Kingdom, the exercise is problematic because:

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<sup>37</sup> Owen, *ibid*, p.127

<sup>38</sup> The 'new managerialism' is sometimes described as the application of private management approaches and techniques to the public sector.

<sup>39</sup> Uhr 1993, *op cit*, p.4

<sup>40</sup> O'Keefe 1992, *op cit*, p.275

<sup>41</sup> Uhr 1993, *op cit*, p.2



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superficially similar procedures and practices, when examined more closely, may not be as similar as they first appear.<sup>42</sup>

- 5.7 Attempts by individuals or parliaments to present performance measures are often criticised. For instance, methodologies which link report effectiveness to the number of recommendations accepted by government have been dismissed as crude ‘batting averages’ because they fail to consider whether or not the recommendations have been implemented. Even when this measure is modified to take into account the proportion of recommendations implemented, it is still seen as problematic because it fails to incorporate important qualitative considerations, such as the long term impact of a report.<sup>43</sup> In his critique of the performance measures recently published by a Senate scrutiny committee, John Uhr shows how easy it is to reinterpret each measure as an indicator of *ineffectiveness* rather than *success*!<sup>44</sup>
- 5.8 Some useful insights may be obtained from a new international project to develop performance measures for parliaments, led by Professor Robert Hazell from University College, London. While the project has yet to get properly underway, it is expected to gather momentum after a meeting with its international partners in London in June 2003.<sup>45</sup>

### Identifying committee goals: the essential first step

- 5.9 According to Uhr, a fundamental flaw in attempts to measure parliamentary or committee performance is the failure to articulate what these institutions were established to achieve or are capable of achieving. His ‘fresh’ approach to the evaluation of parliamentary performance emphasises purpose:

[M]any outstanding evaluation problems facing parliamentary institutions are internal: particularly their own inability or reluctance to articulate their public purpose in ways that clarify the choice of appropriate benchmarks of institutional performance. **No amount of busy information-gathering can help evaluate performance if there is no prior identification of the politically appropriate results or impacts expected of parliamentary performance** (emphasis added)<sup>46</sup>

- 5.10 Uhr notes that the literature on program evaluation identifies three measurement steps in the evaluation of institutions. The first deals with *efficiency* or waste minimisation; the second with *effectiveness* or goal maximisation and the third with the *appropriateness* or the merits of these institutional goals. Contemporary authorities on program evaluation believe

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<sup>42</sup> Audit Committee of the Scottish Parliament, Legacy Paper, *op cit*, p. 11 of 88

<sup>43</sup> Aldons M., ‘Rating the Effectiveness of parliamentary committee reports: the methodology’, *Legislative Studies*, Vol 15, No 1, Spring 2000, p.29

<sup>44</sup> Uhr, J., ‘Evaluating parliamentary scrutiny: the business of benchmarks’, revised version of paper prepared for Annual Conference of the ASPG, Canberra 23-24 November 2001, pp.10-13

<sup>45</sup> Email correspondence, Robert Hazell, 29/04/03

<sup>46</sup> Uhr, J., 2001, *op cit*, p.18

evaluators should pay more attention to the third step, even though it is less amenable to quantitative assessment and therefore more controversial.<sup>47</sup>

- 5.11** Blunt and Reynolds also recognise the essentially qualitative nature of committee or inquiry evaluations. Like others they suggest the importance of goals as a starting point in evaluating effectiveness, at least in relation to assessing inquiries and reports:

The important factor is to identify what the goals of the inquiry are before choosing any measures or indicators that those goals have been achieved. Such an approach is clearly more resource intensive than using one tool for every inquiry.<sup>48</sup>

- 5.12** A more detailed discussion of the relationship between committee goals, methods and effectiveness is included in Chapter 6.

## Current methods to assess committee performance

- 5.13** This remainder of this chapter provides a brief description of various ways some committees report or reflect on their performance. In particular, the initiatives in place in the Scottish Parliament indicate commitment to strategic planning by committees and their members.

### Annual reporting of committee data

- 5.14** Many parliaments, including the NSW Parliament produce Annual Reports which include or append information on the their committees' performance. For example, over the past five years the NSW Legislative Council has produced information on the 'measurable activities and outputs' of the Legislative Council Committees as 'evidence of the ongoing commitment of the Legislative Council to provide meaningful performance information about committees.'<sup>49</sup>

- 5.15** While the report provides valuable information about committee activities, such as the number of inquiries, reports and consultations conducted, it is 'output' rather than 'outcomes' focussed. There is a small section on outcomes following the report of each inquiry but this is fairly cursory. As the Legislative Council acknowledges, it 'continues to seek and develop effective methods of reporting on the outcomes of committee work'.<sup>50</sup>

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<sup>47</sup> Uhr J., 'Parliament and Public Deliberation: Evaluating the Performance of Parliament', *UNSW Law Journal*, Vol 24, No 3, p.711

<sup>48</sup> Reynolds S., 'Evaluating effectiveness of committee reports: case study of Law and Justice Committee reports on the inquiry into Crime Prevention through Social Support', Appendix 3, *Legislative Council Annual Report 2000-2001: Volume 2, Legislative Council Committees*, p.119.

<sup>49</sup> Legislative Council Committees, *Annual Report 2002: Volume 2, Legislative Council Committees – Report on Performance*, November 2002, p.iii

<sup>50</sup> *Ibid*, p.iii

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- 5.16 The Departments of the Senate and House of Representatives also present committee outcomes in their annual reports. While they use different formats, the information is essentially the same.

#### **NSW Legislative Council report evaluation project**

- 5.17 A project team recently reviewed the effectiveness of committee reports, in terms of both process and outcomes, by examining such things as the way evidence is used in reports, report format and length, linguistic style and editing, differences in style and presentation between committee secretariats as well as a consideration of how reports are utilised by stakeholders and their perceived impact. The project raises questions about the appropriateness of using performance measures to gauge the effectiveness of committee reports. The team has sought feedback on reports from former committee chairs and former committee staff as well as public servants who have had contact with committee inquiries. The project findings were presented to a meeting of committee staff and management in June 2003.

#### **NSW Legislative Council Performance Development Program**

- 5.18 In December 2002 the NSW Legislative Council introduced a new performance development program. The policy encompasses two processes. The first is a *Personal Development Action Plan*, which focuses on the performance and goals of an individual staff member. The second process is the *Project Review*, which occurs at the end of a project and involves all team members. It is designed ‘...to celebrate the successful completion of an inquiry or project and to identify difficulties encountered throughout the process, with a view to improving the conduct of future projects.’<sup>51</sup>
- 5.19 While the format is flexible, a ‘Guide for Discussion’ has been produced to steer the meeting. Staff are encouraged to identify issues and identify practices to improve their own efficiency and effectiveness and where relevant, make recommendations to the Deputy Clerk or Clerk Assistant - Committees arising from these reviews.<sup>52</sup>

#### **Survey of Senators’ satisfaction**

- 5.20 The Department of the Senate acknowledge that the performance of committee staff is measured, in part, by senators’ feedback. Every two years the Department of the Senate conducts a survey of senators’ satisfaction, and the results of these are published in summary in the annual reports. The surveys cover such things as senators’ views on the organisation of meetings and hearings, the assessment of evidence and writing of reports. For example, in the survey conducted in 2000-2001, 85 percent of senators were satisfied or very satisfied with the organisation of committee hearings, 90 percent were satisfied or

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<sup>51</sup> NSW Legislative Council, Performance Development Program, December 2002

<sup>52</sup> *Ibid*

very satisfied with the drafting of reports and 93 percent were satisfied or very satisfied with the effectiveness of staff dealing with clients and witnesses.<sup>53</sup>

### **Working group for scrutiny committee**

**5.21** A working Group of Chairs and Deputy Chairs of Commonwealth, State and Territory Scrutiny Committees meets periodically to discuss issues of mutual interest and to enable committees to compare and evaluate their procedures against those of other similar committees.<sup>54</sup>

## **A strategic approach in the Scottish Parliament**

**5.22** Scottish committees have implemented some noteworthy methods to evaluate their own performance, demonstrating a particularly strategic approach to their work.

- Legacy reports - As a young and rapidly evolving legislature, the founders of the Scottish Parliament wanted to ensure that the institutional memory would not be lost between elections. It was decided that committees and other parts of the parliament would draw up 'legacy papers' to pass on experience and advice to their successors after the second elections held in May 2003. So for example, as part of its legacy strategy, the Audit Committee commissioned comparative research on its functions and operations.
- Convener's groups - A Conveners' Liaison Group (CLG), made up of the Chairs of the 17 parliamentary committees was set up in 1999 and met on an informal basis to discuss matters of committee best practice, bids for committee time in the Chamber, and requests for funding for committee-related travel and public participation events. In December 2002 the Parliament agreed to a motion approving that the group should be constituted formally in the Standing Orders as the Conveners' Group.<sup>55</sup> The Group meets every two weeks.<sup>56</sup>
- Away days - Some committees hold 'away days' to discuss working practices and to agree on long-term aims.<sup>57</sup>
- Research on effective consultation with young people - In 2001 the Education, Culture and Sport Committee commissioned a review of the efficacy of techniques used by Scottish committees to consult children and young people about policy

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<sup>53</sup> Department of the Senate, *Annual Report 2001-2002*, p.45

<sup>54</sup> *Ibid*, p.42

<sup>55</sup> Email correspondence, Elizabeth Cantile, Public Information Service, The Scottish Parliament, 14/06/03

<sup>56</sup> Scottish Parliament, *Annual Report 2001-2002*

<sup>57</sup> *Ibid*

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making and legislation. The report provides a wealth of ideas about the advantages and disadvantages of various consultation techniques, including self-completion questionnaires, group discussions and working with formalised participatory structures, such as youth parliaments. It also includes a discussion on ways to encourage involvement from ‘minority’ groups of children, such as those with disabilities. The results will form the basis of guidelines to assist Scottish Parliament Committees in its future consultations with young people.<sup>58</sup>

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<sup>58</sup> Education and Sport Committee, the Scottish Parliament, *Improving Consultation with Children and Young People in Relevant Aspects of Policy-Making and Legislation in Scotland*, [www.scottish.parliament.uk](http://www.scottish.parliament.uk), SP Paper 365, Session 1, 2001.

## Chapter 6 Conclusions and next steps

... change is all around us. The need for both individuals and organisations to engage in continuous adaptation, enhancement and innovation is ongoing.<sup>59</sup>

We conclude our report with a discussion of our key findings and an exploration of the arguments for and against innovation in the committee context. While there are important reasons why we should be judicious in our use of unusual methods, we believe that parliaments will benefit from their committees being more open to change. In addition, our view is that the evolution of committee roles and methods will be greatly supported by an active commitment to evaluation.

### Our key findings

- 6.1 In the previous chapters we documented a range of novel methods occurring in each of the key phases of committee inquiries. There is very good evidence that some committees are making use of less traditional methods and even initiating new techniques in order to assist their inquiry processes.
- 6.2 However, our overall impression is that the level of innovation occurring among committees in the New South Wales Parliament and the Australian Parliament is modest. What innovation is occurring is limited in scope and is not gaining momentum over time.
- 6.3 Overwhelmingly, the committee staff we spoke to indicated that they follow the traditional inquiry process, where once a reference is established, the committee calls for submissions then conducts hearings to gather further evidence to inform the report that is prepared and tabled in Parliament. People told us that submissions and hearings continue to be their primary tools in this process. While there has been some shift towards utilising new techniques, our observation is that where innovation is occurring, such methods are generally ‘added extras’ to the traditional model rather than alternatives to it.
- 6.4 A further key finding of this project is that innovation is not identified as a priority or goal for committees in the legislatures we studied. This was reflected not only in the limited levels of innovation we documented, but also in the responses of many potential interviewees for this project. Some people declined the opportunity to be interviewed because the nature of their inquiries made it difficult for them to envisage how things could be done differently. The best example of this was when a number of Senate committee secretaries told us, ‘What’s the point of innovation when we have eight weeks to conduct an inquiry?’
- 6.5 The absence of innovation as a strong value in committees was also reflected in the tendency among interviewees to identify some methods as innovative despite them being fairly common practice over a substantial period of time. For example, roundtable discussions were widely seen as innovative, and are referred to in this report as being so, but they have been fairly commonly and widely used for ten years.

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<sup>59</sup> Scott, G., *Change Matters: Making a Difference in Education and Training*, Allen & Unwin, Sydney, 1999, p.xi

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## The broader context

6.6 Our finding that modest levels of innovation are occurring in the New South Wales and Australian Parliaments is perhaps surprising, especially given the well documented changes that have occurred in relation to Australian committee systems, which have carved them a greater role in parliamentary democracy in recent years. As Harry Evans, Clerk of the Senate, has written:

Every parliamentary country has embarked on the establishment of comprehensive committee systems or the improvement of previously-existing systems in response to the demand for parliamentary reform.<sup>60</sup>

### Two key trends among committees: the rise of scrutiny and policy activism

6.7 Two key trends among committees are emerging in this context. The first is a trend towards increased scrutiny over government activity, particularly in upper houses, where a greater number of committees are critically examining the decisions and actions of the government of the day. Such committees, for example the Senate's Legislation Committees, the Legislative Council's General Purpose Standing Committees, and the Estimates Committees operating in various parliaments, are busier than ever.

6.8 Recent examples of these more 'charged' scrutiny references are the Senate's 'Children Overboard' inquiry, along with the Legislative Council's Cabramatta Policing and Closure of Inner City Schools inquiries. The substantial influence of scrutiny committees has at least in part been influenced by the absence of a Government majority in both these legislatures.

6.9 The second trend occurring among committees is greater involvement in, and influence over, the policy process. Halligan, Power and Miller, writing specifically about Australia, observe that in the 'traditional Westminster-style parliament' characterised by strong party discipline and a dominant political executive, committees were offered a limited role primarily focused on the retrospective examination of regulations and perhaps legislative bills. The work of committees rarely extended to consideration of the effectiveness of policy. In the 'modern parliament', by contrast, committees are taking a greater role in the policy process and the nature of that role is changing:

While retrospective inquiries remain prominent, committees increasingly involve themselves in substantive policy and program reviews, as well as compliance scrutinies. In addition, a prospective policy role also emerges, as the committees come to prepare reports identifying issues worthy of attention by policy makers and, on occasions, preferred options for doing so. Examinations of draft legislation become more common and extend to critical appraisals of policy substance as well as the details of drafting. New opportunities for influential participation in policy discourse then may open up for those backbenchers willing

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<sup>60</sup> Evans, H., 'Parliamentary committees and the public interest', *Legislative Studies*, Vol 8, No 1, Spring 1993, p.16

to develop specialist expertise through committee work ... now concerned with the management of often contentious policy discourses.<sup>61</sup>

- 6.10** In the NSW Legislative Council, this second shift was most clearly marked in the establishment of the Law and Justice, Social Issues and State Development Standing Committees in 1988, whose functions are to inquire into, consider and report to the Legislative Council on a broad range of policy matters. Similarly, the House of Representatives and Senate now have substantial policy-focused committee systems.
- 6.11** Internationally, committees are increasingly being seen as the ‘engine rooms’ of parliament,<sup>62</sup> the saviour of democracy, providing one of the most effective ways for ordinary citizens to influence government decision-making.
- 6.12** Significantly, these twin trends in the role of committees are taking place in the context of a broader shift in the way government, and particularly the public sector, does its business. Most notably, accountability and public participation have gained real prominence as the values that must underpin the work of government.

### **Do evolving roles mean evolving methods?**

- 6.13** A key assumption informing this project has been that as the roles of committees evolve, the methods they use will follow suit. However, our findings suggest that this relationship is not so simple. Significant changes in the functions of committees have not been matched – in the New South Wales and Australian Parliaments at least – by changes in the methods that they are using to carry out their work.

### **What influences the choice of methods?**

- 6.14** As noted the introductory chapter to this report, innovation should not be done for its own sake, or on an ad hoc basis. Rather, committees should choose their methods carefully and with specific aims in mind. We can assume that there are many good reasons why committees stick to tried and true methods.
- 6.15** The first and most obvious reason is that the traditional ‘submissions, hearing and report’ package seems to work well. The model serves its purpose in enabling committees to carry out their delegated functions, perhaps largely because of the substantial powers – to call for and examine witnesses, to send for papers and so on – on which these methods are based. Elsewhere, however, we have pointed out that there has been scarce systematic evaluation of the effectiveness of the traditional, or any other, inquiry process.

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<sup>61</sup> Halligan, J., Power, J., and Miller, R., ‘Roles of parliamentary committees: a developmental perspective on the Australian system’, *Working Papers on Comparative Legislative Studies II: The Changing Roles of Parliamentary Committees*, Research Committee of Legislative Specialists, International Political Science Association, Lawrence University, 1997, Appleton, Wisconsin, p.225

<sup>62</sup> The Scottish Parliament, *Annual Report 2001-2002*, p.1



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- 6.16** At the same time, parliaments tend to be ‘risk averse’, often with good reason. Committees have substantial confidence in the protection afforded to witnesses by traditional methods. In addition, the inherently political nature of their work means that particularly during controversial inquiries, committees need to maximise their control over events and minimise opportunities for partisan interests to play out. On the other hand, a natural tendency towards conservatism may mean that some parliaments are less open to methods that could enable them to reach new levels of effectiveness, while still being on strong procedural ground.
- 6.17** Thus the culture of a particular legislature can play a very important role in the choice of methods. Some parliaments – and indeed some committee chairs - may encourage new ways of working while others favour tradition. It is noteworthy that the Scottish Parliament prides itself on its innovative approach to committee work.
- 6.18** The time and resources available will also influence a committee’s choice of methods. As noted above, Senate committee staff were quick to tell us that when time is short and the pressure is on to complete an inquiry, innovative methods are not an option. On the other hand, we also spoke to people who would like to try new things but do not have the resources to do so.
- 6.19** Also of significant influence over choice of methods is a committee’s goals and how it interprets them. As noted in Chapter 5 concerning evaluation, a committee’s goals can be separated into two interrelated dimensions: the purpose of a specific committee and the goals of a particular inquiry. In turn, how a committee interprets its goals may be influenced by members’ sense of the broader role of committees in parliamentary democracy, for example in relation to ensuring accountability or strategically influencing policy.

### **Committee goals**

- 6.20** Our findings suggest that committees with a narrowly defined brief tend not to use innovative methods. Key examples are committees responsible for scrutiny of delegated legislation, whose task it is to reject, accept or propose amendments to a particular piece of legislation, or privileges committees, who examine particular allegations of misuse of the privileges of parliament. Such committees are not directly involved in the development of policy and do not routinely involve members of the public in their inquiries. Thus they may have no call for methods other than those that are ‘tried and true’. Similarly, a Senate committee looking into a discrete and highly controversial aspect of government activity, that is charged with, for instance, establishing the process of decision making concerning a specific incident, is likely to want to make strong use of the powers associated with formal hearings.
- 6.21** By contrast, committees that perceive themselves to be more ‘policy active’, or more instrumental in developing long term solutions to a particular policy issue, tend to use a wider array of techniques to collect evidence, including informal methods to seek public input into their proceedings. Committees seeking to harness new ideas or options for government are more likely to use creative means of gathering their evidence, as we saw with some of the standing committees of the Legislative Council and the House of Representatives.

### **Inquiry goals**

- 6.22** Even within the one committee, the goals of a particular inquiry can vary markedly and will to a large extent determine the selection of inquiry methods. A short sharp inquiry with a very specific focus may simply require a few targeted hearings. In contrast, an inquiry concerned with forging a new way forward in a complex policy area may benefit from the roundtable model that brings together, and seeks consensus from, a range of players. Further, an inquiry that seeks to document the personal experience of citizens who have felt the impact of harmful past policies may find public forums very helpful.

### **Pushing the boundaries of committees: notable innovations**

- 6.23** Perhaps some of the most interesting innovations that we documented specifically concerned the issue of committee roles.
- 6.24** We identified a number of instances where committees were ‘pushing the boundaries’ of the traditional roles ascribed to them in order to help achieve the outcomes they identified as important for their work. They did this by taking on a more instrumental and active role in the policy process. A key example noted in Chapter 3 was the Joint Committee on the Ombudsman, which mediated agreement between the NSW Police Commissioner and Ombudsman on an issue that was critical to achieving reform. Similarly, but perhaps to a lesser degree, the roundtable towards the end of the Social Issues Committee’s child protection inquiry sought to ‘shift the debate’ and move a range of non-government stakeholders towards positive change.
- 6.25** As we noted in that chapter, reconceptualising the role of a committee from a body which investigates and advises on change to one which actively seeks to bring change about is a significant and perhaps controversial one.
- 6.26** The other noteworthy ‘boundary-pushing’ activities concerned instances where a committee had taken a significant additional step at the end of an inquiry by assigning itself a formal monitoring role over government activities in response to an inquiry. As documented in Chapter 4, this is occurring increasingly in both the New South Wales and Australian Parliaments, as well as overseas, as a means of achieving greater government accountability. Again, this goes beyond the traditional role of many committees, whose responsibilities are seen to end with the tabling of a final report.

### **Key messages**

- 6.27** This project has sought to document and analyse the range of innovative techniques used by parliamentary committees during an inquiry. Two key messages flow from our analysis.

#### **Being open to innovation**

- 6.28** The first message is that while innovation should never be an end in itself, our committee systems could be more open to change in the methods they use to do their work. We have concluded that the parliamentary committees we examined are not pursuing innovation as

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much as they might, especially given the degree of change that has occurred in recent years in the role and nature of committees both nationally and internationally.

- 6.29** There will always be a case for the traditional, tried and true methods of hearings and calling for submissions. But the world around us is changing and as the quote from Robert Marleau, former Clerk of the Canadian House of Commons, at the commencement of this report attests, we cannot assume that these methods will always serve committees best. As this report testifies, there are ways of doing things that are more efficient, allow for greater public participation, afford committee members new insights into an issue, and help to ensure that a committee's recommendations are taken seriously by government.
- 6.30** Institutions that are open to change and new ways of doing things are healthier and more robust than those that are not. They also help to ensure their own relevance and effectiveness in the longer term. Parliaments are sometimes known for their slowness to evolve, but as we have seen, they have been marked by substantial reforms in recent decades. If they are to make the most of these reforms, to respond to new public imperatives, and to truly become the 'engine rooms of parliament' they are capable of being, we believe that committees should be more open to – or even more committed to pursuing - changes in the way they do their work.

#### **Evaluating what committees do**

- 6.31** The second key message of this report is that committees should be more dedicated to evaluating what they do. While there has been some progress on this front in recent years, there are important gains to be made from a more active and systematic approach to evaluating the work of committees, their methods and the outcomes they achieve.
- 6.32** A commitment to evaluation within committees and parliaments will not only encourage committees to consider a wider range of methods and select the techniques most appropriate to achieving their goals. It will also enable committees to maximise their relevance and effectiveness in the longer term. We thus believe that innovation and evaluation will go hand in hand in enabling committees to become ever more relevant to the parliament and the public, and ever more effective in achieving their goals.

## Appendix 1 List of interviewees

### **NSW Legislative Council**

Tanya Bosch  
Steven Reynolds  
Tony Davies  
Julie Langsworth  
Heather Crichton  
Bayne McKissock  
David Blunt

### **NSW Legislative Assembly**

Christina Thomas  
Leslie Gonye  
Ian Thackeray  
Ian Faulks  
Helen Minnican

### **Senate**

Stephen Frappell  
Brenton Holmes  
Elton Humphery

### **House of Representatives**

Catherine Cornish  
Margaret Swieringa  
Susan Cardell  
Russell Chafer  
Bev Forbes  
Andres Lomp

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## Appendix 2 Interview schedule

### Introduction

We are co-ordinating a project about the methods or techniques used by parliamentary committees during the course of an inquiry. These include ways to:

- consult with stakeholders and members of the public
- generate interest in, and awareness of, a particular inquiry
- clarify inquiry terms of reference
- open up lines of communication between various interests
- test support for committee recommendations

As part of this project, we are interviewing committee staff in the Legislative Council, Legislative Assembly and other Australian Parliaments. We also intend to make contact with staff in several overseas parliaments.

We will use the information generated during these interviews to develop a practical guide to effective inquiry techniques for staff, Members and participating parliaments. The guide will document the advantages, disadvantages and procedural implications of various approaches. It will include several case studies of successful techniques in action, as well as lessons learnt from less successful methods.

We would appreciate if you could spare an hour or so to discuss your ideas about inquiry techniques.

Thank you

### **Question 1**

Can you tell us about any techniques or methods you have used during the course of an inquiry that you would describe as innovative or unusual?

### **Question 2**

*Thinking about your first example....*

- a. Can you tell us a bit more about what you did?
- b. Why did you choose this method?
- c. Did you encounter any barriers or opposition to using this method?
- d. What were the advantages of this approach?
- e. What were the disadvantages of this approach?
- f. Did it raise any procedural issues?
- g. Are there any circumstances in which this method should not be used?
- h. Did it achieve your goals?
- i. If you had an opportunity to do it again, would you do anything differently?
- j. Are you able to provide us with any documentation or material relating to the method?

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### **Question 3**

Can you suggest other people we should talk to about innovative methods to gather information and evidence by parliamentary committees or other inquiry bodies, in Australia or overseas?

### **Question 4**

Are there any other issues you would like to raise?