



Going viral: Managing inquiries with thousands of submissions and substantial public interest

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1 Abstract

This paper investigates challenges faced by New South Wales Legislative Council committees undertaking inquiries with significant public interest, characterised by a large influx of submissions and intense media interest. We outline the critical role and functions of parliamentary committees, and examine how committees have balanced public expectations, transparency, the wellbeing of submission authors, with the challenges associated with managing sensitive submissions, while simultaneously conducting hearings and preparing inquiry reports.

The paper examines challenges encountered in inquiries with substantial public interest, including the logistical hurdles associated with receiving thousands of submissions, ensuring thorough review and consideration, whilst simultaneously managing heightened public and media expectations. It also examines the strain placed on small secretariat teams, typically composed of just three or four staff who are tasked with navigating these complex demands with limited resources.

To illustrate these challenges, the paper reviews three high profile inquiries in the NSW Parliament, the inquiries into the provisions of the Reproductive Health Care Reform Bill 2019, the Voluntary Assisted Dying Bill 2021, and the inquiry into Birth Trauma. These case studies provide insights into the challenges of receiving volumes of submissions, the nature of public and media engagement, and the specific strategies employed by different committees to manage the workload.

The paper also outlines resource constraints, strategies for enhancing efficiency and some potential solutions. It underscores the importance of developing systems to best manage the processing of submissions and examines the use of online questionnaires to minimise the potentially large volume of submissions.

Lessons learned from these inquiries are discussed along with recommendations for process improvements to support committees and secretariat teams in handling high interest inquiries more effectively. The paper concludes by offering possible long-term solutions and future directions for improving the inquiry process.¹

2 Committee inquiries

The Legislative Council has a long history of committees dating back to 1825.² Since then, committees have become an important function of the Upper House. Upper House committees have delivered strong outcomes, including significant legislative and policy changes, such as reforms to in the

¹ With thanks to staff of the Legislative Council: Shaza Barbar, Madeleine Dowd, Stephen Frappell, Tina Mrozowska, Sharon Ohnesorge and Steven Reynolds for taking the time to share their reflections as members of the secretariat teams for the inquiry into the provisions of the Reproductive Health Care Reform Bill 2019, the inquiry into the provisions of the Voluntary Assisted Dying Bill 2021, and the inquiry into birth trauma. Interviews were conducted with these staff in August 2024. Thank you to Robin Howlett for assisting with statistics and charts. Thank you also to Steven Reynolds, Deputy Clerk of Parliaments for his assistance in workshopping and developing this paper, and staff of the Legislative Council more broadly for sharing their experiences working on high interest inquiries. With further thanks to David Blunt, Clerk of Parliaments for review and advice, and Beverly Duffy, Clerk Assistant Committees and Sharon Ohnesorge Acting Clerk Assistant Committees for supporting us to develop this paper.

² Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, p 726.

governance of state transport assets and insurance schemes³ These committees have been instrumental in holding the government to account and improving public policy for the benefit of people in New South Wales.

2.1 Role and function within the Legislative Council

Legislative Council committees, constituted by members from across the political spectrum, are appointed to conduct inquiries into policy issues, proposed legislation or executive activity.⁴

2.1.1 Legislative Council committees

The Legislative Council has a number of committees that inquire into a range of issues. The Council currently has 20 committees, including 17 standing committees, three select committees, and Council members are participating in six joint committees.⁵

Committees play a vital role in raising public awareness and facilitating public participation in policy discussions through their inquiry work.

In the course of a typical inquiry, a committee will receive or adopt a terms of reference, gather evidence through submissions and public hearings, and prepare a final report.⁶

2.2 Standard procedures for inquiries

2.2.1 Inquiry team

In the Legislative Council, the Committee Office operates a single secretariat, allocating staff to inquiries as they commence, rather than staff being designated for a particular committee.

The Committee Office currently maintains a pool of approximately 30-40 staff available to work on committee inquiries, including Directors, Principal Council Officers, Senior Council Officers and Administration Officers. These officers facilitate the effective operation of a committee. Generally, this involves:

- providing procedural advice to the Chair and other committee members
- organising committee meetings and hearings
- preparing meeting agendas and minutes
- reviewing evidence (submissions, correspondence, answers to questions on notice and supplementary questions and hearing transcripts) and providing material required by the committee
- maintaining committee records and ensuring their security
- responding to committee correspondence and enquiries from the public

³ Public Accountability Committee, NSW Legislative Council, *Transport Asset Holding Entity* (2022); Standing Committee on Law and Justice, NSW Legislative Council, *2023 Review of the Workers Compensation Scheme* (2023).

⁴ Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, pp 726 and 727.

⁵ As of 5 September 2024. Up to date information on the committees of the current parliament can be accessed at <https://www.parliament.nsw.gov.au/committees/listofcommittees/pages/committees.aspx>.

⁶ See also Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, pp 758 – 776..

- preparing draft reports.⁷

A typical secretariat for an inquiry will comprise of three or four staff, with complimentary skills and experience. Typically, the secretariat team will comprise of a Director, Principal Council Officer, and Administration Officer. For more complex inquiries, a Senior Council Officer is also allocated. At any one time, the above staff will be supporting multiple inquiries. Directors work closely with the Clerk Assistant – Committees to allocate inquiries so the busiest parts of each inquiry do not coincide. However, when inquiry timelines change, this cannot be avoided.

On rare occasions, additional temporary staff will be recruited, or staff from other inquiries will be asked to volunteer on particularly busy inquiries.

2.2.2 Publicising the inquiry and calling for submissions

A committee typically begins an inquiry by publicising its terms of reference through media releases, on social media, and by calling for submissions. Committees also directly contact key stakeholders who have an interest in the inquiry's subject matter and encourage them to provide their input. A deadline is set for submissions, although extensions can be granted.⁸

2.2.3 Submission processing

Submissions are one of the principal means by which committee members are informed about issues and viewpoints. Submissions can take various forms, including letters, research papers, or multimedia recordings or presentations. Submissions can be provided by direct upload to the inquiry webpage, via e-mail or post to the committee secretariat team. An administration officer then processes the submissions.

Administration officers process submissions by:

- accessing the submission through the Parliament Information Management System (PIMS)
- downloading the submission
- redacting names, contact details and signatures
- creating a cover page
- saving the submission to the inquiry folder
- entering submission details into the submission spreadsheet
- sending an acknowledgement email to the submission author asking them to confirm the requested publication status – either public, name suppressed, partially confidential or confidential.⁹

Administrative officers have noted this process is time consuming as it involves significant manual management of submissions.¹⁰

After a submission is processed, it will be reviewed and published by the committee. The authority of committees to publish submissions is an important part of the inquiry process, as it facilitates transparency and enables public discussion and engagement with an inquiry.¹¹ Once published by a

⁷ Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, pp 794-795.

⁸ Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, p 760.

⁹ Conversation with Tina Mrozowska, Council Officer, Legislative Council Committees, 2 September 2024.

¹⁰ Conversation with Tina Mrozowska, Council Officer, Legislative Council Committees, 2 September 2024.

¹¹ Susan Want & Jenelle Moore, Edited by David Blunt, *Annotated Standing Orders of the New South Wales Legislative Council*. Sydney: The Federation Press, 2018, pp 728-729.

committee, authors of submissions benefit from absolute privilege in relation to defamation, and immunity from civil and criminal proceedings, in relation to the evidence provided.¹²

Resolutions appointing most committees will require that, unless the committee decides otherwise, the Committee Clerk check for confidentiality and adverse mention.¹³ Should the Committee Clerk identify these issues, the publication of the document will be specifically considered by the committee.¹⁴

In practice, the secretariat reads each submission carefully and highlights any adverse mention or confidential information for the committee to consider redacting.

Submissions are then provided to the committee members for consideration. The committee will then resolve to publish a submission publicly, keep the submission confidential, or partially confidential (by redacting certain information). Once the committee has agreed to this, the secretariat will publish the submission on the inquiry webpage.¹⁵

2.2.4 Witnesses

Following the receipt of submissions, committees typically hold public hearings, where witnesses are invited to appear and give evidence. Hearings are an opportunity for committee members to directly question witnesses about matters relevant to an inquiry and to clarify or test issues raised in submissions. Primarily, witnesses are identified through submissions received by the committee.¹⁶

During hearings, a witness may take questions 'on notice', in order to provide a written answer at a later time. According to resolutions establishing the committees, all answers to questions on notice are published, subject to the committee secretariat checking for adverse mention and confidentiality.¹⁷

Following a hearing, committee members may provide supplementary questions to witnesses and witnesses usually have 21 calendar days to provide answers. All answers to supplementary questions are published by the same process as answers to questions on notice.¹⁸

¹² Susan Want & Jenelle Moore, Edited by David Blunt, *Annotated Standing Orders of the New South Wales Legislative Council*. Sydney: The Federation Press, 2018, p 728.

¹³ Susan Want & Jenelle Moore, Edited by David Blunt, *Annotated Standing Orders of the New South Wales Legislative Council*. Sydney: The Federation Press, 2018, p 728; See for example, resolutions establishing the Subject Standing Committees, Public Accountability and Works Committee, Modern Slavery Committee, Regulation Committee, Privileges Committee and Portfolio Committees, *Minutes*, NSW Legislative Council, 10 May 2023, pp 31-40; pp 65-67.

¹⁴ Susan Want & Jenelle Moore, Edited by David Blunt, *Annotated Standing Orders of the New South Wales Legislative Council*. Sydney: The Federation Press, 2018, p 728; See for example, resolutions establishing the Subject Standing Committees, Public Accountability and Works Committee, Modern Slavery Committee, Regulation Committee, Privileges Committee and Portfolio Committees, *Minutes*, NSW Legislative Council, 10 May 2023, pp 31-40; pp 65-67.

¹⁵ Susan Want & Jenelle Moore, Edited by David Blunt, *Annotated Standing Orders of the New South Wales Legislative Council*. Sydney: The Federation Press, 2018, p 728.

¹⁶ Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, pp 763-764.

¹⁷ Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, p 766.

¹⁸ Stephen Frappell, David Blunt (editors), *New South Wales Legislative Council Practice Second Edition*. Sydney: The Federation Press, 2021, p 766.

2.3 Trends – more inquiries, more submissions

2.3.1 An increasing volume of Legislative Council inquiries

Over the last two decades, there is a trend towards a higher volume of concurrent inquiries in the Legislative Council (Figure 1).

Between 2004-14, the average number of active annual inquiries was 30. Between 2014-24, this average increased to 42.

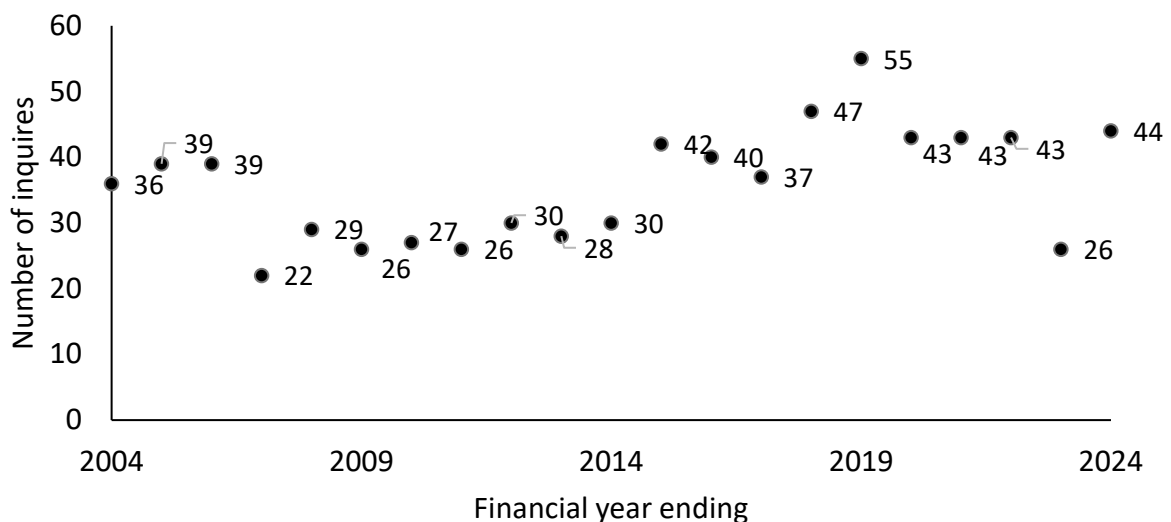


Figure 1. Number of active inquiries in the Legislative Council each year over the last two decades.

2.3.2 A greater number of inquiries reports produced each year

There has been an increase in the average number of reports published by inquiries of the Legislative Council over the last three decades (Figure 2). Notably, in the decade from 1995-2004, an average of 14 reports were published each year, in contrast with the most recent decade from 2015-2024, when an average of 28 reports were published per year.

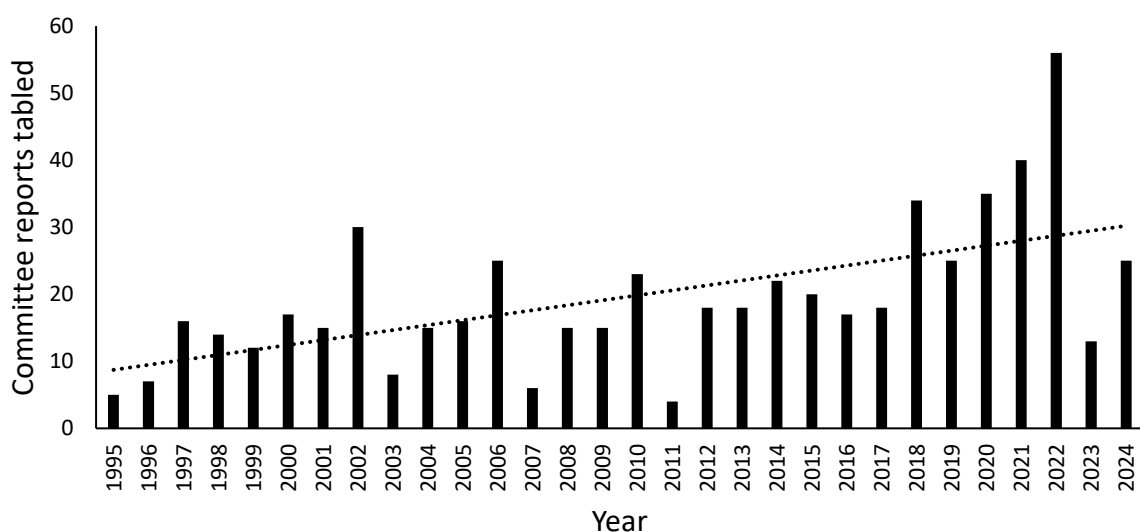


Figure 2. Number of reports published each year by committee inquiries of the Legislative Council since 1995

2.3.3 Rising numbers of submissions to Legislative Council inquiries

In the last five-year period, the Legislative Council has experienced a marked increase in the number of submissions received by committees each year (Figure 2).

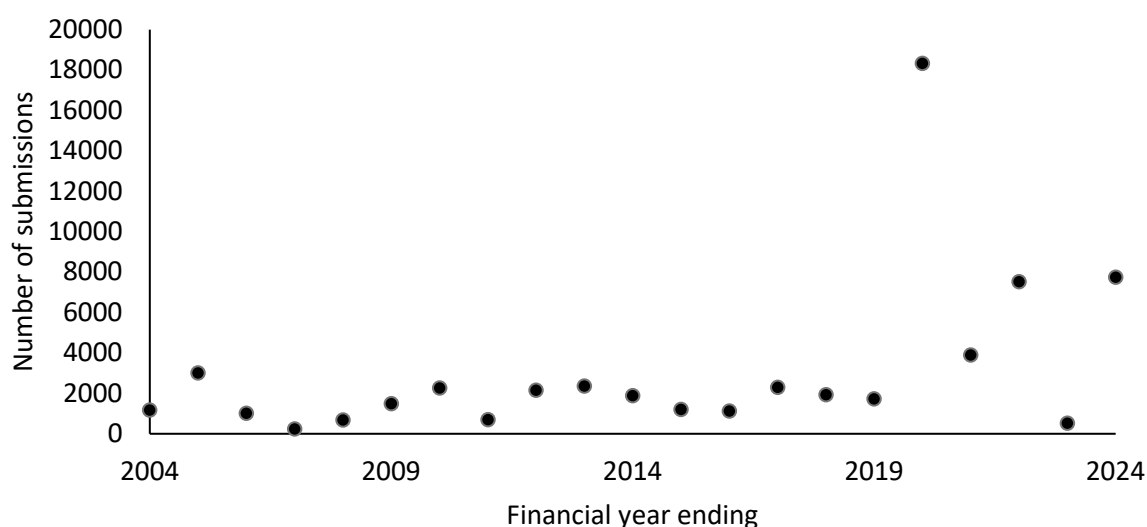


Figure 3. Submissions received by inquiries of the Legislative Council each year since 2004, as recorded in annual reports.

Since 2019 an average of 7,605 submissions was received and processed each year.

This was over a fourfold increase on the relatively stable preceding 15-year period, when an average of 1606 submissions was received each year (from 2004-2019).

Given this dramatic recent increase in the volume of submissions, the Legislative Council has been testing new approaches to processing, reviewing and publishing submissions and the resourcing of inquiries.

3 Inquiries with substantial public interest

3.1 Characteristics of inquiries with substantial public interest

Politically charged inquiries that deal with social policy issues, questions of morality or personal issues often attract significant public and media attention. The inquiries into the provisions of the Reproductive Health Care Reform Bill 2019 and the Voluntary Assisted Dying Bill 2021 touched on deontological ethics, personal freedoms and rights, and involved contentious moral, ethical and legal considerations. These inquiries attracted a broad audience, ranging from individuals with direct experiences, to advocacy groups and religious organisations.

These inquiries preceded the extensive debates of these bills in the Houses. Given members were permitted a conscience vote, the inquiries became critical to both supporters and proponents of the bill, as they gave a final opportunity for members to garner support for their cause. This is evidenced by members' use of the evidence from the inquiries during the debates.¹⁹

¹⁹ See for example: *Hansard*, NSW Legislative Council, 24 September 2019, p 85 (Fred Nile); *Hansard*, NSW Legislative Council, 25 September 2019, p 125 (Shayne Mallard).

The inquiry into birth trauma also drew significant attention due to its focus on critical aspects of healthcare and its impacts on reproductive health and families.

Inquiries with substantial public interest are often subject to considerable media coverage and social media campaigns. Influential media personalities and social media accounts can have a dramatic impact on the volume of submissions an inquiry receives by encouraging followers to participate. For example, the inquiry into birth trauma received over 4,000 submissions, which may have been driven by coordinated online campaigns. Such campaigns can lead to 'submission bombing' where inquiry portals are flooded with brief, homogenous submissions. While this can demonstrate the strength of public sentiment, it can also obscure meaningful contributions and place a heavy administrative burden on committees.

3.2 Case study – Inquiry into the provisions of the Reproductive Health Care Reform Bill 2019

3.2.1 Overview of the inquiry

The Reproductive Health Care Reform Bill 2019 (NSW) was introduced into the Legislative Assembly on Thursday 1 August 2019 as a Private Member's Bill by Mr Alex Greenwich MP, Member for Sydney.²⁰ The bill was subsequently debated in the Legislative Assembly over three days from 6 to 8 August 2019, and forwarded to the Legislative Council on Friday 9 August 2019.²¹

In summary, the key aspects of the bill sought to:

- enable termination of pregnancy up to 22 weeks, and in some circumstances after 22 weeks
- remove criminal offences relating to termination of pregnancy from the *Crimes Act 1900 (NSW)*
- require a health practitioner who has a conscientious objection to performing a termination to disclose the objection and refer the person to another health practitioner
- create an offence for a person who is not a medical practitioner or otherwise authorised to terminate a pregnancy.²²

The inquiry into the bill began with a referral to the Standing Committee on Social Issues from the Selection of Bills Committee on 6 August 2019.²³ The House resolved that committee was to report by 20 August 2019, allowing 14 days for the inquiry.²⁴ Upon referral, the committee resolved to begin the inquiry by advertising submissions from 9 August 2019 (or sooner depending on the passage of the bill through the Legislative Assembly).²⁵

²⁰ *Votes of Proceedings*, NSW Legislative Assembly, 1 August 2019, p 228.

²¹ *Votes of Proceedings*, NSW Legislative Assembly, 6 August 2019, pp 249-250; *Votes of Proceedings*, NSW Legislative Assembly, 7 August 2019, pp 255-256; *Votes of Proceedings*, NSW Legislative Assembly, 8 August 2019, pp 261-287; Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 3.

²² Explanatory note, Reproductive Health Care Reform Bill 2019 (NSW), p 1.

²³ *Minutes*, NSW Legislative Council, 6 August 2019, pp 292-293.

²⁴ *Minutes*, NSW Legislative Council, 6 August 2019, pp 292-293.

²⁵ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 62.

The committee initially planned a 'short-format' inquiry which would involve one hearing day, a brief report including an explanation of the bill and a transcript from the hearing.²⁶ However, the significant public interest in the bill led the committee to undertake a full inquiry, including a substantial report, albeit within an exceptionally brief timeframe.²⁷

To conduct this inquiry the committee:

- invited submissions from 9 August to 13 August 2019 (extended to 15 August following technical issue with the submissions portal)²⁸
- held three days of public hearings on 14, 15 and 16 August 2019, comprising of: 15 hours of hearings, 15 panels of witnesses, 44 witnesses, approximately 300 questions, and 174 pages of Hansard transcript²⁹
- held a report deliberative on 19 August 2019³⁰
- reported to the House on 20 August 2019.³¹

3.2.2 Volume of submissions and witnesses

The inquiry received over 13,000 submissions, with 10,000 received through the website portal and 3,000 via email.³² On the afternoon of the closing date, due to the volume of submissions received, the website portal experienced downtime (i.e. a 'crash').

The committee heard evidence from a total of 44 witnesses, including 15 panels of witnesses.³³ Panels of witnesses represented a broad spectrum of viewpoints on the issue, and included ethicists, religious leaders, academics, women's organisations, legal and medical professionals, and advocates from both the right to choose and right to life perspectives.³⁴

3.2.3 Managing evidence received

3.2.3.1 Submissions

The secretariat anticipated a large volume of submissions for this inquiry, and employed additional temporary staff to assist with the processing of submissions.³⁵ After a day or so of submissions being received and processed, the secretariat determined they would be unable to process all the

²⁶ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

²⁷ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

²⁸ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 3.

²⁹ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), pp vii and 4.

³⁰ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), pp 71-77.

³¹ *Minutes*, NSW Legislative Council, 20 August 2019, pp 355-356.

³² Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 3.

³³ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p vii.

³⁴ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p vii.

³⁵ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

submissions despite the additional staff, within the fixed timeframe available for the committee to deliver its final report.³⁶

The secretariat made considerable effort to identify all submissions from witnesses giving evidence, and more generally from key agencies and organisations with an opinion on the bill. In most cases, with few exceptions, these submissions were identified, processed and published by the committee.³⁷

In relation to submissions received from the public via the online portal, the committee adopted a random sampling approach to ensure that the views of inquiry participants were represented in a manner that was achievable within the time limitations. For submissions received through the website portal, the secretariat processed every 50th submission, and once this was completed, returned for a second pass to process every 25th submission.³⁸ A sample of 100 of these submissions was identified and published.³⁹ Of this sample, 96 were opposed to the bill, three did not express a position on the bill, and one suggested amendments.⁴⁰

A similar approach was taken to submissions received over e-mail, where a sample of 40 submissions were processed and published.⁴¹ Of this sample, 36 were opposed to the bill and 4 supported the bill.⁴²

3.2.3.2 Witnesses

To complete this inquiry within the 14-day period, the committee resolved to make adjustments to some standard inquiry timeframes.

In a typical Legislative Council inquiry, witnesses are afforded the opportunity to take questions on notice during a hearing, and members are also given an opportunity to ask supplementary questions following a hearing.⁴³ Typically witnesses are given 21 days to respond to questions taken on notice and supplementary questions.⁴⁴ For this inquiry, the committee resolved that witnesses would be directed not to take questions on notice at the hearings, and no supplementary questions would be asked by members.⁴⁵

³⁶ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

³⁷ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

³⁸ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 4.

³⁹ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 4.

⁴⁰ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 4.

⁴¹ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 4.

⁴² Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 4.

⁴³ See for example, resolution establishing the portfolio committees, *Minutes*, NSW Legislative Council, 10 May 2023, pp 65-67.

⁴⁴ See for example, resolution establishing the portfolio committees, *Minutes*, NSW Legislative Council, 10 May 2023, pp 65-67.

⁴⁵ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), pp 62, 63, 66 and 69.

3.2.4 The report

The committee adopted the following timeline in relation to the finalisation of the report for the inquiry in August 2019:

- Friday 16 August: final hearing for the inquiry
- Monday 19 August (early morning): chair's draft report to be circulated to the committee
- Monday 19 August (5.00 pm): report deliberative
- Tuesday 20 August: report tabled in the House.⁴⁶

Circulation of a Chair's draft report within one working day of a final hearing, and one day prior to tabling, is highly unusual for a substantial report of this nature.

At the time of this inquiry, there was no specified timeframe for providing a Chair's draft report to members prior to tabling. However, the Standing Orders were amended in November 2019 to provide that, unless a committee decides otherwise, a Chair's draft report is to be circulated at least seven days prior to the report deliberative.⁴⁷

In order to assist the Chair with preparing the report within this timeframe, the Clerk Assistant – Committees became heavily involved in drafting over the weekend of 17-18 August 2019, which again is not typical of Legislative Council inquiries, where usually less senior clerks assist the Chair with drafting.⁴⁸

3.2.5 Public and media interest

The volume of submissions reflected the considerable public interest in this inquiry. However public engagement with the inquiry outside of the submission process, including phone calls from the public to the secretariat, was reasonably limited.⁴⁹

Media interest was generally directed towards the Houses as the bill progressed, rather than the inquiry itself.⁵⁰

As members were permitted a conscience vote on the bill, the media focused on voting divisions rather than the activities of the inquiry itself.⁵¹ However, the inquiry was regularly referred to during the debates, primarily through use of the transcripts to quote various witnesses to support the arguments members were making. Although it is unlikely members would have changed their position as a result of the inquiry, it did provide useful material for opponents and proponents of the bill.⁵²

⁴⁶ Standing Committee on Social Issues, NSW Legislative Council, *Reproductive Health Care Reform Bill 2019 [Provisions]* (2019), p 62.

⁴⁷ *Minutes*, NSW Legislative Council, 20 November 2019, p 729; NSW Legislative Council.

⁴⁸ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

⁴⁹ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

⁵⁰ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

⁵¹ Michael McGowan, 'MPs' threat over abortion bill could push NSW Liberals into minority government'. *The Guardian*, 3 September 2019. Accessed at: <https://www.theguardian.com/australia-news/2019/sep/03/nsw-liberal-mps-threaten-to-move-to-crossbench-over-abortion-bill>.

⁵² Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

3.3 Case study – Inquiry into the provisions of the Voluntary Assisted Dying Bill 2021

3.3.1 Overview of the inquiry

The inquiry by the Standing Committee on Law and Justice in the Legislative Council into the provisions of the Voluntary Assisted Dying Bill 2021 was conducted from October 2021 to February 2022.

The Voluntary Assisted Dying Bill 2021 ('the VAD bill') was introduced in the Legislative Assembly on 14 October 2021, as a Private Member's Bill by Mr Alex Greenwich MP, Member for Sydney,⁵³ and was co-sponsored by 28 members across both houses of parliament.⁵⁴

In summary, the key aspects of the bill sought to:

- enable eligible persons with a terminal illness to access voluntary assisted dying
- establish a procedure for, and regulate access to, voluntary assisted dying
- establish the Voluntary Assisted Dying Board and provide for the appointment of members and functions of the Board.⁵⁵

On 19 October 2021 the Legislative Council resolved that the VAD bill should be referred to the Standing Committee on Law and Justice for inquiry and report, upon receipt of the message on the bill from the Legislative Assembly. The resolution from the House stipulated that the committee should report by the first sitting day in 2022.⁵⁶ As such, the final report of the inquiry was tabled on 22 February 2022.⁵⁷

On 21 October 2021 the committee considered the referral from the house, and resolved to

- invite submissions and responses to an online questionnaire until 22 November 2021
- hold a series of three hearings on 8, 10 and 13 December 2021
- to advertise the inquiry via Twitter, Facebook, media release and direct e-mail to key stakeholders.⁵⁸

Over the subsequent 53 days, the committee:

- received 3,073 submissions, of which 107 were published⁵⁹
- received over 39,000 responses to the online questionnaire⁶⁰
- heard testimony from 78 witnesses over the three days of hearings.⁶¹

⁵³ *Votes of Proceedings*, NSW Legislative Assembly, 14 October 2021, p 1310.

⁵⁴ Standing Committee on Law and Justice, NSW Legislative Council, *Voluntary Assisted Dying Bill 2021 [Provisions]* (2022), p 1.

⁵⁵ Explanatory note, Voluntary Assisted Dying Bill 2021 (NSW), p 1.

⁵⁶ *Minutes*, NSW Legislative Assembly, 19 October 2021, pp 2511-2512.

⁵⁷ *Minutes*, NSW Legislative Assembly, 22 February 2022, p 2927.

⁵⁸ Standing Committee on Law and Justice, NSW Legislative Council, *Voluntary Assisted Dying Bill 2021 [Provisions]* (2022), p 72.

⁵⁹ Standing Committee on Law and Justice, NSW Legislative Council, *Voluntary Assisted Dying Bill 2021 [Provisions]* (2022), p ix.

⁶⁰ Standing Committee on Law and Justice, NSW Legislative Council, *Voluntary Assisted Dying Bill 2021 [Provisions]* (2022), p 2.

⁶¹ Standing Committee on Law and Justice, NSW Legislative Council, *Voluntary Assisted Dying Bill 2021 [Provisions]* (2022), pp 65 – 70.

This legislation was controversial, with substantial engagement from peak bodies and religious groups, and like the Reproductive Health Care Bill, was being considered at the culmination of a long, emotionally charged, public debate. Unlike the Reproductive Health Care Bill, the VAD bill inquiry had a longer period of consideration and enquiry which was a clear learning from the prior example.

3.3.2 Gathering of evidence

It was anticipated that there would be a substantial public interest and a considerable submission load. To manage the submission load, the committee and secretariat:

- established an online questionnaire
- publicly promoted the online questionnaire, rather than the submission portal
- invited submissions from peak bodies and advocacy groups
- sent a standard e-mail acknowledgement to contributors
- procured a 'data dump' of all submissions that could be circulated to members without requiring individual processing by the secretariat.⁶²

3.3.3 Management of submissions and hearings

Despite the management plan put in place, the volume of submissions and the timeframe for production of the committee report created challenges for the inquiry.⁶³

While submissions were open from 21 October to 22 November 2021, with less than two weeks between the closing date and the first hearing, it was not possible for the committee to review over 3000 submissions received in time to identify witnesses to give evidence at the hearings.

The committee agreed to a course of three hearing days, with one to hear from witnesses in support of the bill, one to hear from witnesses opposed to the bill, and one to finalise proceedings and hear from witnesses who had been unable to attend prior days.⁶⁴ Committee members in support of the bill and opposed to the bill were respectively given broad latitude to nominate witnesses.⁶⁵ This approach resulted in quite fulsome schedules for each hearing day, with 22, 37, and 20 witnesses appearing on 8, 10 and 13 December 2021 respectively.

3.3.4 Landmark use of an online questionnaire

In recent years, committee inquiries in the NSW Legislative Council had begun using online questionnaires across a wide range of inquiries, such as those investigating road tolling, flooding, and museums.

A typical online questionnaire conducted by a committee of the period would receive a few hundred responses, for example:

⁶² Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024.

⁶³ Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024.

⁶⁴ Standing Committee on Law and Justice, NSW Legislative Council, *Voluntary Assisted Dying Bill 2021 [Provisions]* (2022), pp 75.

⁶⁵ Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024.

- 119 responses were received by the inquiry into the Response to Major Flooding across New South Wales in 2022⁶⁶
- 301 responses were received by the inquiry into the government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales⁶⁷
- 503 responses were received by the inquiry into road tolling regimes⁶⁸

Although it was anticipated the inquiry into provisions of the VAD bill would generate a significant level of public interest and questionnaire responses, the engagement with the questionnaire far exceeded expectations.

At its closing date the questionnaire had received 39,915 responses from New South Wales Residents. At this point in time, this was a record amount of public engagement with an online questionnaire circulated by a Legislative Council inquiry.

3.3.5 Key insights

Offering an online questionnaire to the public as a method for engaging with an inquiry can provide several benefits to a committee.

- Online questionnaires can provide a quick way for a member of the public to share their sentiments with a committee without the need to write a fulsome submission.
- In contrast with open submissions, online questionnaires can give the committee a rapid insight into the sentiments towards a given question or topic, which can be particularly useful for inquiries into bills.
- The volume of responses to a questionnaire indicates how engaged the public is with a particular issue under scrutiny or debate.
- Online questionnaires potentially reduce the number of 'pro-forma' or duplicate submissions, which in and of themselves are of limited value as evidence but consume Legislative Council resources in processing.
- Prior to the establishment of 'official' online questionnaires, stakeholders would create their own online questionnaires, and seek to provide the output to the committee. Administratively receipt of such third party questionnaires by Committees was not straight-forward, as it was not possible for the committee to verify whether questions or answers had been manipulated, or know whether respondents knew that their data would be provided to the committee.

Online questionnaires do have limitations.

- Online questionnaires are by their nature not representative of the opinion of the electorate as a whole. Responses to online questionnaires only represent the views of those persons who have self-selected to respond to the questionnaire.
- When you have the volume of responses to an online questionnaire as was received with the inquiry into provisions of the VAD Bill, it is not possible for the secretariat or the committee to review or read the responses to the 'free text' parts of 39,000 responses. For the purposes of the report on the online questionnaire, a representative sub-sample of 'free text' responses from different viewpoints was provided in the report.

⁶⁶ Select Committee on the Response to Major Flooding across New South Wales in 2022, NSW Legislative Council, *Online questionnaire report: Inquiry into the Response to Major Flooding across New South Wales in 2022*, August 2022, p 2.

⁶⁷ Select Committee on the Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales, NSW Legislative Council, *Online questionnaire report: Inquiry into the government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales*, June 2020, p 2.

⁶⁸ Portfolio Committee No. 6 - Transport and the Arts, NSW Legislative Council, *Online questionnaire report: Inquiry into road tolling regimes*, September 2021, p 2.

- For the inquiry into the VAD Bill, certain members expressed the views that the summary of those in support of or opposed to the bill, did not reflect the true sentiments of the community.

As with the inquiry into the provisions of the Reproductive Health Care Reform Bill 2019, evidence arising from this VAD bill inquiry was referenced heavily in the house debate on the bill. The bill was debated at length in the House, late into the evening on 18 May and through the morning of 19 May 2022, with members referring to evidence from the bill inquiry during debate.⁶⁹ It is likely that, having worked through the bill in detail in preparation for, and during, the inquiry, members were well provisioned to debate matters of policy in detail via the process of amendment making.

Indeed, one member of the committee made specific mention of inquiry and the value it provided:

Do members know what the big difference is between November last year and May this year? Certainly you would know, Chair: a most extremely well conducted inquiry—although over a short timetable, which I was complaining about, but nevertheless—into the provisions of this bill by the Standing Committee on Law and Justice... Simply put, it is one of the most important committees of the Legislative Council—I know all committees are important—in terms of looking at laws and trying to make assessments about whether these are good laws or not good laws, or laws that perhaps should be amended.⁷⁰

3.4 Case study – Inquiry into birth trauma

3.4.1 Overview of the inquiry

The Select Committee into Birth Trauma was established on 21 June 2023.⁷¹ The House established the Select Committee to inquire into and report on birth related trauma for women in New South Wales, including:

- the potential causes and contributing factors to birth trauma
- the impact of birth trauma
- the barriers to providing and receiving continuity of care
- methods of delivery and access of educational information on maternity care
- what steps could be taken, if any, to improve the maternity health care system within New South Wales to help reduce the prevalence of birth trauma.⁷²

As the first parliamentary committee examining this issue, the inquiry attracted significant public interest both within New South Wales, and across Australia and internationally. Unlike the Bills inquiries discussed above, the Select Committee into Birth Trauma had a unique opportunity to investigate and gather evidence on the issue of birth trauma for the first time. However, the complexity of the inquiry was heightened by public engagement and media interest.⁷³

⁶⁹ See for example: *Hansard*, NSW Legislative Council, 18 May 2022, p 6532-6563 (Greg Donnelly), *Hansard*, NSW Legislative Council, 18 May 2022, p 6537 (Scott Farlow).

⁷⁰ *Hansard*, NSW Legislative Council, 18 May 2022, p 6544 (Greg Donnelly).

⁷¹ *Minutes*, NSW Legislative Council, 21 June 2023, pp 208-211; *Hansard*, NSW Legislative Council, 21 June 2023, p 7900 (Emma Hurst).

⁷² *Minutes*, NSW Legislative Council, 21 June 2023, p 211.

⁷³ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

After an 11-month inquiry, the committee tabled its report on 29 May 2024. The report was based on extensive evidence gathered, including over 4,000 submissions and evidence from 104 witnesses appearing at six public hearings.⁷⁴

3.4.2 Public and media interest

The inquiry coincided with significant media attention on the issue, including coverage by the Australian Broadcasting Corporation (ABC) and *The Project*.⁷⁵ The secretariat team speculated that media interest helped bring the issue to the forefront, leading to widespread awareness of the inquiry.⁷⁶ In addition, there was considerable interest online through social media and podcasts. A number of influential accounts run by midwives, doulas and women's health advocates, actively promoted the inquiry and encouraged their followers to share their personal experiences.⁷⁷ The secretariat team believe that this encouragement likely contributed to the large influx of submissions.⁷⁸

The secretariat noted that while these types of coordinated campaigns can demonstrate public sentiment, they can also provide a significant burden for the committees to review thousands of submissions, with limited value as evidence.⁷⁹

3.4.3 Managing submissions and witnesses

The inquiry received a significant volume of evidence, including submissions and witness testimony. Many of these stories included deeply personal and traumatic accounts of pregnancy and childbirth, which required careful handling.

3.4.3.1 Submissions

The online portal for submissions was open from 3 July 2023 to 15 August 2023. By the time the portal closed the committee had received over 4,000 submissions, many detailing deeply personal and traumatic birth stories. The large volume of submissions and sensitive content posed a significant logistical challenge, requiring meticulous reviewing and processing.⁸⁰

To safeguard privacy, the committee resolved to redact sensitive and identifying information, including details that could indirectly reveal identities, including the names of medical professionals, children, hospitals and locations.⁸¹

To manage this, the committee took several approaches to submissions.

1. **Data extraction:** Most submissions were received through the online portal over a six-week period. As the number of submissions grew, the secretariat had Novaworks, a software data company, extract the data on the total number of submissions, the length of each submission

⁷⁴ Select Committee on Birth Trauma, NSW Legislative Council, *Birth Trauma* (2024), p xxi.

⁷⁵ Kathleen Calderwood, Investigation underway after 30 women complain about maternity experience at NSW hospital, (7 June 2023), ABC News, <https://www.abc.net.au/news/2023-06-07/wagga-wagga-basehospital-hccc-investigation/102444994>; Wagga Wagga Base Hospital Investigated Over Incompetence, (18 July 2023) *The Project*, Network 10.

⁷⁶ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁷⁷ See for example, *The Great Birth Rebellion*, (7 August 2023), Episode 45 – How to change the system, <https://www.melaniethemidwife.com/podcasts/the-great-birth-rebellion/episodes/2148051450>; Better Births Illawarra [@betterbirthsillawarra], (15 August 2023). "Submissions close at 11.59pm today", <https://www.instagram.com/reel/Cv8fCCORHpx/>.

⁷⁸ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁷⁹ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁸⁰ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁸¹ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

and the location of the submission authors. This information helped the committee to prioritise which submissions to process first. The secretariat managed stakeholder expectations by emailing submission authors to inform them of delays due to the high volume of submissions received.⁸²

2. **Prioritisation:** Submissions from organisations were prioritised. Subsequently, submissions from individuals residing within New South Wales were processed and published, while the committee resolved to have all submissions from individuals residing outside New South Wales kept confidential. This helped manage the workload and ensured that the most relevant evidence was made public and available for the report.⁸³
3. **Publishing substantial submissions:** The committee decided to prioritise processing longer submissions (those over 500 words). Shorter submissions from within New South Wales were published next, and short name suppressed submissions were 'bulk-processed' into one single, comprehensive document. This approach helped streamline the review process while ensuring that all voices were considered.⁸⁴
4. **Identifying and removing duplicate submissions:** The secretariat identified and filtered out duplicate submissions, a resource intensive process.⁸⁵
5. **Redaction guidelines:** Given the inquiry's sensitive nature, the committee resolved to remove specific details, such as children's names, names of medical professionals and hospital names or locations. The secretariat created an inquiry-specific guide to ensure all staff followed a consistent approach to redactions.⁸⁶

Despite the small size of the secretariat team, every effort was made to process all public and name suppressed submissions from within New South Wales. This effort required the involvement of nearly every staff member of the Committee Office to help meet the deadlines of the inquiry.⁸⁷

3.4.3.2 Stakeholder engagement

Given the sensitive nature of birth trauma, the committee made several adjustments to standard practices, including making welfare calls to vulnerable stakeholders, utilising mental health providers to support witnesses with lived-experience, and providing a list of support services on the inquiry webpage.

During the early months of the inquiry, the secretariat endeavoured to phone each submission author to ensure they were safe and supported, and to thank them for their contribution. As the number of submissions grew this became increasingly difficult, in the end only submission authors who directly referenced ongoing mental health issues or self-harm were called.⁸⁸

The volume of requests from submission authors who changed their mind about publishing their submissions was another challenge for the secretariat team. The Legislative Council submission management system notifies submission authors via email once their submission is processed. This email asks authors to confirm the publication status of their submission (either public, name suppressed or confidential). A significant number of authors no longer wanted to be identified in their submission and asked to change their publication status to name suppressed. This required the team

⁸² Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁸³ Select Committee on Birth Trauma, NSW Legislative Council, *Birth Trauma* (2024), p 183.

⁸⁴ Select Committee on Birth Trauma, NSW Legislative Council, *Birth Trauma* (2024), pp 183 and 212.

⁸⁵ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁸⁶ Select Committee on Birth Trauma, NSW Legislative Council, *Birth Trauma* (2024), p 182.

⁸⁷ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁸⁸ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

to manually locate the original submission and redact names and personal information, adding to the workload.⁸⁹

Identifying specific relevant individuals amongst the thousands of submission authors to invite to give evidence at public hearings was another unexpected challenge. To help with this task, the secretariat team approached advocacy groups to help identify individuals who would be interested and had the confidence and capacity to give evidence before the committee. This allowed the committee to easily shortlist potential witnesses, while also ensuring that witnesses were supported.⁹⁰ The committee also arranged for mental health clinicians from the Gidget Foundation to attend public hearings to provide emotional support and counselling to witnesses who shared their stories.⁹¹

3.4.4 Key insights

After completing the inquiry, the secretariat team identified some insights for future inquiries. These include earlier stakeholder engagement, improving communication with the public, improving the submission management system, and prioritising staff wellbeing.

The secretariat recognised that engaging with key stakeholders earlier in the inquiry process could have helped manage public expectations. Clearer communication on the inquiry webpage could have also helped submission authors better understand the inquiry process and how their submission would be handled. In addition, outsourcing some aspects of the submission review process earlier could have also alleviated some of the burden on the secretariat team.⁹²

The inquiry also revealed the emotional impact on staff who review potentially traumatic content. The Legislative Council recognise how important it is to provide mental health support to staff, emphasising the need to prioritise wellbeing in the future.⁹³

Finally, the inquiry demonstrated the need for improved systems to effectively manage large volumes of submissions. The experience highlighted the importance of balancing the practicalities of processing and publishing submissions alongside the committee's efforts towards transparency.⁹⁴

The inquiry not only addressed birth trauma, but also set a precedent for managing similar inquiries in the future.⁹⁵

4 Current approaches and future opportunities

Managing high interest inquiries requires a tailored approach dependent on the inquiry and the public engagement expected. The three inquiries examined in this paper each used different strategies to manage the public and media expectations and the volume of submissions.

⁸⁹ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁹⁰ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁹¹ Select Committee on Birth Trauma, NSW Legislative Council, *Birth Trauma* (2024), p xxi.

⁹² Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁹³ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁹⁴ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁹⁵ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

4.1 Current approaches to managing inquiries with substantial public interest

4.1.1 Processing and publication of submissions

Inquiries with significant public interest can create tension within committees as they strive to balance transparency with the logistical challenges of reviewing high volumes of submissions within short timeframes. Media coverage and social media campaigns can also often increase public participation, leading to 'submission bombing', where coordinated campaigns resulted in an overwhelming number of submissions.

To manage the volume of submissions, various approaches have been employed.

- **Random sampling:** To address the large number of submissions received, the Reproductive Health Care Reform Bill inquiry adopted a random sampling approach. This method allowed a representative sample of public submissions to be processed and published by the committee in the timeframe permitted for the examination of the bill.⁹⁶
- **Online questionnaires:** An online questionnaire was used in the Voluntary Assisted Dying Bill inquiry to capture public opinion in a structured way, reducing the burden of processing individual submissions and allowing the committee to focus on more detailed submissions from key stakeholders.⁹⁷
- **Bulk processing:** Given the highly personal and sensitive nature of the submissions received to the inquiry into birth trauma, the committee resolved to process every submission from individuals residing in New South Wales. This created a significant administrative workload for the secretariat. To manage this, bulk processing of short submissions, particularly those from name suppressed authors was authorised by the committee. This approach streamlined the administrative process while ensuring all voices were heard.⁹⁸

4.1.2 Managing expectations of inquiry participants

When inquiries receive large volumes of submissions, committees can employ a range of strategies to manage the expectations of inquiry participants. These include:

- using the inquiry webpage to notify submission authors of delays in processing and publishing submissions
- providing proactive, regular updates on the progress of the inquiry on the webpage, particularly where there are changes to the standard processes or timelines
- if significant public participation is anticipated, the committee may extend the inquiry to allow adequate time for processing and reviewing submissions.⁹⁹

These strategies emphasize the importance of flexible approaches to handling large volume inquiries while managing stakeholder expectations and maintaining fairness and transparency.

⁹⁶ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024.

⁹⁷ Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024.

⁹⁸ Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

⁹⁹ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024; Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024; Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

4.2 Opportunities for process changes to support parliamentary committees

In addition to existing approaches, other new and innovative approaches could be made to better manage inquiries with significant public interest.

4.2.1 Technological enhancements

The current Parliament Information Management System (PIMS) could be significantly improved to better support the management of high volume inquiries. Suggestions from secretariat teams include:

- automating the identification of duplicate submissions
- tracking submissions received from outside New South Wales
- implementing tools to manage short submissions and instead direct authors to an online questionnaire
- streamlining processes for obtaining author approval for submission publication status (public, name suppressed or confidential)
- revising the acknowledgement email to reduce the likelihood of authors changing their preferred publication status.¹⁰⁰

4.2.2 Staffing solutions

Larger secretariat teams can significantly enhance the management of inquiries with high volumes of submissions by providing the necessary capacity to handle the increased administrative burden. With more team members, tasks such as processing and reviewing submissions can be distributed, reducing the strain on individual staff members. This is particularly important in inquiries where sensitive content requires careful handling.¹⁰¹ Expanding the secretariat teams also allows for more specialised roles such as those focused on stakeholder management, which is crucial in high interest inquiries. Overall, a larger team provides the flexibility and resources needed to adapt to the unique challenges of each inquiry, ensuring all voices are heard and the integrity of the inquiry is maintained. The ability to re-allocate staff from other, less controversial inquiries, is one of the strengths of the Legislative Council's single committee secretariat model.¹⁰²

4.2.3 Potential innovative solutions

Generative artificial intelligence (AI) and large-language models (LLMs), at first look, appear to have the potential to save time and resources in processing, grouping or summarising large amounts of text such as those in submissions to parliamentary inquiries.

¹⁰⁰ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024; Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024; Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

¹⁰¹ Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024; Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024; Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

¹⁰² Interview with Mr Steven Reynolds, Legislative Council Deputy Clerk and Mr Stephen Frappell, Clerk Assistant-Procedure, 23 August 2024; Interview with Ms Sharon Ohnesorge, Acting Clerk Assistant – Committees, NSW Legislative Council and Ms Madeleine Dowd, Director, Regulation Committee, NSW Legislative Council, 23 August 2024; Interview with Ms Shaza Barbar, Director of Inquiry into Birth Trauma, 16 August 2024.

Unfortunately, evidence shows that current AI models are likely to fabricate evidence¹⁰³ and references¹⁰⁴ creating additional fact-checking work, rather than saving time. A recent study commissioned by the Australian Securities and Investments Commission (ASIC) asked a LLM to summarise submissions, and had the output compared with work done by ASIC staff, in a blind comparison. On review, ASIC concluded:

- introducing AI into workflows created more work, due to the need for additional fact checking, or because the submissions themselves presented the information in a clearer way
- the AI models were not able to pick up ‘nuance or context’ required to analyse submissions.¹⁰⁵

AI could play some small role in helping to sort or triage submissions, as a tool used by secretariat to assist their work, but care should be taken to isolate AI models from any actual drafting, to avoid creation of additional fact-checking work.

4.3 Conclusion

The experience of the inquiries into the provisions of the Reproductive Health Care Reform Bill and the Voluntary Assisted Dying Bill, and the inquiry into birth trauma demonstrate a range of options for managing high interest inquiries. Online questionnaires, random sampling, bulk processing have all been used by the committees to manage large volumes of submissions and public interest. Anticipating which inquiries will have strong community interest, and adopting appropriate, proactive strategies is key to managing the high volumes of submissions and ensuring effective public engagement.

4.4 Commentary following presentation

As part of the presentation of this paper at the Australasian Study of Parliament Group 2024, delegates engaged in discussion about the management of inquiries that attract substantial public interest. Some of the current practices in other jurisdictions included:

- only accepting submissions via portal and not email
- removing manual processing of submissions, replacing with automated workflows
- treating submissions as public unless requested otherwise
- sending submissions to the committee without proposing redactions.

We thank the conference delegates for sharing their perspectives and practices.

¹⁰³ In one early example, in 2023 the Senate Finance and Public Administration References Committee inquiry into management and assurance of integrity by consulting services received a submission prepared by Emeritus Professor James Guthrie AM, which included entirely fabricated allegations of wrongdoing by consulting firms. Professor Guthrie later provided a revised submission to the inquiry and a letter of apology. See Henry Belot, 'Australian academics apologise for false AI-generated allegations against big four consultancy firms'. *The Guardian*, 3 November 2023. Accessed at: <https://www.theguardian.com/business/2023/nov/02/australian-academics-apologise-for-false-ai-generated-allegations-against-big-four-consultancy-firms>

¹⁰⁴ In artificial intelligence research these fabrications are known as ‘hallucinations’. See for example: Michele Salvagno, Fabio Silvio Taccone & Alberto Giovanni Gerli, ‘Artificial intelligence hallucinations’. *Critical Care* 27(180) 2023.

¹⁰⁵ Australian Senate, Select Committee on Adopting Artificial Intelligence (AI), Australian Securities and Investments Commission, *Generative Artificial Intelligence (AI) Document Summarisation Proof of concept, Final report*, Document tabled in response to question no. 001, 21 May 2024.