

**INQUIRY INTO ENGAGEMENT OF EXTERNAL EXPERT
ASSISTANCE BY COMMITTEES**

Organisation: Department of Parliamentary Services, NSW Parliament

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DEPARTMENT OF PARLIAMENTARY SERVICES

DPS Branch

Submission to the NSW Legislative Council Procedure Committee Engagement of external expert assistance by committees

The Director,
Procedure Committee,
Parliament House,
Macquarie Street, Sydney NSW 2000.

Dear Procedure Committee,

On behalf of the Department of Parliamentary Services (DPS), the NSW Parliamentary Library is pleased to respond to the NSW Legislative Council Procedure Committee's *inquiry about the engagement of external expert assistance by committees*. This submission responds to the inquiry terms of reference which requires the committee to inquire into and report on:

Developing guidelines, if appropriate, for how committees can benefit from expert assistance external to the Parliament while also easing the workload pressures on the committee secretariat.

DPS supports the use of external subject matter experts as it provides an opportunity to increase the effectiveness of the work undertaken by Parliamentary Committees and strengthens the Parliament's independent research capacity. Maximising this opportunity requires effective administration and management of external resources. When working with external parties, the institution of Parliament must always remain impartial and independent in order to best serve the interests of the NSW public. This requires a plan for ongoing investment that is fully funded. This funding should be over a sufficient period to allow the implementation of new ways of working with external experts and the evaluation of the effectiveness of different approaches.

In considering the use of external experts, this submission draws on the Parliamentary Research Service's experience and briefly reviews the publicly available information from other Parliaments. It also outlines a DPS proposal to attract additional funding for a new service model that will require the engagement of external experts to assist with Parliamentary Research activities.

Introduction

In an environment of continuous change, DPS understands that planning for the future is critical to meeting the opportunities and challenges which lie ahead. One of the challenges that a Parliamentary Research Service faces is the need to provide research that meets the needs of members of Parliament and their staff. In the process of performing multiple, time-pressured roles in the legislature, members are often dealing with information from many stakeholders who are often holding conflicting, and in some cases, contradictory views. As a result, their research needs vary and require a high level of customisation to meet their immediate information needs. In the unique political context of a Parliament, this research usually involves the synthesis or aggregation of existing research that is publicly (readily) available, rather than the production of

original research as would usually occur in an academic or research institution. DPS contends that the engagement of external experts provides the Parliamentary Committees with the opportunity to access the latest thinking, analysis and advice in their areas of inquiry. It also provides an opportunity to access original research in a timely and cost-efficient manner. Access to the range of information available from external experts will only serve to enhance the overall effectiveness of the Parliament.

NSW Parliamentary Research Service: Use of external experts

The Parliamentary Research Service in the NSW Parliamentary Library consists of seven FTE staff members who conduct impartial, evidence-based research for Members of the NSW Parliament. While research service staff have expertise in the broad disciplines of law, political science, education, statistics and environmental science, they are not experts on a specific topic. As research service staff are employed to operate as generalist researchers, they are not in a position to offer the same level of in-depth analysis and advice that would be readily available from an external subject matter expert. At present, the research service is not funded to use external experts on an ongoing basis. However, the service has been able to secure ad-hoc funding to publish several studies of New South Wales election results by an external expert, Antony Green. Recent publications include: [2019 New South Wales Election: Analysis of Results](#) (October 2019) and [NSW Legislative Council Election 2015](#) (May 2018).

The research service has established a relationship with Antony Green to ensure that NSW parliamentarians have access to the best available evidence and analysis of electoral trends. Antony Green meets the research service's criteria for a subject matter expert in that he is uniquely positioned to provide original analyses of electoral data that would be considered authoritative, objective, relevant and accurate.¹ Mr Green has been the ABC election analyst for over thirty years² and has been involved in more than 66 federal, state and territory election broadcasts. Antony Green has also been appointed Adjunct Professor in the Department of Government and International Relations at the University of Sydney.

The publications prepared by Antony Green for the NSW Parliamentary Library provide detailed analyses of election trends. For example, the analysis of the 2019 NSW election includes summaries of the results in all lower house electoral districts, comparisons with the 2015 election, and statistical analysis of results and swings across districts and regions. These analyses add value to the work of the library as they that cannot be undertaken by the research service as part of its usual business operations.

Using external experts in parliamentary research: A new model of research services

In recognition of the value of using external expertise, DPS is working on a proposal for a new model of research services to enhance the library's future capacity to provide research. In brief, this new model proposes to add additional research resources which would be shared across DPS, the Legislative Council (LC) and the Legislative Assembly (LA). These resources would act in a 'surge capacity' to provide an immediate response to the urgent research needs of all Departments. Under DPS' initial planning, an important feature of this model would be the engagement of external subject matter experts as required by the research needs of the Parliament.

¹ For further discussion of the criteria for the evaluation of sources, evidence and information, refer to Chapter 5, [Parliamentary Research Handbook](#), United Kingdom Parliament.

² Antony Green (14 May 2019). [Antony Green's memorable moments during 30 years of analysing elections at the ABC](#). ABC News online. Retrieved 26 November 2019.

Implementation of the model

The engagement of external experts on Parliamentary research would occur through the development of a database of subject matter experts. This database would be maintained by the Parliamentary Library's research service who would act as the initial consultation and liaison point between the LC and LA committees and the panel of external experts. All members of this panel would be expected to respond at short notice to work on any requests for assistance from Parliamentary Committees or other research matters.

Prior to the inclusion on the panel, all experts would be vetted, taught the principles of Parliamentary research practice and receive a formal induction into the Parliament. As part of the vetting process, experts would be evaluated in terms of their formal qualifications, working experience, current work role and institution and their membership of professional organisations with recognised accreditation standards. Their record of academic/scientific peer-reviewed publications and/or their equivalent record of contribution to the relevant subject matter area of expertise would also be considered. Any other factors that provide evidence of subject matter expertise in a specific field would also need to be taken into account (eg., Record of stakeholder and/or community advocacy; employment in a peak-body NGO). All experts who are recruited to undertake research for the Parliament would be expected to adhere to the principles of independence, impartiality and the use of authoritative evidence in analysis. It is anticipated that the database would include a diverse range of researchers such as (but not limited to) policy analysts, economists, academics, PhD students and any other researchers who meet the selection criteria. The model would be reviewed at the end of the first 12 months of operation.

This DPS proposal will be submitted to NSW Treasury for funding in the in the 2020/21 budget round.

Investment

In an earlier submission³ to the Procedure Committee's *inquiry into consultation on highly contentious bills*, DPS detailed the level of investment required to establish a panel of external experts to support research on these bills. The estimates provided were calculated using different scenarios based on the number of contentious bills requiring additional research resources. For the purposes of this submission, the costing information relevant to the engagement of external experts will be summarised below.

The administration of an expert panel will require the skills of a senior research officer. At an annual cost of \$119,061 this position would initially be responsible for the administration and ongoing maintenance of the expert panel.⁴ As part of their duties, this officer would establish a panel through a formal recruitment process which would involve the vetting of candidates to determine their suitability to provide expert advice to the Parliament. As noted above, members of the expert panel would be inducted into the organisation, understand their professional responsibilities to the Parliament and be subject to an annual review of their suitability to remain on the panel. A core responsibility of the senior officer position would be to consult and liaise with committee staff and members to engage the appropriate subject matter experts from the panel. Once the panel and its administrative arrangements are in place, this position would also be used as a research resource for the Parliament.

³ Department of Parliamentary Services. Submission to the NSW Legislative Council Procedure Committee *Consultation on highly contentious bills*, 8 November 2019.

⁴ The staff costs figure is based on the recruitment of senior research officers (9/10 level) and includes salary and overheads.

DPS estimated the cost of engaging external experts at \$40,000 per committee inquiry. This figure was based on the average daily rate for an expert over a six week engagement. The costs of engaging experts will vary by individual or organisation and subject matter area. DPS contends that the availability of a panel of external subject matter experts will only enhance the ongoing research capacity of the Parliament. Based on this, DPS had included an initial figure of \$120,000 in additional funding for the expert panel. Since drafting the submission, the Parliamentary Research Service has considered other ways of using the expert panel and this figure has been revised to \$150,000.

In summary, the total initial investment required by the Parliament to establish an expert panel is \$269,061. DPS plans to track expenditure and demand throughout the first year of the operation, with a review to be undertaken at the end of the first 12 months of operation. This review will inform DPS' approach to the funding required for the ongoing maintenance of the panel in future years.

Committees in other Parliaments: Use of external experts

An online search of other Parliaments provided current examples of where committees engage external advisers for assistance:

- Commonwealth Parliament;⁵
- UK Parliament;⁶
- Scottish Parliament;⁷
- New Zealand Parliament.⁸

The New Zealand Parliament has developed guidelines for the engagement of expert assistance to Select Committees. These guidelines covers topics such as the selection of advisors, their engagement, contracts and performance management.⁹ A 2014 ANZACATT [paper](#) discussing the operation of different committee models considered the use of specialist advisers in the New Zealand Parliament. This paper notes that expert advice is regularly used in the review of taxation legislation:

This specialist advice is most frequently employed where a committee is undertaking an inquiry and wants some expert advice on a particular topic. However, it is also regularly used by the Finance and Expenditure Committee when looking at taxation legislation, where the committee employs an independent and experienced tax expert to cast their eye over the legislation and the advice provided by the Inland Revenue Department, in order to assure the committee that the likely practical tax impacts are clear and well-considered. Specialist assistance is provided in accordance with the *Protocol for the Provision of Independent Specialist Assistance to Select Committees, J.5A, 2007*; a committee must apply to the Clerk of the House to seek the appointment of a specialist adviser, clarifying (among other things) the type of service required and the likely length of time/cost. The specialist assistance is contracted through the Office.

Conclusion

In conclusion, DPS recognises the value of engaging external experts to respond to the research needs of the Parliament and enhance the effectiveness of our existing research capacity. To ensure that the potential value offered by external experts is maximised, it is imperative that the

⁵ Elder D and Fowler P, [House of Representatives Practice](#), 7th edition, June 2018, Ch 18.

⁶ UK Parliament, [Select Committees](#), [website – accessed 27 November 2019].

⁷ Scottish Parliament, [Guidance on Committees](#), para 5.52-5.54 [website – accessed 27 November 2019]. See also Scottish Parliament, [Committee Advisers](#), [website – accessed 27 November 2019].

⁸ Harris M et al, [McGee Parliamentary Practice in New Zealand](#), 4th edition, 2017, Ch 21.

⁹ [Protocol for the Provision of Independent Specialist Assistance to Select Committees, J.5A, 2007](#), New Zealand Parliament.

engagement of these resources is properly planned and funded. In order to achieve this, DPS is currently developing a new funding proposal to enhance the delivery of our research services in the 2020/21 budget round. DPS will review the recommendations made by the Procedure Committee in this inquiry and in its other inquiry on highly contentious bills. These recommendations will inform the development of our budget proposal. This bid proposes a new model of research service delivery based in part, on using external subject matter experts to leverage the effectiveness of the research undertaken by the Parliament.

Thank you for the opportunity to make this submission.

Sincerely,

NSW Parliamentary Library
Department of Parliamentary Services
2 December 2019