

Ms Peggy Danaee

Inquiry Secretary

House of Representatives Procedure Committee

Parliament House

Canberra. ACT. 2600

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Submission No. 13

Dear Ms Danaee

I am responding to the Committee's letter of 9th June calling for submissions to your enquiry on the effectiveness of House of Representatives Committees.

I have recently returned from London where Gordon Brown, in responding to the scandal affecting member expenses, has just established a similar enquiry. It is to be chaired by Tony Wright (also Chair of the Public Administration Select Committee) who, in his recent *Political Quarterly Lecture*, explored one approach to committee reform that might be relevant to your own deliberations. Meantime, the terms of reference of the UK committee embrace:

- How Parliament can be strengthened in its scrutiny of government
- How Westminster connects with the public
- How control of parliament's daily business can be wrested away from the government and the Whips.

Of course the House of Commons is a much larger chamber. 600+ members create a wholly different context for defining feasible committee tasks. But there is one important point of common ground between all parliaments, which is reflected in the above terms of reference. This concerns the emerging distance between the formal political system and its publics. As a variety of academic surveys in a number of countries establish public disaffection and disenchantment with formal politics has been growing, in many places to worrying levels.

This is evident in a variety of measures including trust and confidence (although here the results in Australia remain much better than in other comparable countries) and membership of the

major parties. The recently published *Democratic Audit of Australia* has much to say on this theme. No doubt members will have their own first hand experience of its severity.

On the other hand political interest does not seem to be declining. A number of reports (such as the recent *Power Report* in the UK) find this to be the case. For example, in Australia's case *GetUp* has an impressive enrolment in excess of 300 000 and a demonstrated capacity to mobilise its supporters around particular issues, including on-the-ground action.

Similarly, in the past few decades, the number of interest and community groups and social movements has multiplied in Australia. You have only to look at a directory of associations or the numbers offering evidence to parliamentary enquiries to see this. Interest organisation has waxed as party organisation has waned. Some argue check-book membership diminishes the democratic value of these organisations. But the fact remains that community mobilisation at this level remains very substantial – whereas at the level of the formal parties it is in worrying decline.

Can committees help to close the gap between the people and the system? I have argued over a considerable period of time and through a variety of publications that they can. Most recently, in conjunction with colleagues from the Universities of Canberra, Auckland and Aberdeen we have been surveying interest group participants in parliamentary committee enquiries in New Zealand, the UK, Australia and Scotland. The survey aims to establish the views of participants about the utility and impact of this form of engagement.

The results of these surveys are currently being assessed. However I attach a copy of the questionnaire and a paper I prepared on a similar survey of participants in Senate Committee enquiries in 2001. This sets out the general case for seeing Committee activity as an important potential source of engagement and of social learning.

Of course the roles of committees vary widely between the above jurisdictions. In New Zealand for example a multi party parliament has changed the context for executive-legislative relations. As you might expect power has flowed from the executive to the legislature, although in the view of one distinguished observer (Jeremy Waldron) the executive has been very canny in minimising this. In any case, the New Zealand committees have a much greater and more direct

role in legislative review than any in Australia. As the responses to our survey demonstrate, they have also attracted very considerable public support.

I am less familiar in detail with the impact of the Scottish committees – but this parliament was designed to enhance public engagement. It was conceived to be the most innovative in a democratic sense in the Westminster world. There are a number of detailed papers on the structure, role and impact of the Scottish committee system and you may care to look over these and/or to take detailed evidence on this development.

My own view, expressed now in publications over a period of years, is that one important role for committees could be to provide an access point at the strategic or emerging end of the issue cycle. Without trying to overwhelm you with verbiage, I attach a second (unpublished) paper on the experience of the Howard government. In the lead-up to the 2007 election it was forced to u-turn on at least 7 major issues. A prime minister might reasonably be expected to trim of one or two big matters – but seven surely suggests a deeper problem.

My paper documents the policy process associated with these seven issues and argues that the key cause of the u-turns was the absence of significant capacity to engage public opinion or relevant interests (both winners and losers) in consideration of major proposed policy changes. These had developed over a period of years.

The development of public opinion is of course a complex and protracted process, in which the media now have a major (and larger baleful) role. On some issues governments must confront their publics. But mostly they need to work with the grain of consent. At the moment the policy making process mostly conflates strategic issues and decision about immediate actions. This is a significant problem. David Yencken and I have developed this contention at more length elsewhere (*Into the Future: The Neglect of the Long term in Australian Politics*, Melbourne: Black Inc. 2004).

If this path proved attractive, the Strategy Unit, established last year in the Prime Minister's Department could be an important source of references.

Free votes might also be more feasible at this stage of the issue cycle.

Of course the difficulties in such an approach cannot be understated. Ministers would need to be willing to share some of their role and perhaps prerogatives with committees – and desirably this would be recognised by participants. On the other hand, perhaps the charm of strategic issues is that, even in a parliament as feisty as our own, they can involve matters that are yet to be the subject of intense partisan difference.

I am not sure how many members of the House are available for Committee work. Nor if parliamentary secretaries might be considered eligible for committee membership on an ad hoc basis. But member numbers are an important limitation and I guess dictate committees with briefs that cross a number of portfolios. On the other hand, in an era of joined-up-government and cross-cutting issues, this could well be a plus.

Perhaps committees could also be allowed to co-opt a limited number of external distinguished specialist members for particular enquiries – no more than say two or three. If necessary, they could participate in a non-voting capacity. Distinguished citizens might add to the lustre and credibility of committee enquiries and findings. Similarly, despite the sensitive relations between the House and the Senate surely there would be some opportunities to extend joint work or perhaps the number of joint committees – particularly in a context of strategic and emerging issues.

It would also be instructive to see the structure of committee systems in other smaller parliaments. Some lateral thinking in this area might yield interesting possibilities.

I am also not familiar with the current levels of staff support. But last time I explored these matters Australian arrangements lagged well behind the UK. Both the funds assigned to committee work and the capacity of committees to engage specialist support for particular enquires are much larger in the UK.

Similarly, the House of Commons has a number of specialist units that serve the parliament rather than the administration. The Opposition Leader has reinforced this idea with his proposal of a Congressional Budget office-type body for Australia, an idea that David Yencken and I also develop in our paper. The US Congress is of course very well served by a variety of ancillary organisations. In another context, the Audit Office shows the synergies that are available between committees and specialist units.

Committees might also consider extending their approach to gathering evidence. For example, the *NewDemocracy Foundation* in conjunction with a number of Universities recently staged a Citizens Parliament at Old Parliament House. Its affairs were conducted on deliberative lines. Citizen juries and deliberative forums of many kinds might be used much more widely in conjunction with committee enquires to augment the credibility and weight of findings as well as to improve their quality. There are now numerous examples of successful deliberative approaches both in Australia and elsewhere and I am sure a representative of *NewDemocracy* would welcome the opportunity of developing such ideas for the committee.

Focuses groups and quantitative surveys of public opinion are other approaches. For example, John Hills (a member of the successful British enquiry on pensions reform) has detailed the variety of steps undertaken by that Commission is seeking to build public understanding of its proposals (Pensions, Public Opinion and Policy, in J Hills et al. (eds), 2007, *Making Social Policy Work*, Bristol: The Policy Press. The Chair of the enquiry, Lord Turner, also gave very informative evidence to the Commons - House of Commons, Public Administration Select Committee, *Governing the Future*, Second Report of Session 2006-07. HC 123-1, London: The Stationary Office)

This is a very brief overview of a range of issues. I am sorry this submission is late. Of all the issues canvassed above, I think the role of committees as a potential bridge between the people, interest groups and the formal system is far and away the most important – but of course the difficulties of building a committee role in the context of the prerogatives of executive government in an adversarial system cannot be overestimated.

Please let me know if you would like any of these points amplified.

Yours sincerely,

Ian Marsh