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HOUSE OF REPRESENTATIVES COMMITTEE SYSTEM

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Seminar commenced at 9.05 am

Participants

ANDREWS, The Hon. Kevin, MP

BARRIE, Mr Keith

DUNCAN, Mr Tom

HALLIGAN, Professor John

HARRIS, Mr Ian, AO

HAWKER, Mr David, MP

HULL, Mrs Kay, MP

JACOBS, Professor Kerry

JENKINS, The Hon. Harry, MP

LANGMORE, Professor John

LARKIN, Dr Philip

LEYNE, Ms Siobhan

LINDELL, Professor Geoffrey

MARSH, Professor Ian

MARTIN, Professor the Hon. Stephen

MONK, Mr David

SAWFORD, Mr Rod

STEPHENS, The Hon. Tom

THOMSON, Mr Kelvin, MP

WEBBER, Ms Robyn

ZAPPIA, Mr Tony

The SPEAKER—Members of the Commonwealth Parliament of Australia, members of state and territory parliaments, ladies and gentlemen, friends one and all: this morning I have the great pleasure of welcoming you to a seminar to mark 20 years of the operation of the House of Representatives system of general purpose standing committees. Some have said that, at the end of the sort of week we have had in this place, perhaps this is the last thing I would want to do. Can I say most definitely that this is something that I would not have missed because if there is anything that has driven me over 22 years as a member of the House of Representatives it has been very much the work of the committees. I would like to add to what I believe others will say: our committee system in the House is much undervalued.

In September 1987 the House agreed to sessional orders establishing a system of general purpose standing committees. The new standing committees together with the Joint Standing Committee on Foreign Affairs and Defence provided the House with instruments to inquire into and report on the entire range of government activity. The House has maintained a comprehensive system of general purpose standing committees, with regular additions, subtractions and reconfigurations from 1987 through to the present parliament.

Calls for a committee system to cover all areas of government activity had been made over considerable time. In February 1943 the first report of the Joint Committee on Wireless Broadcasting argued for a standing committee system. The joint committee envisaged the proposed system of standing committees would function as the parliament's watchdog, assisting it in forming a judgement independent of a minister's point of view; a safeguard against hasty, ill-considered legislation due to prior consultation with all interests concerned; a place of unprejudiced discussion of problems in an atmosphere where party barriers were substantially eliminated; and a place where interest groups could be heard by groups of members, and views thereby transmitted to parliamentarians.

Regrettably, the proposed standing committee system did not come to pass. In 1970 the Senate appointed seven legislative and general purpose standing committees and five estimates committees. In the same year, Speaker Sir William Aston circulated a proposal to members that the House establish seven standing committees covering all government departments. Again, the proposal was not adopted. The practice of appointing House general purpose standing committees dates from the early 1970s with the appointment of the Committee for the Environment, Conservation and Aboriginal Affairs in 1973 and the Committee for Road Safety in 1974.

During the week, for obvious reasons, I have been asked about my father's influence on my career—pinpointing only one particular position in this place. Often the wrong questions are asked about my father's influence upon me. For instance, as a local member, even though I succeeded him as the member, his greater influence was that he was a local general practitioner in the area. In my parliamentary career, his greater influence was that he was dedicated to a parliamentary—in this case a House—committee system. He was member of the first Committee for the Environment, Conservation and Aboriginal Affairs in 1973, which I believe followed a select committee which looked into environmental matters.

The Standing Committee on Expenditure followed in 1976. These standing committees, together with various joint committees, provided opportunities for groups of members to inquire into government activity and current issues, but significant areas remained outside the scrutiny

of committees. Agitation for a system of committees gained momentum from the 1970s on, probably because of what was being seen in the Senate.

In 1974 the parliament established a joint committee on the parliamentary committee system. It presented its report in 1976. This committee observed, ‘There is obvious room for improvement of the parliamentary committee system. There is a need to rationalise the system, to distribute the increasing workload amongst the carefully designed and integrated system of committees. Only through an effective committee system, can parliament continue to perform its role’. In the Governor-General’s speech following the 1983 election, he said:

The Parliamentary Committee system of the national Parliament will be strengthened to give Members of Parliament a more effective role and participation in the great affairs of this nation.

However, four years later in a paper on the development of the committee system the then Clerk of the House maintained, ‘There is clear evidence that the House today is not seen by the public or indeed by members themselves to be an effective monitor of executive activities’. Following the 1987 election, on the recommendation of a caucus committee chaired by John Langmore, who is chairing the first session today, a comprehensive system of standing committees was established by the House. The caucus committee paper suggested that a comprehensive committee system would offer increased opportunities for creative activity and rigorous study of particular issues by backbenchers.

The various objectives which the proponents of the committee system have called upon to support their claims can be placed in three general classes: (1) the promotion of transparency and accountability of government, (2) greater consideration of community views on policy and policy implementation and (3) the promotion of collegiality between members of parliament who might otherwise have limited opportunities to work together.

One of the fundamental functions of the House that the committee system has been envisaged as improving is scrutiny of the executive by the House. Smaller groups of members with the power to call for persons and documents can provide a more effective accountability mechanism than debate and question in the chamber. However, committees have not only acted as a check on government activity whether at the ministerial bureaucratic level by imposing transparency and accountability, committees can also facilitate government activity by providing input into policy. Three examples where committees have made positive contributions to government policy are: (1) the banking and deregulation inquiry of the Finance and Public Administration Committee of the early 1990s, (2) the human cloning and stem cell research inquiry by the Legal and Constitutional Affairs Committee in early 2000 and (3) the inquiry into child custody arrangements in the event of separation conducted by the Standing Committee on Family and Community Service also in early 2000. We are fortunate to have the chairs of each of those inquiries here today—Stephen Martin, Kevin Andrews and Kay Hull—and they will all be speaking later on.

Continuing in this positive frame, the committee system has not only delivered benefits to government but also to the community and members of the House. Committee inquiries can be forums in which stake holders in the community at large have the opportunity to comment upon important policy issues. They expose members directly to community views on the subjects of

the inquiry and that has raised member's level of knowledge and therefore the level of debate in the House.

One of my first experiences on a committee was when we were doing a report of the House environment committee into land degradation. The one everlasting image of that inquiry has being on a corner of two dirt roads in backblocks Victoria—as much as you can have backblocks Victoria—in a place called Warrenbayne Boho where the local Warrenbayne Boho landcare group came to meet us. We arrived in a little bus. Nobody was there but, by the appointed time of the discussions, four or five utes had arrived. Everybody stepped out in their farming gear, and we kicked dirt and discussed the issues of the way in which a landcare group operated. I found that a very liberating experience. Not only did it take me out of my electorate and give me an experience of what others are in Australia are confronting but it truly was bringing the parliament to the people.

Therefore committees have continued to have the power to move from place to place and they have been proven willing to avail themselves of this power. Through this travel, the parliament is brought to the people on such occasions as the regular appearance of the Governor of the Reserve Bank before economics committees in places other than Canberra, a practice begun under the chairmanship of David Hawker who will chair the third session. I think we should pay tribute to David for the way in which he developed that. It gave a great interface for the House and the wider public in the work that we do. I also thank him for, in his time towards the end of his tenure as the Speaker, his involvement in ensuring that this event went forward.

In travelling, however, not only is the parliament brought to the people; members are also enabled to speak directly with the community. This is nowhere more important than on matters concerning remote and regional Australia. Committees allow the people to come to and participate in the parliament.

Finally, committees allow members who otherwise might not have the chance to work with other members to do so in a spirit of parliamentary collegiality. A former member commented that community work could overcome some of the problems of the chamber. It is often remarked how reasonable so-and-so of the opposite party is when he is not in Canberra. Many long-lasting friendships have been forged between members from opposite sides of the chamber through their work on committees. I can say that in my new role as Speaker I will be relying in great part on that in dealing with people I have worked with on committees that are not necessarily friendly in the political sense.

Accountability, participation and collegiality are the three features that a functional system of standing committees could be hoped to achieve. Today is an opportunity for presenters and audience to take stock of the achievements of the committee system and to share their experiences. But it is also important to raise questions about how the committees do and should function: what are the objectives of a committee system, have they changed, are committees fulfilling these objectives and should things be done differently? Today we have the opportunity to reflect on what has changed in the House committee system with the experiences of committee chairs and members whose collective service covers the last 20 years—almost single-handedly, in the case of somebody like Rod Sawford, who, among his other contributions, served on the various incarnations of the education committee for 18 years, from 1989 until his retirement at the last election.

Not to try to outdo Rod, I have had the fortune—and I have not looked at the exact dates—to be a member of the House environment committee in its incarnations for nearly 20 years. Whilst I am not in any way complaining about the great honour that has been bestowed upon me, I will certainly miss my work in committees, especially the House environment committee.

In sharing experiences and understanding the challenges to parliamentary committees, we are fortunate to have an added dimension in the attendance today of members of parliament and staff of parliamentary departments from the ACT, New South Wales, South Australia, Victoria and Western Australia, as well as staff from all three Commonwealth parliamentary departments. In addition, a number of academics have travelled here from various points of Australia and, in one or two cases, from overseas locations. I thank all who have made the effort to be here today to mark the 20th anniversary of the establishment of the system of standing committees in the House of Representatives, especially those who have travelled significant distances.

Finally, I just want to make mention of one of the inquiries that I was involved in that had great significance for the way in which I thought I had a responsibility in my work as a member of parliament and also the work of parliament. That was a report of the House of Representatives Standing Committee on Family and Community Affairs, on the inquiry into Indigenous health, May 2000, called *Health is life*. In my case, it took me out of my comfort zone. I represent an outer northern suburban seat in Melbourne, and I think the Indigenous population there at that time was something like 0.6 per cent. We toured throughout Australia to remote and urban communities and of course what we found were the facts: by any measure of health indicators, the outcomes for Indigenous people were much worse than they were for non-Indigenous Australians. The fact that slowly but surely we have seen many of the things that the committee in a bipartisan fashion recommended now being adopted gives me great heart. But I want to stress that this was a committee report done in a bipartisan fashion. It did not directly influence the executive of the day but stands as a document that has great substance.

Last year I was involved in the committee inquiry into geosequestration, which had a very interesting conclusion. The committee's report was entitled *Between a rock and a hard place: the science of geosequestration*. In the committee there were six government members and four opposition members, which will be the same ratio in this parliament. On this occasion there was a minority report from four of the government members. The four opposition members found the report of the chair that was presented eminently sensible and were quite happy to sign up. I take that as a very healthy sign of the parliamentary system. In that case—not that I agreed with them—four backbenchers of the governing party adopted a different view to their chair. It may have been a view closer to that of the government, but I think that is the healthy part of the system—that people who are on the committees can see that they are there to influence the decisions of the executive and to make it accountable.

One of the more harrowing experiences I ever had was the House environment committee inquiry into the report of the Auditor-General on sports funding. To say that this was very hard, when one was a member of the governing party and the minister from the governing party was very much under the spotlight, is a big understatement. I was in the position that we were going though until 2 am or 3 am in the morning on the committee inquiry—and I was the then Deputy Speaker under Speaker Martin—and the MPIs seemed to all be on what they described as 'the whiteboard affair' or 'sports rorts'. So I had the agony of listening to it for the whole day. But this was something that sensibly had to be gone through. It was part of the accountability

procedures. It then followed me further, because I joined the House finance and administration committee under Steve, and we looked into sports funding yet again. That was an ongoing saga.

They are just a few of the examples that I can give of the variety of actions that a committee is called upon to take and which I think, over the 20 years, have been taken sensibly. Of course, there may be other, more negative examples that we could give, but I am sure that we can also learn from them.

Today is an opportunity for debate and exchange between parliamentary practitioners, or insiders—members and staff—and those who study parliamentary institutions from the outside. In this spirit, I commend the work of the Parliamentary Studies Centre of the Australian National University and the involvement of the Department of the House of Representatives in the centre.

Finally, in welcoming you all, I wish you every success for today and for those who continue on tomorrow. As I said at the outset, I believe that the work of the committee system of the parliament and, in this case, of the House of Representatives should be amongst the most important work of a modern parliament in a parliamentary democracy. All the best for today's presentations. Please be questioning and critical. Please seek to find out if we can take on suggestions to improve, because there is ongoing development of the committee system. I do not think that 20 years ago anybody envisaged that the principles and the way in which the committees were put in place after the caucus committee report would be the end of things. I hope that throughout the day there is some discussion about what the impediment is to ensuring that the media take the House committee system seriously and that they take seriously those committees that have positive outcomes, rather than those that provide a sensational headline. I leave you with my best wishes and I thank you all for attending and contributing today.

[9.24 am]

Session 1: Overview: significant achievements and challenges

CHAIR (Prof. Langmore)—Former colleagues, ladies and gentlemen, I would like to begin by wholeheartedly thanking the former Speaker and the present Speaker for organising this conference. I also thank Ian Harris, Glenn Worthington and their staff in the Department of the House of Representatives for organising this very timely seminar. They were very professional in the planning of the timing. Holding the seminar at the start of a parliamentary session, when a new government has taken office, is a particularly appropriate time at which to celebrate past achievements and, more importantly, to review performance and discuss improvements.

The House of Representatives committee system was, as Harry said, radically restructured towards the end of 1987. Until that reform was introduced, a few areas of the Commonwealth's responsibilities were considered in detail by committees of the House, but no committee was able to study such centrally important areas as economic, education, employment, immigration, industry, science, social security and trade policies. There were gaping holes in the work of the House. That mattered profoundly because, in Australia, political power is overwhelmingly held by the executive. Once the party elected to government has chosen its leader and the ministry is selected, the House has little power. Government members keep the government in office, but debate in the chamber rarely directly influences legislation or policy. For example, unlike in many other parliaments in developed countries, the House cannot make a dollar of difference to

the budget. Therefore, any backbencher concerned about making an impact has to find indirect ways of increasing their influence. Ministers normally listen to their backbench colleagues. Full-party meetings and party committee meetings discuss policy and sometimes influence its contents. Informal discussions in ministers' offices, in corridors, over meals and late at night can be important. But little of this provides much opportunity for creativity or rigour. Power remains centred in the ministry.

A strong, comprehensive committee system is one means of modestly changing that balance. Why then wasn't a comprehensive committee system established until 1987? The reasons for opposition from governments on both sides was that ministers were concerned about the risks of closer scrutiny of their policies. They were wary of giving the opposition free kicks—of creating additional opportunities for criticism. They were frightened of loss of control from an increase in backbench activity, either through scrutiny or initiative. The Public Service were also opposed, for the same reason. They did not want an increase in the opportunity for MPs to review their work or to propose policies which they might not support. Why, therefore, was the reform made in 1987?

First, the Hawke government promised, in the Governor-General's speech after the election, that the parliamentary committee system of the national parliament would be strengthened to give members a more effective role and participation in the great affairs of this nation. I do not know how the sentence came to be written into the speech, but I have the impression that former Prime Minister Hawke and some of his staff, and certainly some ministers, favoured democratic reform. The intention of strengthening the committee system had been announced when Labor first won government in 1983, but nothing had happened because the Leader of the House at that time, and some other ministers, had been opposed. Clearly, more than just announcement of intention was required. Second, the proposal was timely. There was a major ministerial reshuffle and a departmental reshuffle which involved quite sweeping changes. So change was in the air. Third, after discussion with some colleagues, and finding that they were supportive, I moved at the first meeting of caucus after the election for the establishment of a committee to prepare detailed proposals. A representative committee of seven members was elected and we began consultations. Fourth, the recommendations which that committee made were accepted by the ministry because some ministers were strongly in favour in principle and most others did not want to antagonise the backbench. A couple of potential opponents were silent because of leadership ambitions. A condition was that funding for staffing would not be increased, regrettably. Cabinet made a few minor modifications to committee structure and one change of importance: parliamentary standing committees would be required to obtain ministerial approval for the terms of reference of any proposed inquiry.

Others will evaluate today how well the system has worked. Clearly, the structure of the committee system has evolved during the last 20 years. I want to conclude by briefly commending six of the ways in which the effectiveness of the system could be improved. First, committees desperately need increased staffing and capacity to employ experts. Neither Labor nor coalition governments have so far been generous with funding. One test of the strength of government commitment to democracy is whether they provide adequate funds to parliament. An effective model would be through the establishment of a parliamentary commission, like that in the UK, consisting of the presiding officers, three members, three senators and the clerks of both the House and the Senate. The commission would have the responsibility for staffing and all services in Parliament House and in the electorates.

Second, remove the requirement that committees obtain ministerial approval for new inquiries. In the Australian political system there is such a severe imbalance between the powers of the executive and the legislature that a minimal move to correct the balance would be that the committee members determine the issues they will study. Of course, that mainly happens, but it is important that any limitation on that be eliminated. The idea of citizen initiated parliamentary committee inquiries has also been suggested. I am not quite so sure about that, but it is on the agenda of what has been proposed.

Third, make legislation and estimates committees joint committees with the power to question both public servants and ministers from either house, to take submissions from the public and to commission independent research.

Fourth, wherever possible, introduce a process of pre-legislative consultation and development by committees which includes opportunity for input from experts, interest groups and concerned community organisations, as do the Dutch.

Fifth, establish a democratic modernisation committee to study and propose ways of increasing the engagement of the public in political processes and of improving parliamentary procedures and practices.

Sixth, legislate for a requirement that ministers must respond to parliamentary committee reports within three months to overcome not only ministerial inattention but also Public Service obstruction. These and other reforms could contribute to make the parliamentary committee system an even more effective way of balancing the power of the executive and of increasing public engagement in Australian governance.

It gives me great pleasure to now introduce our first formal speaker, Professor John Halligan. Professor Halligan is research professor of government and public administration in the Faculty of Business and Government at the University of Canberra. His research interests are comparative public management and governance—specifically, government institutions, parliament, corporate governance, political-bureaucratic relationships and performance management. He specialises in anglophone countries, particularly Australia and New Zealand and, for comparative purposes, Canada and the United Kingdom. His recent books, with colleagues, include *Managing performance: international comparisons* and *Parliament in the 21st century*, and studies of corporate governance in the public sector and performance management are being drafted.

Prof. HALLIGAN—Thank you, chair, for the generous introduction; thank you members of the Commonwealth parliament, ladies and gentlemen. The 20th anniversary of the House of Representatives committee system is an important milestone in the development of the institution. I intend to look at the contributions made by the committee system through several themes.

First of all, I will look at the historical context. We have already had something of a background in this. I think it is important to remember that this system represented an important new stage in committee evolution. It is fair to say that in the first 50 years of the parliament of Australia there were only three non-domestic committees institutionalised, and they were mainly concerned with scrutiny. There were, of course, the two joint committees administered by the

House—the Joint Committee of Public Accounts and the Joint Committee of Public Works—and the Senate Standing Committee on Regulations and Ordinances. Increasingly from the 1960s we find that greater use was made of committees, but they were usually select committees or some form of joint committee with the Senate.

For parliament overall, the modern period of community development commenced in 1970 with the inauguration of the Senate's comprehensive set of standing committees. But the House was also moving in a similar direction in the 1970s through a succession of new standing committees: Aboriginal Affairs and Environment and Conservation, both dating from 1973, and followed by Road Safety—a fairly narrow focus and expenditure, I guess. With four standing committees established incrementally, the House could be said to have the basis for moving towards a full system and almost look like half a system. But as the chair has already mentioned, a number of very important areas had been omitted up to this point.

In terms of parliamentary institutionalisation, a sort of ugly word which academics favour, distinctive stages are apparent. We can see a movement from ad hoc arrangements, dominated by select and joint committees, to a focus on standing committees and then to fully fledged systems in both Houses. As you have already been advised the House acquired its system in 1987: eight general purpose standing committees and successive parliaments have produced variations on that list, extending the number now to 13, and there have been other changes to committee titles and also changes of substance.

Reference has already been made to the role of the Joint Committee on Foreign Affairs and Defence and Ian Harris in *House of Representative Practices* refers to that as giving the capacity to monitor or shadow the work of all federal government departments. This, of course, raises the question about where committee systems begin and ends and that a fuller appreciation of committee contributions needs to take into account complementary functions performed by different types of committees.

What of committee roles and reports? Here, to some extent, we are drawing on the book which John referred to in his introduction where we differentiate several different roles of committees in the Commonwealth parliaments, and then go on to look at the distribution of reports across those roles. There are a few more details in the paper which, I understand, has been circulated. If you want more you will have to refer to the book. We differentiate four roles. This is important in particular for how the House of Representatives fits in. We talk about scrutiny, which is narrower work focused more on compliance and technical aspects. That is how we define it. Legislative appraisal corresponds to general notions of that. But we also consider strategic investigation and reviews. They become important because that is where the strengths of the House of Representatives lie. Strategic investigation is concerned more with forward-looking phases of policy development, whereas review reports focus more on the evaluative aspects concerning issues of ongoing programs, wider impacts, effectiveness and appropriateness, and so on.

The number of committee reports has increased substantially since the 1980s. In terms of the broader picture, the House plays a rather more modest role in the production of committee reports, accounting for one-tenth of the reports for 1970 through to 1999. That one-tenth does not include its contribution to joint committees but refers to House committees alone.

What about the lower house in context? I think it is important to refer to this and also to acknowledge that it is a context in which hybrid committees, the joint committees, perform these complementary functions. The House committee has been, as I think is well known, much more oriented to the needs of the executive than to the interests of perhaps other professionalised policy communities, as occurs in the Senate. Standing committees have the power to inquire into a range of matters—bills, reports et cetera—provided a matter has been referred to them by the chamber or a minister. Most references have tended to come from a minister, and it is often said that the minister effectively decides the agendas of particular committees. On the other hand, annual reports and audit reports are automatically referred to standing committees for them to examine, should they so choose. We should note at this point that the House Procedure Committee has recommended something of a move away from the dependence on ministerial references in order to maintain a broader watching brief—but this was not picked up.

In terms of differences between the houses, I tried to extract some interesting observations from representatives from both houses. I am afraid the ones I seemed to locate—and these are from interviews in the late 1990s—were not necessarily the most exciting, but they do give us a bit of a sense of some sort of stereotyping. Apparently senators are different. They are more for dotting the i's and crossing the t's, whereas the House of Reps are probably a little more gung-ho. I am not quite certain how to interpret that. From a senator's point of view the House is very different. The case is argued in the caucus and in the minister's office. In the Senate you have to have your arguments right. You have to know your ground. You have to be well researched. Presumably, you do not have to be well researched to argue the case in the caucus or in the minister's office. This, again, is just one person's perceptions.

In terms of other broader observations about the lower house, there is the argument that it is inclined to engage in broad reviews rather than more detailed and potentially troublesome studies. It is functioned in a manner reflecting proximity to the executive and is therefore developed cautiously and incrementally. When members were asked to talk about their favourite reports, they were inclined to nominate ones which were about an investigation of some sort but they stayed clear of major areas of partisan disputation. I think some of the examples already mentioned by members reflect this. Committees may also assist a government in resisting political pressures, but it is also said that sometimes committees have tended to be overly cautious, perhaps engaging in self-censorship, and this has limited the choices of inquiry.

Moving on to MPs, I guess the obvious point is that the impact of committees on parliamentary work is immense. Most MPs will join a committee soon after taking their seats. In 1970, most MPs gave little attention to committees. Over half were not the members of any committee. By 2000 the patterns of committee membership had changed noticeably. By then over half of the members had multiple memberships. The non-servers were for the most part members of the political executive.

I will make several other points in summary only because of the lack of time. The committee service is ubiquitous. Virtually all those who served in the Commonwealth parliament for the period we looked at were on at least one committee at some stage during their careers. There was also, however, considerable variability in terms of member's commitments at different times—some were highly committed, some were more passive.

There were also comments made about how older members' commitment had worn a bit thin; some committees relied on newer members to do most of the work. There were also substantial variations in the demands that different committees made on members—you just have to look at the number of meetings as one indicator of variation. Less busy standing committees might have 10 to 12 meetings a year; more active ones, 36 or more. The Joint Committee on Foreign Affairs, Defence and Trade recorded 102 for the year I was looking at.

Beyond that, we can note that the 21 House committees, in which I include relevant joint ones, cover all fields of government. There was also increasing evidence of specialisation by members in committees. We performed some sort of analysis which indicated a significant number of MPs clearly moved from being generalists to specialists in particular sorts of committees.

I will summarise my concluding two sections fairly briefly because of the shortage of time. In terms of institutional developments, you can talk about the stability of memberships established at 10. I have already referred to the fact that their coverage parallels those of the main government agencies. I have referred to the level of commitment by many of the members. Membership is significant insofar as it provides leadership positions through the positions of chair and deputy chair, which are regarded as stepping stones to ministerial careers rather than just as ends in themselves.

I have already referred to the fact that the number of committees has expanded greatly. Of course, the focus has been on investigation—that is, the review and strategic functions. The House has by and large avoided the most contentious roles, that is legislation, and the least contentious, namely scrutiny, as I have defined it. However, bear in mind that many MPs are involved in scrutiny through committees administered by the House.

The paper goes on to summarise different sorts of contributions of committees to public policy. I think you are going to have to refer to that in order to get the details. We pick up on the policy cycle and indicate where committees can make contributions with regard to agenda setting and policy development—perhaps in support of ministers' work. There was the interesting experiment of the exposure draft. There have been modest references of bills to committees, though few, I think, in the last two parliaments. Much of the review work can be regarded as administrative oversight. And, of course, there is a major and increasing role played by House committees in external communication with the public through their important committee processes.

It is also said that committees have not always been courageous. There was evidence of where committees pull their punches. On the other hand, there has been a higher acceptance rate by government of their recommendations. So I guess there is an interesting trade-off in terms of potential influence.

We make some reference to other sorts of impacts on administration and more generally. Several examples of committees' reports, which have registered with members, are also referred to. The *Ships of shame* report was one which was widely recognised—the important entry into Aboriginal affairs at an earlier stage, perhaps culminating in the support services inquiry of the late 1980s. The House Standing Committee on Family and Community Affairs report *Every picture tells a story*—I think it has already been referred to—looked at custody arrangements in

the event of family separation and was based on a process that attracted numerous submissions in a very short time frame.

It has also been said that because of the nature of how references came to be taken up by committees, they have not always carved out a stable and clear niche for themselves over time. Is this because of self-censorship and relations with the political executive, the lack of glamour and publicity associated with routine scrutiny, or simply overwork? I will leave that to the more informed insiders to comment on.

What we can say in conclusion is that the committees have provided wonderful opportunities for both members and the community to engage in public policy processes. The system has now been durable for 20 years and, while some changes to parliaments are reversible, you can certainly argue that this system as a whole is impervious to such influences. On the other hand, there are questions still about the level of utilisation and the responsibilities of the system. It is good at producing steady streams of relatively safe, broadly focused policy references, but is there more scope for it to be a little more adventurous?

My concluding point is that there is substantial potential for further influence in the second 20 years of the House committee system that perhaps expands upon the volume of work, possibly extends the roles played and takes the system of committees to a new developmental level.

CHAIR—Thank you very much, John, for that very good overview. Now Professor Stephen Martin is going to speak. He is a former federal member for Macarthur and Cunningham. He has a long and distinguished record in parliament. He served as Speaker of the House of Representatives, as Parliamentary Secretary to the Minister for Foreign Affairs and Trade and as Chairman of the House Standing Committee on Finance and Public Administration. In the shadow cabinet, he held portfolios in defence, trade, and tourism. At present he is Pro-Vice-Chancellor (International) at the Victoria University in Melbourne, showing that there is a life after politics. In April he will assume the role of Deputy Vice-Chancellor (Strategy and Planning) at Curtin University in Perth.

Prof. MARTIN—Thank you, John. Last week, as I stood in line for 15 minutes in Westpac in Collins Street, Melbourne, waiting to transact some business that could only be done via face-to-face contact with a real-live person who was in Melbourne and not Bangalore and which could not be done over the internet; as the RBA raised interest rates by 25 basis points; as the tabloids ran story after story about suffering, ordinary Australian working families; as the shadow Treasurer suggested that the two-month-old government was to blame, while his counterpart the Treasurer said that the 455,000 interest rate rises under the previous government really were to blame; while Treasury was attacked by members of the financial glitterati for not doing more sooner to fight inflation and keep interest rates low; as I was getting into my Commodore in the car park at Victoria University in Melbourne, and gazed with envy at the brand-new BMW series 3Z roadster parked next to me in the ANZ reserved car park; as I saw the announcement of healthy profits coming with the banking sector; as the Macquarie CEO announced he was leaving his \$30 million-odd per annum job; as the US economy looked like it was all but heading for recession; as credit-crunching was becoming a new national sport; and as an estimated 300,000 homes were feared in danger from mortgage default this year, Allan Fels and I ran into each other in that bank in Melbourne and had a bit of a chat, and I thought, ‘I’m back in

1990.' I thought, 'I've been here before!' To paraphrase the former world's greatest Treasurer: is it time for an inquiry we have to have?

I think that gives me a reasonably good opening to talk about one of the great inquiries of the House of Representatives system—and I say that modestly as the chairman—that actually achieved something significant. In my view, it allowed subsequent inquiries—and many of them have been referred to today by Speaker Jenkins—that really grabbed the imagination of the government and the people of the day and certainly, in some cases, even the media and that got some positive outcomes.

The inquiry we had back in 1990 took place in a similar set of economic circumstances to the ones that we have now. The Treasurer of the day had been upping the banks regularly about what was going on and starting to become a bit frustrated, and I kept saying to him: 'Treasurer, how about giving our committee an inquiry into the banking industry. Perhaps it could be something like a five-year report card on the deregulation and the range of measures that you introduced when the government came into power in 1983?' Eventually, in one weakened moment, the Treasurer, in caucus, nodded. He had been up to see the banks that morning. I had sent him a little note saying, 'Does this mean you will give our committee an inquiry into the banking system?' and he looked over and said, 'Yes.' He sent me a little note back saying, 'Come and see me after caucus.' Around I go for a cup of tea with the Treasurer, and he said, 'All right, you can do it, but I'll have Treasury draft the terms of reference and they'll be a little bit limited, but you can do the inquiry.' I said: 'That's great. Thank you.' He said, 'Treasury are a bit antsy about this.' I said: 'That's all right. You can trust me, Paul. Trust me.' But I also said that it had to be serious.

The expectations were then rolled out. When the Treasurer announced in October 1990 that this inquiry was going to happen, it was restrictive. He said that it was about competition and how it had improved the Australian banking industry; it would not be something that looked at margins; and it would only last for six months. This was clearly reflecting, as some people have already indicated this morning, concern about ministerial loss of control over some well-meaning, well-intentioned MPs who were going off to inquire into something that was considered to be the domain of the bureaucracy and certainly of the cabinet.

The day after the inquiry was formally announced, I held a press conference. The media said to me, 'What are you going to look at?' and I answered, 'Everything'. I said that everything was on the agenda. That probably set the tone for the relationship in later life between the Prime Minister and me as Speaker of the House of Representatives. Nevertheless, it was something that I felt was particularly significant. The public sentiment at the time ranged from 'You beaut. It's about time. Someone is seriously going to have a look at the banking industry' to the bankers, who all lined up and said 'This is just an opportunity for bank-bashing. Here is a chance, once again, for some well-intentioned, ill-informed local members to take a stick to the banking industry.'

It was in that sort of context that we embarked upon this inquiry, and its process was lengthy. We got an extension—not six months but nearly 14 months. It could have gone on for another 12 months. We had to draw a line in the sand somewhere. Not only did we have our committee staff totally dedicated to this task but we also brought in some experts who assisted with the process of sifting through the information. We had 121 public submissions, 19 confidential submissions,

78 public exhibits and 27 confidential exhibits. It was a bit like that song, 'I have been everywhere man'. We travelled the length and breadth of Australia, taking evidence from a variety of people. We were at Nyngan. We were at Charleville. We were at the Sydney Yacht Club talking to the down-and-outs about their foreign currency loans and how they got stung. We had 272 witnesses and 35 days of hearing. So committed was I to the process that I used my overseas study entitlement to go to the UK and Europe on a tour of the banking industry and the supervisory authorities in Germany, Belgium and the United Kingdom in order to get a feel for what was happening there. So successful was that tour and so important was that report—it was appended to the banking inquiry report when it was tabled in the House—that we approached the Prime Minister again and said, 'Look, there is a lot more that we need to know from an overseas experience. Can we not go overseas?'

Parliamentary committees were never given an opportunity to go overseas to talk to folks there. The Prime Minister weakened and said: 'Yes. You, the deputy chair and the secretary can go.' So off we went. We went to Canada; we went to the US; we talked to a whole range of people to get a feeling for what was happening in their systems about supervisory arrangements and consumer protection issues. We asked a whole raft of questions, particularly in the United States, around the S and L fiasco that occurred, which was very similar to what is happening with the bank defaults in that country at the present moment.

As we went on this very important journey, a number of specific issues jumped up—for example, the Westpac letters saga. Those with long memories will recall Stuart Fowler, the head man at Westpac, appearing at a parliamentary committee and tabling letters that clearly showed there had been some fraudulent activity within the bank that led people to invest money and to lose substantially. It was quite an intense part of what the committee's examination was able to elicit. When we covered the foreign currency loans issue, which I talked about before, I always remember that I was in my home town of Wollongong. One of my good mates, who was a restaurateur, lawyer and of Greek heritage, came to see me and said: 'Mate, you've got to do something about this foreign currency loans business. I've been stung.' I said, 'George, why did you get into it?' He looked me in the eye and he said, 'Greed, mate, greed.' I said, 'Thank you very much,' and moved on.

Margins were an issue. Margins clearly became part of what people were concerned about. They were suffering from interest rate rises and the effect on their household budgets. The margins that were being charged for loans and so on and the way in which the banks were clearly developing profit margins which were substantial did not seem to ring true with the average punter out there. There were, of course, a raft of consumer issues. Why was it that they could not get clear statements of what their loan obligations were? Why was it that they were paying exit fees? There were a whole range of other things there.

When we looked at this, we were really trying to ask whether this was good business that a commercial enterprise—a bank—was involved in that in Australia or were they the villains they were being painted as. I can remember the *Bulletin*—God rest its soul—had a front page one day that said 'Banks are bastards'. It became quite a significant document that was handed around by many people during the course of this inquiry.

The report itself was tabled in November 1991. It contained 131 recommendations—a wonderful little tome. I recommend that you read it if you have not already. Interestingly, it was

an inquiry that broadened from an initial emphasis on margins and profitability to one that examined the efficiency, safety and stability of the financial system. How was it that the Australian financial system had benefited from the deregulation policies of the government? That became a core issue in what we looked at. It looked at issues around competition through deregulation but considered consumer needs and expectations. Importantly, one of the overarching elements in this was around prudential supervision, safety and soundness, because people had long remembered issues around some of the collapses of banks in this country.

The government response to the committee report came in a number of different tranches. The first was the Prime Minister's 'One Nation' statement of 26 February 1992 and a broadening of all of the controls on foreign bank entry and branch banking. As a consequence, today we see so many foreign banks operating as branches here rather than as subsidiaries.

Treasurer Dawkins wrote to the committee in June 1992 again outlining what the government intended to do, particularly with respect to enhanced financial system supervision; codes of banking practice; APRA's creation; the Reserve Bank's supervisory role; the development of a non-legislative, comprehensive code of banking practice for consumers; and an inquiry through the PSA on credit card profitability and merchants' pricing policies. The government's final response to the inquiry was tabled on 25 June 1992. It indicated that the government had agreed to nearly all of the 103 recommendations that were contained in that document. In late 1992 there was agreement to the application of a more restrictive substantial lessening of competition test for mergers and acquisitions being introduced.

One of the comments I should make here is that there was incredible scrutiny of this committee and the work that it was doing. When we were flying—sometimes in VIP aircraft but mainly in commercial aircraft—across the skies of the different parts of Australia to take evidence, there was another plane behind us full of bank advisers who were trailing us to see exactly what we were up to. So when there was a report that came out or a witness gave some evidence about something there was an immediate response that was generated by the ABA or somebody who represented them. But in the end it was a fascinating exercise to see the way in which parliamentarians could genuinely get to the heart of substantive issues to generate a meaningful report that had far-reaching implications for the financial services sector in Australia. In my view, it set the hallmark for the way subsequent inquiries went.

In October of 1992, the same committee that undertook that inquiry looked into the inquiry and what had actually been put in place, and a report came out called *Checking the changes*. The committee was chaired by Paul Elliott, the member for Parramatta, and again it found that all of the most substantive recommendations in the original report had been adopted by the government and, in fact, by the banking industry—that they had been prepared to move on to make some substantive changes.

Of course, as I think I indicated a little earlier, it is an indication that parliamentary committees can undertake serious issues and, indeed, make a genuine difference. There was enormous publicity around this. I can remember Alan Griffiths, who at the time was the chair of another parliamentary committee. When this report was originally tabled in November, I think the *Australian Financial Review* dedicated something like 10, 12 or 15 pages of coverage to it. I have not seen the likes of that since Wayne Carey in Melbourne. It was quite extraordinary. I thought that this was again the hallmark of where there has been a genuine inquiry by people

who learnt a lot—and there is nothing more dangerous than an MP learning a lot through an inquiry process, because they can actually apply it in a meaningful way. Of course, when there was a change in government the Wallis committee was established, not with MPs involved, but again to freshen up what had happened in the regulatory environment of the former Hawke and Keating Labor governments. But it too was complimentary about the work that had been done here.

On reflection, of course, it is always interesting. Right at the start of our inquiry, somebody once said that bankers sometimes look on politicians as people who, when they see light at the end of the tunnel, order more tunnel—the Treasurer and the chairman of that inquiry, as you can see there, are going ‘ho, ho, ho’ to that. I think that at the end of the day we have a much better financial system, albeit one that constantly needs refining. This was an inquiry process that was led here in the House of Representatives in the Australian parliament, that went the length and breadth of Australia and that took evidence from ordinary people and people who had been wronged. The committee members went and saw for themselves some of the issues that were involved in financial transactions, and they were able to talk with people from the boardroom to the shop floor in order to get clear and meaningful outcomes for the issues that were raised. I think this was an inquiry that was well worth having.

I will conclude by saying a couple of things to pick up some of the reflections that others have already made. The truth of it was, I think, that from the point of view of someone sitting in the House—as I did—in 1987, when the committee system was set up, a lot of it, to be fair, was really about the fact that the ministry had not changed a lot. There were not a lot of committees in the House of Representatives for MPs to get involved in, and this was a real test to try and provide an opportunity for MPs to do something meaningful. So when John Langmore—rightly, through the caucus process—proposed that these committees be established, I for one was delighted that they were, mainly because I became chairman of one of them but also, importantly, because I thought that there were some real opportunities to undertake meaningful inquiries.

Some reference has been made to the sports inquiries that my committee made. They were terrific inquiries—there were two inquiries there, in fact. We continue to see the ramifications of those: the Commonwealth government continues to support the Australian Institute of Sport and Australia’s Olympic teams when they go overseas—because there was a real threat, once upon a time, that all of that funding was going to be cut.

So example after example can be shown where House of Representatives parliamentary committees do good deeds. There are people on them who commit a lot of time and effort and are prepared to do good works in the name of the Parliament of Australia and the people of Australia. The banking inquiry, for one, is a classic example of an inquiry that really did achieve sensational outcomes. I am so delighted that it did because it gave me an opportunity to write my PhD thesis all about it.

CHAIR—Thank you very much, Steve, for that wonderful case study delivered with such humour. It is now a pleasure to introduce Kevin Andrews, who has been the member for Menzies since 1991. He has served on a number of parliamentary committees. He chaired the Standing Committee on Legal and Constitutional Affairs from 1996 to 2001. Since 2001 he has been the

Minister for Ageing, for a couple of years; Minister for Employment and Workplace Relations, from 2003 to 2007; and, in the last year, the Minister for Immigration and Citizenship.

Mr ANDREWS—Thank you very much, John. Colleagues past and present, federal and state, ladies and gentlemen, it is a pleasure to participate in this seminar to mark the 20th anniversary of the establishment of the House committee system. I would like to offer a few vignettes of my experience as a committee member and chair, as well as a minister dealing with committees, before making some general observations.

My first impression of committees came as a new member of the House in 1991. As I was elected at a by-election some 18 months into that parliamentary term, committee positions had already been established. I was asked by the whip, however, if I would serve on the Standing Committee for Long Term Strategies, as another member of the committee from the then opposition wished to retire from it. The Standing Committee for Long Term Strategies was chaired by Barry Jones. Some say it was established for Barry when he was not reappointed to the ministry following the 1990 election, but my colleagues on the other side would know better about that than I.

One morning, just after being appointed to the committee, I was walking along the corridors of this building, towards the committee room, with Barry, and he asked me what I was interested in about the future. I said the future population of Australia is something which I think is very important and significant, and we spoke about it for the couple of minutes or so we walked from our offices to the committee room. Upon opening the meeting, Barry promptly announced to the committee that we would have an inquiry into Australia's future population—much to the surprise of his colleagues from the Labor Party, who obviously had no forewarning about this announcement. The committee duly held a very informative and useful inquiry.

My second reflection relates to the work of the inquiry into the Child Support Scheme and the Child Support Agency. As you will appreciate, this is an area fraught with emotional claims and counterclaims. A great deal of work was undertaken by that committee, then chaired by Roger Price, to arrive at a series of recommendations that would improve the operation of the scheme and provide more fairness to both custodial and non-custodial parents. Indeed, as an example of the bipartisan operation of the committee, I recall, as an opposition member, being invited by Roger to speak at a public meeting in his electorate about family law and child support. But, in what was an example, I believe, of how not to treat a committee and its report, the then minister announced within minutes of the release of the report—I think it was within half an hour—the government's rejection of the central recommendations. Indeed, I have since wondered whether that curt rejection of the committee's work and the unanimous bipartisan position that it came to was part of the reason why the issues relating to child support have remained the subject of intense discussion for many years, leading to yet further inquiries—and I note that Kay Hull, who chaired committee inquiries into that, is here.

My third reflection relates to my time as the Chair of the Standing Committee on Legal and Constitutional Affairs. One of the motivations for my entry into parliament was to see more done to support marriage and family life in Australia. Indeed, my wife and I had worked in a voluntary capacity in the field of marriage education for many years, and we believe that relatively little time and money was expended on preventive education programs, compared to the considerable costs of separation and divorce.

As the new Chair of the new Standing Committee on Legal and Constitutional Affairs in 1996, I wished therefore to inquire into this area. The then Attorney-General, Daryl Williams, was less than enthusiastic about the idea. I am not sure whether it offended his notion of what the legal and constitutional affairs committee should do or whether he was worried about what the inquiry, and particularly I, would want to recommend. He proposed other references into dry areas of commercial law and I resisted. After about two or three months, the committee—unlike all the other committees—not having had an inquiry and there being no resolution between the Attorney and me, I proposed an alternative: an inquiry into a controversial area of constitutional law. This was at the time when the government was coming to terms with a proposal for a constitutional convention and it wanted to play down anything that could raise controversy in that area. But, within a short period of time after making that alternative proposal, my original proposal was accepted and the result was to have and to hold the 1998 committee report. It does show that the chair of a committee and the members of a committee can influence the terms of reference that are provided to the committee and indeed the subject of inquiries.

My final vignette relates to the report into human cloning and stem cell research, which was referred to earlier. This was, and is, an area of great controversy. There are strong beliefs and opinions held by all sides of the debate. It was my intention as chair of that inquiry to ensure that the exercise was conducted without rancour, and that was very much the atmosphere in which all committee members from both sides of parliament engaged in that report. The committee was able to produce a report after painstaking effort which allowed each of the members to express their personal views about the critical moral and ethical issues. Despite those differences set out in the report, the committee unanimously proposed a system of regulation for the field. I think it was a great achievement on the part of all the members of that committee to be able to name and identify their personal views on two or three critical issues but, at the same time, put that aside and together say, ‘Well, whatever the outcome is, these ought to be the parameters, the criteria and some of the components of a system of regulation.’ Much of that was indeed taken up in the subsequent legislation that came before the parliament. I refer in this context to the background paper by Catherine Cornish which explores aspects of that inquiry in more detail.

Let me turn to some general observations. The committees have many strengths which support parliamentary democracy. First, there is less theatre and politics in the work of committees than in the chamber. The House committees, in my experience, reflect a consultative, consensus-building model more so than, for example, the Senate equivalents. This is partly because, as Phil Larkin points out in his background paper, House committees have tended to take a strategic view of issues and less often inquire into bills before parliament.

Unfortunately, much of what occurs in the chamber consists of setpiece speeches and setpiece questions and answers. The notion of parliament as a deliberative body is missing from what most people witness of the modern institution in action. The committees offer an antidote to this development. In doing so, they involve the public more than any other parliamentary process. In any given non-sitting week there are dozens of committee hearings across the nation ranging from capital cities, as Stephen pointed out, to remote parts of this country. This allows more ordinary Australians to have a direct say in the political process. The advent of the *About the House* magazine has been a welcome development in publicising this otherwise little remarked upon work of the parliament.

The benefit for parliamentarians is considerable. Not only does it allow members to develop expertise in particular areas of interest; it brings them in direct contact with the broad views of Australians about the matters of interest to them. As a consequence of this consultative consensus-building approach, differences of policy and program direction tend to be less about the otherwise rigid party lines witnessed in the parliament generally. Through this process, Australians are able, I believe, to influence policies and programs.

One role of a member of parliament is to stand between his or her constituents and the bureaucracy. Each of us advocates for particular individual issues each day, seeking a better outcome, or sometimes just an outcome, for our constituents. The work of the committees magnifies this individual process on broad issues. The child support inquiry, which I referred to earlier, is but one example.

My experience, particularly as a minister responsible for three departments in the past government, is that the Public Service is overwhelmingly comprised of hardworking, thoughtful and dedicated people who want the best for Australia. However, there are orthodoxies in all departments—general beliefs about the way in which they think the department and that area of public policy should go forward—and vested interests, as in all organisations. It is an important role of committees to expose, to test and to challenge these approaches. This does not have to be done in an aggressive manner; it is done by probing and prodding and teasing out and testing the underlying views motivating particular policy and program directions in respective departments.

This brings me to the relationship between committees and ministers. Regardless of which party is in government, there is a tendency of the executive to seek to control the entire parliamentary process. That has been referred to earlier. Ministers are often reluctant to allow committees to look at some issues. It is not always about one side of politics and the other. Ministers are often wary of their own backbench committee members wishing to examine an area of sensitivity to the minister or the department. In fact, in my experience, the departments are often more sensitive than the minister. While this tension exists, it should be resisted by committees. The ability to examine annual reports, for example, is a means by which committees can provide greater scrutiny than would otherwise exist.

In this regard, it would be beneficial to revisit the practice on my side of the parliament of—when in government or in opposition—the leadership nominating the member to be the chair or the deputy chair of parliamentary committees. Most members come to this place with a combination of noble intentions, political pragmatism and an eye for preferment. Extending political patronage to the appointment of a committee chair or deputy chair has the tendency of further entrenching the domination of the executive over the parliament.

Other improvements to the committee system are possible. If a committee has identified a logical and achievable case for change, a responsive minister or government is able to adopt the likely recommendations before they are even made. I know that, in the time when I was the workplace relations minister, the relevant committee was inquiring into an area in which we basically adopted what were to be the outcomes of that committee even before the inquiry had finished. It was probably to the frustration of the chair and other members that that occurred. But, nonetheless, I thought that was a useful exercise. If it is logical and achievable, it is something that ought to be done and you can put it in place now, why wait for the committee to actually get around to reporting?

However, in many instances, government responses are notable for their lack of detail. Many simply repeat what the government is doing in a particular area, rather than addressing the issues the committee has identified. What further measures could therefore be implemented to overcome the greatest force in politics—namely, inertia? One possibility would be for committees to revisit their reports after the government has responded. The relevant department or minister could be recalled to explain the response and allow further discussion with the committee. At the same time, I believe committees need to be more disciplined in their approach to recommendations. Many recommendations are simply feelgood in their wording. While there is a tendency—naturally—for government members of a committee to use a report to support the government's policies, I believe that recommendations should involve practical, measurable actions to be taken.

In conclusion, it would be remiss of me not to acknowledge the work of the committee secretariats, which bring considerable expertise, experience and enthusiasm to their work. As others have pointed out, their resources are limited and they have to deal with members who often spread themselves too thinly. Despite these limitations, they make an enormous contribution to the work of the House of Representatives—and therefore an enormous contribution to parliamentary democracy in Australia. Thank you.

CHAIR—Thanks very much, Kevin, for those interesting comments on practice and those concrete suggestions for improvement. We have 20 minutes now for comments. Who would like to ask the first question?

Mr BARRIE—While listening to Stephen, I was wondering why a powerful, influential and energetic minister such as Paul Keating, with the full resource of government behind him, would not have been able to undertake the sort of inquiry that your committee ultimately did. Later on, of course, Kevin Andrews referred to the orthodoxies of departments. I am wondering if that was the reason and, if not, what the other advantages are that you see that the committee system can bring.

Prof. MARTIN—That can be responded to in several ways. Firstly, in terms of the way in which the committee was given the reference for the inquiry, it was made perfectly clear that the terms of reference would be very restrictive and that they would reflect Treasury's view of what was appropriate for a parliamentary committee to investigate. The fact that the members of the committee decided that that reference was too narrow and that we were prepared to broaden the inquiry itself was reflective of the issues of the day that were presented to us. In hindsight, I do not think—and I am sure he would say this—that the Treasurer resented in any way the work that was being done. I can say quite openly and honestly that during the course of that inquiry there was never any attempt made by the Treasurer to muzzle the direction that we were going in. There was never any attempt made to suggest to me as the chairman that we should be doing certain things or that certain outcomes should be predetermined—which I know is somewhat different from the way many committees work, where you have the outcomes and then you work up the way to justify it.

It is also important to reflect that this was a time of substantial economic change in a vast range of other areas. It was also a time of economic malaise, as people will reflect upon, and I think the Treasury and the Treasurer had a raft of other issues which were important to them. It was seen, as I said, as being a five-year report card on how far deregulation had gone and the

benefits, perceived or real, to Australian consumers that had been put in place. To that extent, I think that was one of the substantial reasons why the Treasurer was happy to let us continue the work that we did to ensure that element of government. When you look at those folk who came as witnesses, you see that they were significant players at government level. When you look at the witnesses who came from the banks, you see that they were the GMs or the managing directors of these financial institutions. We are not talking about a teller who was plucked out of Wollongong and came along and gave some evidence. We are talking about substantial representation, because it was perceived to be achieving something on the way through.

The other element, I think it is fair to say, is that there was a significant amount of interest in and publicity that surrounded this inquiry. I have to say that in the environment of the day, the politics of it was quite reasonable from the government's perspective and, as a consequence, again, I think there was no reason why the government felt that it needed to do something different. The subsequent government, I think, decided to freshen up that whole approach, as I mentioned, by bringing Stan Wallis in to do a committee of inquiry that did not have parliamentarians represented on it. But, in a sense, that only reflected what Keating did after 1983 by bringing another Martin in to do a freshening up of the work that had been done for the previous government prior to his coming into government in 1983. So, on the whole, it was an exercise that did not attract the ire of government or the minister but was seen as being something that complemented the direction in which he wanted to go.

Mr ANDREWS—Just a brief comment, and that is that in my experience once you get a reference it does not really matter what the terms of reference are. If it is the view of the committee that we want to look more broadly then, once the reference is there, there is little that the minister or the government can do. We did that in the *To have and to hold* inquiry, where the terms of reference given to us were quite narrow but we produced a report that canvassed a much broader area than the original terms of reference. So there is a freedom there on the part of committees if they wish to exercise it.

CHAIR—Clearly, it sometimes suits ministers to have their parliamentary colleagues do the dirty work for them that will help them in other ways.

Mr KELVIN THOMSON—At the 20th anniversary it seems to me that the committees are at some risk of becoming set in their ways and of a bit of hardening of the arteries occurring, and that they do not necessarily occur to the government or the community as the best way to go about solving longer term public policy problems. Just by way of example, I did not notice in the Prime Minister's announcement this week following the apology to the stolen generations that there was a role for parliamentary committees in his bipartisan proposals, and nor did I see in the idea for the thousand 'best and brightest' to come to Canberra that there was any kind of follow-up in that regard. I certainly do not suggest that as a criticism. It is the responsibility of the committees to be in the government's mind and in the public's mind as a way of solving longer term public policy issues.

I think the committees should be seeking out the most important, the most controversial areas to follow up. I will just give you a couple of examples that occur to me off the top of my head that are topical at the moment: Aboriginal disadvantage, declining housing affordability and how to reduce greenhouse gas emissions and decarbonise the economy. All those sorts of things will give rise to political controversy, but I think we would all agree that no-one has a monopoly of

wisdom in these areas and therefore a parliamentary committee is quite a logical place for issues like this to go.

CHAIR—Does anyone want to comment? I think they are very sensible comments, thanks, Kelvin.

Prof. HALLIGAN—I will make a brief comment. I was delighted that the premise of your comment was that committees should be concerned with solving public policy problems. I guess that leads on to the point: do they need to be enabled a little better to be able to determine, to some extent, their references so that they can pursue policy problems? It is quite clear from looking at the activity of the standing committees over recent parliaments that there is wide variation in the level of activity. It is probably not fair to judge activity solely in terms of whether they only did one report or not, because we know that inquiries can vary considerably in terms of their scale. But it is quite evident that some were not particularly active, and there may well be a case here for committees to engage themselves more carefully in self-scrutiny about what they have been accomplishing in recent years and about how they could perhaps lift their activity in engaging the sorts of public policy problems that interest you.

Mr ANDREWS—Can I just add a comment there. It just struck me as you were speaking and making your comments that the role of the chair of the committee is crucial. If you look at some of the reports that have been referred to today—whether it was Stephen's banking inquiry or Kay's inquiry into child support or even, if I can modestly say, the inquiry into human cloning—it strikes me as an observation that in each of those instances the work of the committee was driven by a very determined, enthusiastic chairperson who wanted to tackle a particular problem. I think that is quite a factor in what you were talking about, Professor, in terms of the activity of the committee. If the chair and others are enthusiastic about doing something because they see a problem that they want to solve or come to some resolution in public policy terms, I think that is quite a crucial factor in terms of the activity of the committee.

Mr STEPHENS—The jocular comments of Stephen Martin just lead me to wonder about the issues of freshening up the work of a major seminal inquiry like the banking inquiry. You made observations about the sense of the current situation being very familiar from the past, and whether freshening up is best done on these issues of the problem of the banking sector as a political and community challenge that the Australian community is facing again. As a regional member of parliament, frustrations with banks persist.

While Stephen is thinking about an answer to that I just want to comment quickly on the other issue that was talked about: the terms of reference of a committee. We do not have government permission required to the issue of terms of reference. At least, if it has been required, I have never observed that practice. What I have done is introduced an inquiry into successful initiatives in the Indigenous affairs area, which has been the terms of reference for an inquiry, and then, 12 reports later, that has been able to point out the overwhelming challenge that governments face by showing the paucity of successful initiatives in Indigenous affairs—and, of course, it has been a source of annoyance with my government colleagues about the failure of government programs and response in this area. So I simply endorse the issue. It does not matter about your terms of reference. You could be talking, in your terms of reference, about successful initiatives in Indigenous affairs and then use that to highlight huge failure of government programs of delivery. Stephen, this question is to you: is freshening up best done through

parliamentary inquiries that revisit your issues or is there now into the future another response required of government?

Prof. MARTIN—I will tackle this in a couple of parts. Firstly, if you look at the way in which these committees were initially established in 1987, the committee that I became chair of was the House of Representatives Standing Committee on Finance and Public Administration. It was the committee that was given the reference into examining the banking industry. Subsequent to that, from memory, the title of that committee was changed so that the word ‘banking’ was inserted in it somewhere. It was subsequently changed again so that the word ‘banking’ was taken out. When we did the inquiry and the report was tabled—and my slides illustrated the process whereby it was a staged response from government in implementing the 103 recommendations—there was the second report, which was checking the changes. But it really went to some of the more outstanding issues that were there and to just give a report of those recommendations of the 103 which had been left untouched—fortunately not many.

I think what we have seen subsequently with this particular committee—and I know David Hawker was instrumental in putting this together—is the regular reporting by the Governor of the Reserve Bank on issues around banking, finance and prudential supervision more generally. But I think it is fair to say it would be from a limited view of the RBA. The governor comes along and gives a report and it is televised now; you can watch it on Sky News and whatever. That is great—broader recognition of the significance of that. But a freshening up examination, particularly as I indicated on my list at the start, of things that are there in the economy at the present minute may not be a bad thing. It may not be a bad thing for committees to give thought when a major inquiry has been done that, within a five- or 10-year time frame, there be a refresher inquiry done to see if there are any further changes that are necessary to reinforce what was recommended before, or if there has been a slippage or if things have changed.

If you take the banking industry, as we know, things have changed so dramatically in terms of the way in which technology is being applied there, consumer issues and so on. Perhaps it is time after all this time that a subsequent inquiry be undertaken at a parliamentary level that does more than just have the RBA governor come and give an overview on issues in the Australian economy.

Mr DUNCAN—I started off my parliamentary career working in the House of Representatives Standing Committee on Expenditure with Professor Martin and Professor Langmore and former Speaker Hawker. I have two questions. The first is to Professor Langmore. A lot of publicity about parliamentary committees in the federal parliament is directed towards the Senate estimates committees. If you could cast your mind back to 20 years ago when you put that paper together, I was wondering, in looking at the House committee system that we are talking about today, if consideration was given to having a joint House-Senate committee to look at estimates of expenditure. Was that canvassed? My second question is to the whole panel, I guess, and it relates to a comment made by Mr Andrews about the chair of committees. The Commonwealth Parliamentary Association came out last year with recommended benchmarks for democratic legislatures—a document to apply to all Commonwealth parliaments. One of them, at 7.2.2, is:

Oversight committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditures. Typically, the Public Accounts Committee will be chaired by a Member of the opposition party.

I would be interested in the panel's comments on whether they think that the House of Representatives will ever meet that benchmark, to have an opposition member as chair of a public accounts committee.

CHAIR—I do not recall that issue of estimates work by the House being seriously discussed. It certainly was not recommended, anyway. But I now think it would be a very good idea. As I said in my introductory comments, it is one very important way of ensuring that there is greater scrutiny of the financial proposals that come from the government, given the utter weakness of the legislature in that. As I said, most parliaments in developed countries have the capacity to influence the form of the government—look at congress in the US as a particularly clear example. But in Australia that does not happen, even though in some ways our legislature was modelled on that of the US—it was a combination, of course, of the US and the UK. I think it would be one way of building up the capacity of the House of Representatives to have a more effective role in financial decision making and it would be worth doing. And, as I suggested, those could be joint estimates committees.

Mr ANDREWS—I was a member of the public accounts committee for a couple of years, but it was a while ago. My recollection is that the chair and the role of the public accounts committee are set out in a piece of legislation—it is not just the standing orders of the House or the Senate—which actually puts it into a slightly different category to many of the other committees we are speaking about. My observation about the chair of the public accounts committee, certainly as I remember when Bob Charles was chair of it, is that he took it as a very significant position in which he felt that the committee had a major degree of independence and, in my observation, acted that way as well. Again, it might come back to who is chairing the particular committee. So it is a kind of halfway position, if I can put it like that, to other committees compared to what the CPA appears to be recommending. Is it likely that an opposition member will become chair of the public accounts committee in the foreseeable future? I think that is an optimistic view.

Prof. HALLIGAN—Public accounts, of course, is not a standing committee, and many would regard public accounts as having performed relatively well within a certain sort of framework in terms of doing relatively bipartisan work, a range of different oversight and scrutiny reports. So there is a question of whether one just wants to drop in some recommendation from some international body or whether one should be reflecting more carefully about the role of public accounts. I understand Kerry Jacobs will be reflecting on public accounts at the seminar tomorrow, so that might be the place to pick it up. I think there are other areas more important both for the executive to take the initiative in referring more legislation or, as Kevin has been saying, for chairs to be more consistently active across committees in seeking investigations and inquiries.

Prof. MARTIN—The comment I would make is that my experience was—and perhaps I was a little more fortunate, although I doubt it—that I had an excellent working relationship as a chair of a committee with the deputy chair, who came from the opposition. On the banking inquiry itself, Ian Wilson from South Australia was the deputy chair and we worked well

together. We travelled together to the United States, as I said, to undertake some inquiries there and he was as probing in his questions as I was. In fact, the agrarian socialist in him came out when he wrote a dissenting report recommending deposit insurance for all Australians, modelled on the United States system, with guarantees from government if they defaulted on loans. I had to put my hand up and say, 'No, we're not going to do that.' But that was the only disagreement we had on the whole inquiry. So I think there is an opportunity for an effective working relationship to be established between the government member who is the chair and the opposition member who is the deputy chair. Also, as was reflected last night at a dinner that many of us attended, genuine friendships are forged during the course of those committee inquiries around Australia and there is a semblance of views that coalesce because of that.

On the public accounts committee specifically, I think the comments that have already been made are pretty much accurate. But in a general sense, at the end of the day, he who has got the numbers is going to appoint somebody as committee chair. That is the way it goes.

CHAIR—It is nice to finish on such a positive note! Before we finish, I would like to say what a delight it is to welcome the former Prime Minister Gough Whitlam and to feel the endorsement of the concern about committees that his presence gives.

Proceedings suspended from 10.47 am to 11.08 am

Session 2: Community participation/member education

Ms WEBBER—Good morning, ladies and gentlemen. Our chair of the second session is Mr Rod Sawford who has been a member of the House of Representatives for 18 years. He retired at the last election. For all of that time I think he was a member of the various incarnations of the House education committee. Mr Sawford, perhaps you would like to come and chair this session.

CHAIR—Thank you very much, Robyn, and good morning everybody. Perhaps I could start off with a silly story. A couple of parliaments ago, a new government was elected, the committee chairs were decided upon, the secretariat organised the first public hearings in a mining town in this country and, after a very successful day at a public hearing, the committee chair, full of new information, walks out to the hinterland of the town—and promptly falls down a mining shaft. But on the way down, some 20 metres, fortunately there is a tree root and he hangs on to it for dear life. After getting his breath, he screams out, 'Is there anyone there?' and a voice comes down and says, 'It is your Lord, House of Reps committee chair. You must have faith. Let go of the root and I will bring you to the surface.' There is a long pause. The committee chair yells out, 'Is there anyone else up there?'

I am delighted to be here this morning, albeit in a very brief way, to participate in this 20th anniversary of the House of Reps committee system. And celebrate is the operative word. Overall, the committee system has been an outstanding success. It has been and is a coming together of a sort of trinity of politicians, of public servants and of the public. I would like to concentrate on just a couple of issues—the effect of the committees on policy development and perhaps something about members' expectations of secretarial support and community input into both electorate and committee work.

The first is basically a recollection of what has passed and the second is a more theoretical and abstract view of what is possible in the future. The committee, which has been referred to that I spent 18 years on, was of course education in its various formats. But I was on other committees—public accounts, publications—like other members.

Today, terms like early intervention, emphasis on literacy and numeracy, technical education, boys' education and teacher training are central to the education debate. That was not the case when I arrived here in 1988 after a by-election. In preparing for my maiden speech, as all of us do, you look at what has been written before you. I wanted to do a section on early intervention so I looked through the *Hansard*. I could only find one reference. In October 1975, one of Gough's colleagues from New South Wales—and it is lovely to see you here, Gough—used the term 'early intervention' in October 1975. It was never used after that date until my maiden speech.

Quite soon into the term I got myself onto the Labor caucus education committee and within a year I was on the House of Reps committee. Interestingly, the chair of that committee at that time was the current Premier of Victoria, John Brumby. As a former primary school principal and an architect of a national resources campaign for primary schools and junior primary schools, I was actually very interested in developing an inquiry into literacy, numeracy, early intervention and the resources deficit in both public and private primary schools. After a couple of polite attendances at the Labor caucus meetings I moved a motion incorporating these matters. I was greeted with silence and then more silence. The chair declared that these matters were state and not federal. 'Nonsense,' I replied, 'the federal government spends billions of dollars on education through grants to the states. Surely we ought to know if that expenditure is wisely spent or not.' Silence again, lowering of heads, mumblings, incomprehensible statements—well, I recognised what was happening: I was getting the treatment. 'Will someone second the motion and allow a debate to take place?' Silence. The motion lapsed. Welcome to politics. Welcome to Canberra.

However at the end of that year I was fortuitously seated in the dining room with three other members—Carolyn Jacobsen from Western Australia, Elaine Darling from Queensland and Roger Price from New South Wales—and somehow the topic got around to committees and they all told of their unfortunate but very similar experiences in the Labor caucus education and House of Reps standing committee. We proposed to do something about it. After the 1990 election, Mary Crawford, the member for Forde, became chair of the education committee. We resolved to bring on the early intervention literacy and numeracy and resources deficit inquiry. I wrote a white paper that introduced vocational and technical education as well. That was subsequently presented to the caucus committee and favourably received—with one exception: the minister. He instructed me to collect all copies of the paper and shred them. I should have refused but, being new, a bit naive and a bit inexperienced, I complied.

A junior minister in our government at that time then assisted us—and that was Ross Free, Gough—in getting the literacy and the numeracy report commenced. That it was still getting onto the front page in the national media as of last week says something for that report. However, as a new government makes its agenda on an education revolution, it can only be achieved if an audit is undertaken on educational expenditure, not only from government but from all sources. For exactly the same reasons Labor in government rejected a resources allocation inquiry, so too did the Howard government. It should be refused no longer.

The obvious conclusion is that education expenditure in this country is driven not by sound educational philosophy or rationale but by historical tradition and privilege—and that is exactly right. Until an appropriate resource allocation expenditure audit is conducted in this nation, all—and I repeat all—education or skills initiatives, no matter how meritorious, will be diminished. There is a challenge for the new parliament.

But back to *The literacy challenge* report. The language and the ideas constructed by parliamentarians and the secretariat in that report are now conventional wisdom. Ministers and shadow ministers repeatedly claim ownership of words, phrases, sentences, paragraphs, arguments and data that was constructed by the parliamentarians and the secretariat on both sides of the parliament and by members of the secretariat of the House of Representatives education committee. It is a backhanded compliment, but I will always remember David Kemp, who I did not agree with on too many things to do with education, actually reading into an answer at question time a paragraph that we had fought and argued about in the committee as though it was government wisdom.

That report, like many of the reports referred to here today—on health, banking, foreign affairs, defence and so on—stands as a testament to the very best qualities and attributes of the Public Service, parliamentarians on both sides of politics, and people in the community who so freely offer their participation—often at great cost to themselves—in giving their views on a particular topic.

Reports like *The literacy challenge* sustain relations in a very positive way between public servants, parliamentarians and the community, and that collaboration should never be underestimated. However, not all committees are successful at all times. Successful and productive human relationships are a bit like a trinity too, and that trinity is the same for parliamentarians as it is for parliamentary staff and for community organisations. All groups to be successful, in my view, need people available to the committee that are strong on ideas, on process and on outcome. They need that in order to succeed.

In most circumstances people fall naturally into each category. However, they can of course fulfil different roles in different circumstances. Those who are essentially ideas people will have a background in philosophy and logic, have strong personal beliefs, and possess analytical skills. They are creative ideas people. Unfortunately few of these people ever get preselected by major political parties. Few are in the Public Service, either. Twenty years ago when I entered this place 100,000 Australian students were studying pure mathematics at our higher education institutions; today it is 15,000. No wonder in the commentary of politics and life in this country analysis is found wanting and there is an overreliance on synthesis in political commentary.

Too few people in this parliament have been exposed to philosophy or analysis. The reasons this is so are pretty predictable. Many genuine thinkers are unpredictable and difficult to control. And, in an age of spin, celebrity and manipulative democracy, they are not sought out. People skilled in process are a significant group in the parliamentary staff—to all of you here, thank God for that!—because people skilled in process can recognise good ideas and translate them into a form that the rest of us can understand. But the predominant group of people in here are outcomes people. You should not be surprised at that. I mean, getting a preselection and surviving in a political world you need to be an outcomes style person. But it is worth stating that, if the idea you are tackling is wrong, so will the process and so will the outcome be wrong.

If the process is wrong, so will the outcome be wrong, even if the idea is right. Success is the coherence of all three. People strong in ideas can be enthusiastic, passionate, exciting, rude, a bit mad, and lacking in social skills. And sometimes only 10 per cent of what they say is relevant anyway, but that 10 per cent can be right on the money. That is why, as I have said, process people are so valuable.

The parliamentary staff that I have encountered here that can recognise a good idea number many, many scores. They can separate the wheat from the chaff. They can translate a raw idea, often in a misunderstood form, into a state the rest of us can understand. If ideas and process people go missing on committees, this is what happens: you end up with endless hours of meetings, negotiations going nowhere, facilitation of non-identified givens, interpretation of worthless material, contradictory mission statements and performance criteria all sinking under the weight of pointless, anecdotal self-indulgence and slick presentations. The substance, contribution and influence of committees like these are absolutely zero. And yes, I was on a committee like that—blessedly, briefly.

However, when you do have a committee with public servants, politicians and the public, where ideas, processes and outcomes are shared, debated and collaborated upon, the relationships of everyone involved in that committee are enhanced and lifelong friendships are made. Personally and professionally, being on a House committee, as I think Stephen Martin and John Langmore said, can be one of the great experiences of your political or parliamentary life.

Very few people get the opportunity to hear firsthand the Australian public interested in a particular area, to hear their view of what is of concern to them and, on many occasions, their solutions. I have one word of caution to those new members—and I notice my good friend Tony Zappia from South Australia, the member for Makin, is here. If your House committee travels, one committee is enough. I think Kevin Andrews made the point that you can, in fact, spread yourself very thinly. You are not doing yourself or those committees justice by doing that. Good luck. I hope someone in this parliament has the foresight to convince the current government to initiate an audit on educational expenditure and justify with evidence the glaring differentials in various sectors of education which are based on no educational rationale whatsoever. That is the reason we are a middling, mediocre, middle-ranking nation as far as education is concerned. We have still not bitten the bullet.

One final story. A committee chair passes away, lonely, distraught, frustrated, without family and without friends, and his funeral is to be organised by the cabinet. No instructions are left as to how the person is to be interred. One minister suggests cremation would be appropriate, another suggests embalment and another suggests burial. The Prime Minister intervenes, ‘Don’t take any chances—do all three.’

Can I take this opportunity to introduce Kay Hull. Kay, on my left here, is the member for Riverina—a pocket dynamo or pocket rocket, as she is sometimes referred to as. Sometimes we rudely refer to her as ‘Please stand up’, referring to—

Mrs HULL—My height.

CHAIR—her height. But Kay is very passionate about representing the Riverina electorate and her main focuses have been on regional economic development, small business, health and

aged care, and disability issues. In fact, when she was elected in 1998, she was the first woman from the National Party in New South Wales to grace the federal parliament. A very successful Wagga Wagga business owner since 1978, Kay is also a former councillor and deputy mayor of the city of Wagga Wagga and a board member of Tourism New South Wales. She is a wife, she is a mother, she is a grandmother and she has been honoured as a Paul Harris Fellow and as a recipient of the Rod Murdoch Award for outstanding contribution to the development of tourism in New South Wales. During Kay's time in parliament, she has handed down a major report into substance abuse titled *Road to recovery* and a historic child custody report titled *Every picture tells a story*, which has seen significant changes in the Family Law Act and the child support act. Would you please welcome Kay Hull.

Mrs HULL—Thank you, and good morning. It is one of those mornings where you are going to have a little bit of a different presentation. I am going to give you just a few minutes setting the scene of a member of parliament who was, as Rod has said, elected in 1998 and who has about 64,000 square kilometres to run around in and doing about 90,000 kilometres each year in my vehicle on my own, servicing my electorate as a National Party member—or the Nationals member as we are now. I was on an abundance of committees, because Nationals members had to cover a lot more committees because of our small numbers. We are getting smaller and there are more committees!

It was quite a daunting task. I had drought happening and the government I was a part of was threatening to take away the mainstay of my community—to close down the RAAF base and put 1,500 local people out of work. There was the drought, water issues, environmental concerns and the general everyday concerns of my constituents. I ran an office in Griffith for the whole of my last nine years at my own cost—a full-time office—to do the myriad of immigration matters that I had in my electorate. My electorate was one of the largest immigration areas in rural New South Wales, or rural Australia. So, it was a busy time for a newly elected member.

In 2001, after being re-elected, I became the chairman of the Family and Community Affairs Committee. After having served astutely on a number of committees and being absolutely involved in them—making my mark with such enthusiasm—I became the chair of the Family and Community Affairs Committee, and we took on a report. The previous committee had finished up. They had done a bit of work on substance abuse in the Australian community. The previous chair, Barry Wakelin, had done a discussion paper titled, *Where to next?* but it had no recommendations, so it was suggested by Hon. Michael Wooldridge that we would pursue that report and come up with recommendations and outcomes. I took the chair's seat. It was a very difficult term between 2001 and 2003, as my committee and I attended hearings all over Australia and had roundtables. It was a very emotionally distraught committee group that listened to the plight of families and to the plight of addicts of illicit drugs, prescriptive drugs and alcohol. In the Northern Territory, we had issues of petrol sniffing. There were a whole host of things that we were charged to cover, and to come up with some clear recommendations and pathways, supposedly for the government to then consider following. We were much harangued, and it was a very emotional journey for all of us, because it was a very sad and serious state of affairs. It was such a common issue in families of low, medium and high socio-economic areas.

On 24 June, I was sitting in the parliament, finishing off the report on substance abuse. I had really had to be very hands-on in my involvement in this because it was a very difficult report to prepare. I could honestly say I had written probably half of this report, along with the

magnificent secretariat—who were just wonderful—and my committee members. We were very diverse in views and we each had our own position but we had come together quite well. I knew there would be some dissention, so I was concentrating heavily on this report. I was sitting there in question time, rewriting some of the secretariat's notes, putting my own in and encompassing my committee's views. I was feeling very distraught, hoping that when I tabled this report in August 2003, it was going to be a little easier, and we would have that slight bit of comfort. Then, you can imagine my surprise when—out of the blue—the Prime Minister announced there would be an inquiry into child custody!

I thought to myself: this is fantastic! Probably 80 per cent of my work in the electorate offices is with constituents who are affected grandparents, parents and children by such issues as family law and child support. I thought to myself: 'I pity the person who is going to be doing that child custody inquiry!' The then Prime Minister went on to say, '... it will be run by the family and community affairs committee'. I was sitting there—not breathing—and thinking, 'Please don't say that.' And he said, '...and it will be chaired by Kay Hull.' And I thought, 'My God, I can't do this!' Then he said that it would be completed by 31 December—and it was 24 June! I did not say anything. I just went white, felt sick and put my report aside. As he was walking out past me I stepped out from my seat and said, 'Prime Minister, I can't do this. We have had to do this report. It's been really hard and we're just finishing it. I'm not tabling it until August. I can't even start until August.' And he patted me on the head—and that gets my back up a little because I am short in stature—and said, 'You will do a very good job, Kay.' Then he walked off.

We finished off the committee's report entitled *Road to recovery*. We tabled it in August 2003 and then we started the process of the child custody inquiry. And it was different. Every component of the child custody inquiry was different given its terms of reference. Both Kevin and Stephen mentioned the influence of chairmen. It is very important to have a clear strategic pathway to follow because if you do not you never get anywhere. This inquiry was very different because whilst it seemed that the issue of drugs was the most sensitive thing that you could deal with within families, in fact child custody, family law and child support turned out to be even more sensitive.

The committee secretariat—God bless them—were absolutely sensational. We had to sit down and work out how we would work our way through the process in such a short time. We also had to determine how we would deal with submissions, because we felt very strongly that people were going to identify such things as their partners and the issues in their families and yet the submissions were going to go up on a website. So children were possibly going to be identified at school because the website was public. The children concerned could have another child come to school and say, 'Oh, your mother said this about your father and this is what he did to her, and she did to him.' We thought that this simply could not be allowed to happen. So we had to make decisions on how to deal with these submissions—how to block out sensitive material in them, yet still keep their integrity. There was lots of debate and argument in the committee about that, but we had to look at the best interests of the child. So we had a lot of things to deal with. We had to determine how we would conduct the interviews, how we were going to get across the nation and do our jobs as members of parliament and undertake our electorate duties. We had to get across the nation and then write a report, finalise it and table it in probably four months. We were not quite sure how to do it. When the House sits two weeks on and two weeks off, it is a pretty difficult task.

I have the greatest admiration for the most wonderful committee that I could ever have hoped to have. In the beginning, we were the most fragmented committee that you could ever have possibly imagined. We were at loggerheads—every which way. We were just like scattered rabbits. There was a feeling that there was a pre-determined outcome for this, and there was suspicion from the opposition side. I understood that. There was a feeling that this could not possibly happen—but eventually we tried to determine how we could pull this together and come up with something reasonable.

I recall one day asking how we were supposed to be dealing with dysfunctional families when we were acting like a dysfunctional committee. That was sobering. Once we started on that first hearing program, we all got the drift of hearing the plight of the people. The members of parliament were competent and able to deliver this report by December because they were not ignorant of the issues. The majority of the work of each and every member at that time would have been family law and child support. They should not have been ignorant; they would have had that coming across their desks on a daily basis. They should have known and heard it all. I did not think that they needed three years to get across a nation to hear more; they were requiring that but I felt that they had enough information there to go with.

After the first few hearings, I think they determined that we were hearing the same things over and over. You could actually go into this inquiry and do six years, or 10 years, but you would hear the same things over and over. There was a pattern. So, we really got down to it.

We were lucky that this committee had a fair bit of publicity right from the beginning because there are a lot of groups of affected people out there. We had a strong committee member engagement and we had enormous community involvement, as you could imagine. We had to overcome the issues of confidentiality. We had to know legal practice and procedure. We had to work it all out and become practitioners in our own right on family law, and that was quite difficult. I thought that we had already become that, as members of parliament dealing with the day-to-day issues of our electorates.

We had issues with security and threats. There were threatening incidences that we had to deal with. As chairman, you have to deal with those issues. We had to have quite serious security for the hearings. It was as volatile as that. We had discreet security placed throughout the hearings. We had very emotionally disturbed people following the committee inquiry from place to place.

This became quite a challenge for the secretariat; we needed to put some counselling services in place for the secretariat because they were copping the brunt of this. They were taking the submission inquiries, they were having, all day, every day, hundreds of calls about the plight of particular individuals. The people answering the phones were like a huge sponge of emotional journeying. One minute they would be torn in half for a separated dad, the next minute they would be torn in half for an abused mum. Then they would be torn in half for a child that had been caught up in the middle of this. We had to put in place some form of counselling support and assistance for that committee secretariat to be able to perform their duties.

We had to second some people from the Family Court and from the child support area to assist us in working out what terminology meant and to identify and explain the legal procedures of the Family Court. It was a very intense inquiry. It took a lot of preparation to put together the support networks.

There was a very strong committee focus. The secretariat and committee made a united decision that we were going to take this whole thing forward and deliver to the Australian people what had not been delivered since 1975. I believe there was a thought that there might be a predetermined outcome on this. I believe it was expected that the committee would recommend fifty-fifty rebuttable child custody orders in cases where there was some agitation with respect to where children were going to be placed. We were dealing with a very adversarial area. I think the referring ministers thought that would be the outcome because there had been so much lobbying and attention paid toward this. If the recommendations were supposed to be preordained or predetermined, they had chosen the wrong chairman. We were going to do this report and this inquiry and we were going to do what we believed was the right thing for the people of Australia and, more importantly, in the best interests of the children of Australia.

The inquiry was well advertised. We started this committee process with the hearings. We had an enormous amount of submissions, as you can imagine. We had 1,716 formal submissions in about 10 days. It was an issue that was on people's minds. I determined that we would have 21 public hearings, and we did. We had 170 witnesses. We had eight in camera hearings. We selected the location of the public hearings on the basis of where Centrelink and child support numbers were most prevalent. That is how we selected where we would hold our public hearings. During those hearings—as you can imagine—a lot of caution was used so that our witnesses did not name and defame people. There was quite a strict hold on the way witnesses appeared because it was such an emotional issue.

We tried to get a balance of witnesses from male and female parents, custodial and non-custodial parents, organisations, individuals and grandparents—because this inquiry was about grandparents as well. We wanted to look at Indigenous community issues to see how Indigenous communities deal with separation in their family circumstances. In an Indigenous community, generally a full community is really the carer and custodian of all children.

We had, as I said, 21 public hearings right across Victoria, Western Australia, New South Wales, Queensland, the ACT, South Australia and the Northern Territory. We also did regional centres and it was a pretty provocative thing for those centres. I remember we had one of our hearings in Gunnedah, which was the electorate of the Deputy Prime Minister at the time, John Anderson. Everybody from Gunnedah was in that room. I went into that room and it was full. We had to hear public evidence of people who had major trauma in a very small country town.

One of the pieces of public evidence that are on public display and in *Hansard* was the testimony of a young man who had a separation from his wife. One of his mates had said to him, 'You know, we don't think that youngest child of yours is yours; he looks like so-and-so down the road.' Bear in mind that this was in a very small rural community. He said that he thought, oh well, he would go and get a DNA test done on the children. The guys had said to him, 'You know, she moved you out and this guy in, and we think that the youngest one might not be yours.' This came out in the public hearing. When he went and had the DNA test done on his children, he found that three of the four were not his. This is in a small country town, and you are dealing with a large amount of community emotion.

We also had a circumstance where grandparents came in, and it was quite public. Their son had been drunk one night, and the barmaid had literally taken advantage of him. I felt we had to keep a tight rein on the grandparents, because they were quite condescending about the barmaid.

CHAIR—On the tight rein matter, I am a bit conscious of time. Could we, perhaps, just sum up.

Mrs HULL—Absolutely. Basically, the points that we had to cover were significant issues that committees are not normally confronted with.

On the issue of preparing and tabling the report, it was a bipartisan report. It was from all those involved in the committee. Each member of the committee had a strategic involvement in that report. It is unanimous, and it is one of the reports where all but one of the recommendations have been implemented in family law.

I then left my committee, voluntarily gave up my chairmanship and followed the pathway to ensure that the family law that we had put so much effort and time into was implemented and that the child support changes were implemented. They will all come to fruition in June 2008, and that will be the finish of that report. In essence, these are some of the issues that the secretariat and committee members find themselves confronted with, but each and every one of the members unites in order to deliver to Australia what I believe is in the best interests of the Australian people at the time. I commend the committee secretariat, but most of all I commend the former committee, who I believe rose to the challenges and defeated all of the obstacles.

CHAIR—Thank you, Kay. I now introduce Professor Ian Marsh, from the University of Sydney. Ian Marsh holds the Australia and New Zealand School of Government Chair of Public Management at the University of Sydney. Professor Marsh, a former Senior Fellow of the Research School of Social Sciences at ANU, took up his chair in Sydney in early 2005. A graduate of the Kennedy School of Government and the Graduate School of Arts and Sciences at Harvard University, Professor Marsh was formerly an associate professor of the Australian Graduate School of Management, the research director of the Liberal Party of Australia, an associate of McKinsey & Co. and private secretary to the Minister for Defence.

Professor Marsh has been a prolific contributor to public discussion about the role of government through his many books, articles and contributions published over the past 20 years. I will mention some of these books: *Beyond the Two Party System: Political Representation, Economic Competitiveness and Australian Politics* and *The Neglect of the Long Term in Australian Politics*—a very timely publication. Would you please welcome Professor Ian Marsh.

Prof. MARSH—Thanks, Rod. Many of those things are a very long time ago. I would like to start by thanking the Speaker, and also my fellow Novocastrian the Clerk, for the invitation to be here this morning. There is a very long and very academicky paper on the broad theme that we are talking about in the collection that is distributed with the conference, and I do not really propose to take you through all that. But I guess it systematically reinforces the contribution of many of the speakers already this morning and, indeed, what is the theme of this session: the enormously important role that committees can play in outreach and in engaging the broader community in public policy issues.

When I talk about parliamentary committees, it reminds me of when I first started work at the AGSM—the Australian Graduate School of Management—at the University of New South Wales and the conversations I had with a very distinguished free market economist there. As soon as you got onto his favourite subject—the need to expand the role of free markets in

Australia—you could see his eyes glaze over, and you knew that you were going to get the standard speech. I have the same worry about myself talking about parliamentary committees, because it is a very longstanding and old theme.

If you want to see how the Australian system functioned when committees played a very powerful role, you do not have to look any further than the 1901 to 1909 period in the Australian federal parliament. In our historic repertoire, we had quite a different structure of relationships between the executive and the legislature then. Of course, this was a three-party and not a two-party era; however, if you want to look at how committees might play a role and the areas of policy making in which they might play a very significant role, you will find that the 1901 to 1909 period is a wonderful cameo example of how the game works.

Coming forward to the 21st century, I want to develop some of the points that earlier speakers have made this morning about the case for extending community and interest group engagement in committee inquiries. There are three cardinal reasons we might want to do this. The first and most important reason has to do with the increasing gap between the formal political system and the citizens and interest groups who compose Australian society. In our country this is, to a very large degree masked—at least at the most public level, which is voter turnout—because we have compulsory voting. Other evidence that we have about community attitudes reflects quite deep scepticism or cynicism about the political process, and that is a very dangerous thing. This is not unique to Australia; it is common to all advanced Western democracies.

It is a problem for all Western democracies, and it is a very profound one. I think that is the first and most powerful reason to see a very important role for committees as bridges between the community and the formal system. It was a role that the mass party organisations used to play, but they have lost it in the past 10 or 15 years. The media is now the principal linkage between the formal system and the community, and it is a very deficient linkage for all kinds of reasons, which are in the paper that I have distributed. That is the first and most important reason.

The second reason is related to that, and it is to do with the proliferation of interest and community groups and social movements. These are now far and away the principal mode of citizen engagement in politics. As membership of the major parties has waned, membership of these kinds of organisations has waxed. You do not have to look any further than the extraordinary success of Get Up last year. There are now about 200,000 people on the Get Up email mailing list. It is a remarkable illustration of the way in which these kinds of organisations at various levels can broker people into political action. Some of the social movements have memberships well into the 100,000. The major parties are now much less than that. Of course, membership is not necessarily the most important signal of engagement, as we saw recently with the Sorry Day. How are all these interest groups and social movements, which are such an important strata out there, to get access to the system? Will entry only be at the whim of ministers and departments or will there be some other kind of routine point of entry? I put it to you that committees have potentially a very powerful role to play in relation to that.

The third reason that committee roles are potentially very important has to do with the linkage between the system and the community but also with the government's own need for intelligence about community attitudes and reactions to specific proposals. We have heard a lot this morning about how ministers and departments want to control and do not want to let light into the

deliberations they are engaged in. If we want to see how foolish that is, we do not need to look any further than the experience of the Howard government from the latter part of 2006. From this point, it backtracked on not one or two but at least seven quite fundamental issues—education, management of the Murray-Darling Basin, Indigenous reconciliation, refugees, broadband, Work Choices and climate change. Of course, Prime Ministers have to be ready to trim for an election but this was a lot more than that. This was a wholesale repudiation of announced past positions and attitudes across a very wide and very fundamental range of issues. It was an unambiguous example of politics driving policy.

What did these U-turns say for the government's previously stated views? Were they wrong? And what is the public to think? Do the merits of issues have nothing to do with their determination? The question is: how might the Howard government have communicated its views much more effectively? How might it have built a much more supportive public opinion in some of those areas? And how might it have learnt much more deeply about public reactions? I submit that that is where committees could play a very important role. It is instructive to revisit the sorts of policy development processes that were associated with those seven issues. I do go through them in another paper that I have not distributed to you. But what you see in all cases is a very private policy-making process with departments and, if there are inquiries, the inquiries manage their own outreach. An enormous amount of stuff happens within the orbit of departments and ministers. There are no actors there like parliamentary committees who can draw on the authority and prestige of the state and in that way become a bridge between citizens and the community.

Indeed, the way the government approached selling Work Choices is indicative of the kind of problem that we face. It was merchandised through advertising—\$60 million or \$70 million was spent on trying to sell Work Choices through ads. That is not the way to build supportive public opinion about a major policy issue. Any elemental textbook about public opinion formation will tell you that you just cannot instantly, through advertising, manage the complex process of its formation. Of course, the government thought that its election victory in 2004 licensed what it did. But, in the event, this proved to be a false assumption which, from its perspective, had quite disastrous consequences. So what I am submitting to you is that elections create governments and clothe them with an authority, but it is not a durable authority. Particularly in these days, when citizens are much more well informed about politics and much more engaged, it is much more important to create that ongoing link between citizens and the community.

Somebody has mentioned already this morning that the Rudd government has gestured to these needs. Its community cabinet meetings are one response. The national conversation that is going to happen in April is another. I think that both of these initiatives mimic earlier actions that the Blair government took. But, particularly in the case of the national conversation, this is a one-off affair. It does not involve sustained interaction. It does not offer sustained opportunities for the development of opinion. Somebody has already asked this morning: what happens after April? How do we build some kind of ongoing momentum in public opinion for the kinds of issues that are going to come out of that? That is a very important issue and is one in which I think there could be a role for parliamentary committees.

The very important point about these kinds of interactions is that they are reciprocal. There is an exchange occurring, both between the executive—or the formal system—and the public and the other way around: from the public back to the formal system. If you want to see the

dynamics of that process, it is set forth in the paper that I have distributed which looks at explicit evidence about the impact of committee inquiries on people who are giving evidence via preparing submissions, coming along to the committees, reporting back to their own groups, creating publicity in local newspapers—the myriad ways that the snowball of interest groups and public opinion is stimulated, takes shape and is pushed along. I think that metaphor of public opinion as a kind of snowball is absolutely critical. Committees—because they run prolonged inquiries, involve exchanges and draw on the prestige and power of parliament—can be very important actors at the apex of that process.

I will not prolong this but I want to draw attention to some recent initiatives in the House of Commons. The House of Commons committee structure is much more potent than the one here in Australia. It has 630 members, but we should not regard that as an obstacle. That is simply a constraint on how we might create a system in this country. The Commons has moved much further down the track on a number of fronts. The staffing of its committees is much more developed. I was in London early in January interviewing about something and I was talking to a woman in the House of Commons who runs their newly established communications office. The House of Commons' most recent initiative in terms of outreach is to create regional liaison officers in all the districts of Britain, and their task is going to be to build links to community groups to communicate information about the parliament and its workings and also to try and engage these groups in parliamentary and particularly committee activities—a kind of 'GetUp' of the parliament. In this much more fragmented, differentiated age, I commend this kind of initiative to you.

I have been separately involved in a little exercise in Sydney, looking at the interest group patterns in six state electorates: Lakemba, Cabramatta, Manly, Penrith—I do not know how many that is; it should add up to six—and what you find, even below the GetUps, the Australian conservation foundations, the Business Council, the New South Wales chamber and that plethora of groups, is an enormous incidence of organisations at the local community level that are not always well linked into those meso-level kinds of associations. Of course, the patterns and incidence of these groups vary, as you can imagine, between Lakemba, Cabramatta, Manly, Vaucluse—they are very different. But what is common to all these regions is a very high level of group activity.

Let me close with a little plug for Professor John Uhr over here at the ANU, who has recently established a parliamentary centre. One of the groups I saw in the United Kingdom was the Hansard Society. The Hansard Society has been a major kind of think tank and ginger group for encouraging the development of parliament's role. You need that kind of backstop and buttress. To my mind, if there is one thing that inhibits the development of the Australian parliamentary committee system—there are a number of things that are inhibiting it—it is the kind of ethos within which committees work. What is their legitimacy? What is their standing in a two-party system? What is their role when the convention of ministerial power is so strong? It is only through research organisations that you can have the case for these sorts of things well argued, and the Hansard Society does that job in the United Kingdom. For example, the outreach process that I just described, where these regional GetUps are scattered around the United Kingdom, grew out of a Hansard commission chaired by Lord Puttnam, of which I have a copy here. It took two years for the recommendation to recycle through the decision-making process but it finally was consummated in January this year.

Australia now lacks any kind of capacity of that kind. The Study of Parliament Group is not a research organisation; it is much more an exchange organisation. Uhr's little centre over at the ANU represents a real chance to put some rigorous work behind the potentials that exist to build the role of parliament in this area. So if there is anyone in this room that can help make it all happen, I think it would be a valuable contribution to better government.

CHAIR—Thank you very much, Ian. Our last speaker for this particular session is Siobhan Leyne, who has been an inquiry secretary in the committee office of the Department of the House of Representatives since February 2006. Prior to this, after a very short but informative detour via the tax office—as you do—she spent five years as a committee secretary for the ACT Legislative Assembly. Because of the proximity to the community it serves, the committees of the ACT Legislative Assembly are under close scrutiny, and this is why she had a particular interest in strategies to effectively engage the community with the parliament through the committee system, and how the committee system can be used to promote democratic processes. She is also studying towards a masters degree in anthropology with a focus on notions of belonging and nationalism, and how this impacts on individuals' participation in systems of governance and democratic process. Would you please welcome, Siobhan Leyne.

Ms LEYNE—I will be reflecting today on my number of years of serving committees, and also—with my anthropological hat on—about this notion of governance and citizenship. We have been lucky enough to hear today from several current and former members on their perspectives on and value for committees and I will be reiterating this throughout my speech.

I have long been interested in the topic of involving the community in parliamentary committees because I am interested in how to make our governance processes more relevant to the public, not just those who govern. I have looked at what similar parliaments have been doing around the world recently; and we have a lot to be proud of in the House of Representatives. But we could make a lot of improvements. I question if we, as former and current parliamentarians, parliamentary servants and parliamentary scholars, make our democratic systems adequately accessible.

For me, parliamentary committees represent the true essence of our democratic system. They provide the only means for the public to speak directly to the parliament, and yet very few people in the community have any understanding of what committees are, what they do or how they can be used to influence policy at the highest level. As few people have an understanding of how their vote works, how can we expect them to understand what committees are?

When considering the issue of barriers to participation, we naturally think of those disenfranchised voices, as Kay Hull has pointed out: minority groups who need support in representation. These voices do require special consideration. But, while committees struggle to hear their voices, we also struggle to involve the wider community.

This lack of understanding of committee work I think is the key barrier to participation. Where does it come from? I know that, until I started working in a parliament, I had very little understanding of what a committee system was. This was even after I had twice appeared as a witness, both privately and as a public servant. This may have been a fault of my schooling, most of which was in a very remote part of Queensland—it was a long way from Brisbane, let alone Canberra. Although I did take some political science units at university—and I apologise

to John Uhr, who, thankfully, has just stepped out—I have to admit that I probably skipped most of those lectures, so did not really get an understanding of the committee system.

I think I was fairly typical of many Australians. Beyond voting, the parliament was irrelevant to me. Although my university days were marked with political activism, this translated into opposing various policies and going to the pub, rather than finding ways to make the parliament work for me. Fundamentally—this is the anthropologist in me saying this—this is typical of Australian culture. We are not inculcated with a sense of pride and righteousness in our system of democracy, as people in the United States are. Having not fought to obtain it, we do not individually defend it. We are more likely to complain about the cost of this building than recognise the democracy that it actually triumphs.

I think this is one of the key differences that we have to contend with between our parliament and those in other countries. Yet, all is not lost. Members certainly understand the importance of community involvement in committee work and, recognising this, many practices have been adopted aimed at increasing community involvement. We now have seminars, roundtable discussions and community statement sessions. More effort is being made by some committees to introduce new methods of seeking submissions. These were once innovations but have now become standard practice, and it is time to question how well they are actually working. I will now reflect on the role of committee staff.

Committees do look to and rely on secretariat staff for advice, and I thank Kay Hull for backing me up on this. With the pressures placed on staff, we can easily fall into doing what we know how to do, rather than constantly questioning and challenging our practices. An essential requirement of committee staff is that we are well-educated and highly literate. This means that we need to be very aware of the language we are using when communicating inquiries to the public. We are so familiar with parliamentary language that we forget how foreign it is. Inquiry terms of reference and advertising are generally written in a bureaucratic manner, which means that respondents to committee inquiries tend to be lobby groups or organisations, and we rely on them for the bulk of our information. But these are our usual suspects. The processes exclude most of those with lower literacy skills. We have recognised the importance of getting out of Canberra, but still, except for the few occasions like Kay's inquiry, hearings are not widely attended by the public. Although out of Parliament House they have the same form and process of hearings held within the precincts of parliament itself. The physical set-up of the committee has a sense of formality: witnesses need to sit before a line of members and be examined. I think it is a brave and confident person who will do this.

I question if we are doing the right thing by replicating a parliamentary environment outside Canberra. Are we simply replicating the culture of antagonism and debate that exists in this place and thereby excluding ordinary people from getting involved? I am not suggesting that committees forego any of the formalities that are necessitated by the parliament in circumstances where this is appropriate. The Speaker mentioned the governor of the Reserve Bank this morning. We should not have him sitting on the ground. But at a time when the parliament is competing for public interest with a multitude of news, entertainment and opinion forums, committees need to think about how they present themselves when they engage with the community. We must become more innovative in how we communicate and open ourselves to communication.

The committee should be developing communication strategies for each inquiry which address issues such as managing the media, advertising, and options for online consultation as well as appropriate communication styles for diverse audiences. We need to question our basic assumptions on how people communicate. While committee staff have many talents, we are not communication specialists. Last parliament I went from immersion in the automotive sector headlong into the tourism sector. I take holidays so I have experienced the tourism sector but the most contact I have with the automotive sector is trying to explain that strange banging noise my car always makes to my mechanic. I have a specialty in parliamentary committees. I can never claim to automatically know how to communicate with the vast range of different people I am in regular contact with. We need to ensure that committees can access support from communications specialists who have the skills to sell committees—although Ian may disagree with this in some regards. We also need to ensure that as staff we are willing to recognise our limitations and seek help.

For those of us who are grappling with the question of whether the parliament has become irrelevant or people are simply apathetic, we only need to look at the wealth of opinion available on the internet to realise that the people may not take to the streets in the numbers they did 10 years ago—or even Wednesday for that matter—but they still want their voices heard, as long as they can do it through a forum that is engaging and easy to access.

We have been caught by the rapid changes that have occurred in information technology. While the community has embraced this, parliaments have been very slow to engage with new technologies. We have to learn how to communicate through and how to receive communication from these technology forms if we are going to engage with those current and future generations who have never known a world without the internet. I acknowledge that there are a range of legal implications that need to be considered in adopting the use of new technologies. However this should not prevent or deter committees and staff from investigating the full range of options of how to incorporate this evidence into the inquiry process.

It is not as if all parts of an inquiry are currently granted legal privilege. For example, site inspections and off the record conversations are an essential part of any inquiry because of the way they shape members' views and engage with the community. But they are never taken as evidence. The Speaker noted this morning how important that was for him.

Technology is only one part of the answer. There is still a significant social delineation in access to digital technology and we should not be relying on it. There is also a technology divide. In some parts of the country access to high-speed internet technology is so poor that, even if they have access to the internet, we can probably assume that most people are not using their limited bandwidth to access the parliament. In short, we need to take to the streets. We need to learn the lessons of successful political campaigns and get committees recognised at a grassroots level. Committees already play an important educative role, and we should recognise and expand on this. They really do take parliament to the people. We should harness the opportunity this affords to provide education on the parliament. Indeed, I believe the true value of public hearings lies not in the evidence they gather but in the parliamentary experience they afford to the public. We need to get out of CBDs, hotel conference rooms and parliamentary buildings; we need to get into schools, community halls and suburbs; we need to advertise public hearings with more than a media release and a letter to submitters.

There is no reason why public hearings cannot also provide the opportunity for committee or Parliamentary Education Office staff to run concurrent community education sessions on the parliament and, most importantly, the role of committees. This will not only give meaning to the public hearing process and lessen the unrealistic expectations that some have of committee powers but also provide a useful forum for committee staff to advise individuals and groups on preparing submissions. I know, Robyn, that this will set off alarm bells for many, with fears that committee staff could be seen to unduly influence a submission process, but it is no different from a potential submitter being able to contact a secretariat for advice. We provide a highly professional and impartial service to the parliament, and these standards need not ever be compromised, but until the public knows what committees do and takes ownership of them as part of their parliament we will continue to struggle to capture their interest.

While there are general barriers to participation, I would like to briefly comment on engaging Indigenous peoples with parliamentary committees. As the original inhabitants of this land, Indigenous peoples have a very unique perspective on how the land and its people should be governed, yet they have no formal, high-level representative body, unlike in the parliaments of other countries with similar indigenous populations. I am aware that events this week in the parliament may effect some changes in this regard and provide greater relevancy of the parliament to some Indigenous people, but, as Mr Thomson pointed out this morning, the ATSIA committee has not been considered in all of those commitments that have been made. This committee has particular challenges. One of those challenges is to address the differing notions of governance and sovereignty.

We do not recognise Indigenous governance structures, and Westminster systems are considered inappropriate by some Indigenous people. Participation in the system is considered as a concession of sovereignty. We can recognise this in committee inquiries. This does not diminish the status of this parliament, but it will be a recognition that we do not have all the answers. It also will be a recognition that better communication is about finding better ways to speak and listen to communities. We have to be cautious, in the midst of our desire to engage Indigenous communities, that the community really wishes to speak to us, that it is made clear what the committee is trying to do and that it is not just consulting for consultation's sake. As highlighted this week, we have to question whether we are welcome in country and whether we are appropriately acknowledging the traditional peoples of the lands we are visiting.

Committees need to establish long-term working relationships within communities. The ATSIA committee, instead of launching into an inquiry that has more meaning to the committee than to Indigenous peoples, may find their time better spent travelling to communities, listening to their concerns and, from this, formulating inquiry topics that have tangible meaning for Indigenous peoples. I think it is too easy for members to be seen just as politicians who fly into a region, take what they need and fly out when, as we know, their commitment is in the right place. Members do not have a lot of time to spend in remote communities, but secretariat staff do have the capacity to build relationships with Indigenous communities, and developing the skills to do this should be recognised as a core essential of our jobs. It is secretariat staff who facilitate community access to committees, and the relationships we develop are integral to the success or otherwise of committee inquiries.

In my paper, I have listed some strategies for improving understanding of how to work with the Indigenous community. But, fundamentally, members need to be willing to challenge

existing practices, to take the advice of Indigenous community leaders and experts—and this is where my bent lies—such as anthropologists and linguists, to take risks and to acknowledge, but not be discouraged by, the fact that they will fail in some of their efforts. Of course, committee practices are largely dependent on the approach that some members choose to take, and I have been heartened by those members who have spoken today with the enthusiasm they have for parliamentary committees.

But members are heavily reliant on the secretariat. Our practices are sound, but we require the ongoing commitment and enthusiasm of the departmental leadership team to foster a culture that encourages creativity and innovation. We must all have the courage to embrace change and take creative risks. In serving members we must not forget that they are serving the community and that we can best serve members only through supporting them to serve the community well.

CHAIR—Thank you, Siobhan. We will take a couple of questions. I know time is a bit short and people may have some other commitments, but maybe we can take three or four questions if they are available.

Mr ZAPPIA—Thank you, Rod, and thank you to all the presenters for their presentations. Rod, it seems to me that when a committee is established and pursues a particular issue there is already a preconception not only that there is a problem but also about what the solutions may well be. Is it the case that, more often than not, the terms of reference effectively suggest that the answers are already known and that the work of the committee is nothing more than just confirming that? Secondly, have some of the findings of committees, in fact, proven to be wrong?

CHAIR—Let us take, perhaps, the inquiry into boys' education. Your original assumption about people on that committee having a view as to where it would go was changed quite dramatically by a junior education department bureaucrat, who came in with a piece of information—accurate data—that said that in 1980, the differentials in attainment between girls at Year 12 and boys at Year 12 was less than one per cent, and in 20 years it has grown, in mathematics and literacy, to nearly 20 per cent. That was like a great shock to everyone on the committee, and it just blew away all the preconceptions. I think it was one of the reasons that particular inquiry was so successful, because the prejudiced and given beliefs that everyone had—including me—were just wiped away. So, a whole new basis for investigation occurred. I think it was good, not only for the members, but also for the secretariat. Now, the second part of the question?

Mr ZAPPIA—Do committees sometimes get it wrong?

CHAIR—There is no doubt about that. And do committees change their views during the inquiry? Certainly. The power of the public and their submissions—either verbally or written—can change the direction of an inquiry quite substantially. Sometimes, they come out of left field—I am sure Kay has experienced this too—where it is most unexpected. Sometimes, wisdom is not necessarily in the minds of the so-called 'stated' or the people who are well known. Sometimes it comes from—it may sound a bit degrading to say 'ordinary people'—people who have a good experience of life in that particular issue. That wisdom comes from public contributions.

Mrs HULL—Can I just make a comment. I would disagree with Rod. I think it is more likely the committee will get it right, because they have engaged with the community, they have had the wide ranging experience amongst all the members, they have had secretariat assistance, they have had professional guidance, but they have had common sense. I believe that it is more likely that the minister, the department and advisers—who rarely get out of their comfy areas—get it wrong. So, I would disagree. Yes, a committee can get it wrong, but they have really had full engagement, and know what the people are thinking. Certainly, I think that ministers’ advisers and departmental people get it wrong far more often.

CHAIR—I think we are probably saying the same thing in different ways. What I am suggesting is that the committees get it wrong sometimes during the inquiry—I agree with Kay—but, at the end, the wide contributions of various people steer the committee back. In all the committees that I worked on in 18 years—particularly the education committee—we had only one minor dissenting report. The secretariat would bear this out: we had screaming arguments in getting the wording correct and getting the emphasis correct, but there was a genuine attempt by all members—on all sides, at all times, in both governments—to come up with a consensual report. Are there any further questions?

Please thank Ian Marsh, Siobhan Leyne and Kay Hull for their participation in this session.

Proceedings suspended from 12.24 pm to 1.44 pm

Session 3: Future directions and developments

CHAIR (Mr Hawker)—To parliamentary colleagues, distinguished guests, ladies and gentlemen, one and all, in starting this third session of the 20th anniversary of our committee system, first of all, I would like to congratulate everyone who has been working so hard behind the scenes to get this together and for bringing together such a distinguished group of panellists, including those who can look at it from the background and those who have actually been practitioners—colleagues of mine—including me, of course. I think the quality of discussion and the briefing papers that have been provided is absolutely first class and that shows that there are a lot of people who have a lot of confidence in our committee system and, clearly, who not only see its merit but would like to see it continue and continue to be strengthened.

It is great to be able to talk about the personal experiences and the general experiences people have had with the committee system. We have had some very good assessment on it: the effectiveness but also, sometimes, the frustrations. We have also been very fortunate to have some constructive views on how we can make them work even better.

There is little doubt that the role of committees in the last 20 years has strengthened the role of the parliament, and we have heard many examples of how that has happened. We should not only strengthen the role of parliament and, hopefully, continue to encourage the community to connect with the role of parliament but also, through the committee system, be confident that we will improve the performance of our governments. That is what it is all about as well, of course, as making Australia a better country.

Professor Langmore, a former colleague, did outline in his opening remarks six key points to consider. From someone who has been intimately involved in it from the very beginning, he

certainly touched on some very important points. Other colleagues past and present have given some very real examples of how they have seen the value of the committee system develop and, of course, how members of parliament and the wider community have also benefited greatly from those developments.

I had the good fortune at a later stage to chair what was to become the Economics, Finance and Public Administration Committee—the one Steve Martin’s banking committee was a forerunner of, and we certainly did take the opportunity to build on his efforts. One of the things that he did mention was the more high-profile work that we did, and obviously the committee continues to do, with the Reserve Bank hearings. That committee, like the Public Accounts Committee which has a reasonable amount of autonomy in its choice of inquiries, can use opportunities to create inquiries where it sees fit in a number of areas. Not only can it have hearings with the Reserve Bank; it also has referred to it on a standing basis the annual reports of APRA, the prudential regulator, and that can be used as a vehicle to run an inquiry; the Australian Securities and Investments Commission, although the other committees do also look at ASIC; and the ACCC, which we used to have regular meetings with to talk about competition policy, not only where it might be strengthened but also, most importantly, what competition policy was delivering for the community.

There is also another point when we talk about the resourcing of committees, and that has been discussed already. I am a very great supporter of committees. It is not easy to convince the finance minister but we should continue to press to make sure that there are not only sufficient resources but also an expansion in some ways. One of the areas where committees can further develop is in our contact with people overseas. We do already have an exchange with New Zealand which is working very well. On an ad hoc basis the Foreign Affairs and Defence Committee do have the opportunity to travel. When I was on the trade subcommittee, for example, we used our study allowance to travel as a group to central Europe and put together an excellent report which led to quite a lot of action when we got back on trying to develop further trade links with central Europe. That followed a report done in an earlier parliament by the trade committee which went to South America and produced a groundbreaking report that led to a lot of new trade with that continent.

That is an area that we should be looking at further. Looking closer to home, we have Indonesia sending delegations here once a sitting fortnight now. They are very keen to learn about our system. We should be reciprocating more often in terms of building links with our biggest neighbour in the region and one that we want to continue to have very good relationships with.

I am delighted now to start the third session, ‘Future directions and developments.’ We have three presentations listed. Unfortunately, Kevin Rozzoli is unable to be with us, but I would refer you to the paper that he has produced. It is an excellent paper and, as he is someone who has had considerable experience in parliament as well as the work that he is now doing, I think you will find there is a lot of value in that. But we also have speaking in this session Professor Lindell and Dr Larkin. In introducing Professor Lindell, can I say that we are very fortunate to have someone of such wide experience and considerable knowledge and someone who has been involved in so many ways, particularly in constitutional issues. I asked him where he actually lives, because when you look through his CV he is currently an adjunct professor of law at the University of Adelaide and the Australian National University and a professorial fellow at the

University of Melbourne. But he assures me that Adelaide is his current home. Geoff, we are very fortunate to have you here. I know that you are going to share some of that wisdom with us. Could you please make Professor Lindell welcome.

Prof. LINDELL—Thank you very much for that very kind introduction. It is certainly a very proud moment to be here on such a significant occasion. I would like to thank the organisers for having invited me. I have long been a strong supporter of parliamentary committees of inquiry, both in terms of the advice they can provide on policy questions and in holding the government to account. Today my first proposal is concerned with the first of those functions and the potential to use parliamentary committees in charting the future. I support without qualification the plea advocated by Ian Marsh and David Yencken in their book aptly entitled *Into the future: The neglect of the long term in Australian politics*. It is a book that has been described as ‘arguing persuasively that an increased role for parliament and enhancing its committee system would greatly assist in the essential task of informing public opinion and mobilising the necessary public consent’. Clearly there is a need, as they argue, for open and transparent examination of strategic issues about the future. I believe that through bipartisan cooperation, and also by involving the public and interest groups, parliamentary committees can provide a very important forum for discussing the future.

To all this I would add a couple of provisos—there always have to be provisos. The first is that, as with all committees of inquiry, I believe more can and should be done to monitor their efficiency, as hard as that is. It is a mistake to think that such inquiries, whether parliamentary or otherwise, are cost free, particularly in terms of the valuable resources that are used and the time and the expense that are incurred in performing their work. I think the developments in the United Kingdom do point to an increasing attention that is being paid to this matter, at least in that country, and I cannot see any reason why we should not be doing the same. Normally efficiency would be measured by reference to the extent to which recommendations would be adopted and implemented, or so one would think. But I think that the efficiencies of inquiries about the future need to be measured by reference to their success in stimulating public debate and facilitating public education about future policy options.

The second proviso is that, consistent with what we heard in the last talk before lunch, we need to explore further ways—and I think a lot of work has already been done, but we do need to explore further ways—of publicising and communicating to the public the contents of the reports of parliamentary committees. That is especially important if those reports are to play that educative and influential role that I have in mind in furthering policy debates about the future.

I have chosen two examples to illustrate the potential future use of parliamentary committees, which are, not surprisingly, taken from one of my areas of expertise, which is, of course, constitutional law. The first concerns constitutional review and amendment. I begin by praising, as I should, the very useful work that has been done by both the Senate and the House of Representatives legal and constitutional affairs committees. As I indicated in the Australian Parliament’s Vision in Hindsight project, a number of useful reports have been prepared by both committees in constitutional matters. A recent example is the report prepared by the House of Representatives committee on the harmonisation of legal systems in 2006, an excellent report. But, as Professor Saunders, a colleague of mine, has argued in the same Vision in Hindsight project, parliament does have the potential to play a significant role in relation to constitutional review, and today I present my version of what that role could look like.

What I am proposing involves the continuous and regular systematic review of the operation and the adequacy of Australia's Constitution. In other words, I do not have in mind ad hoc inquiries into specific issues referred to parliamentary committees by either or both houses as has, of course, happened in the past and will continue to happen in the future. But I do not mean to suggest for one moment that I am denying the utility of ad hoc inquiries—far from it.

The task I have in mind is one that would be usefully undertaken by a joint parliamentary committee, given the importance of securing parliamentary approval for any proposed constitutional alterations that might emanate from such a committee. Thus, I envisage the need for a standing reference to both review and recommend proposed measures to improve and modernise the operation of the Constitution—but I would emphasise that role should not be seen as merely being confined to recommending formal constitutional amendments or referrals of power. There are a number of issues that could be usefully addressed—not least what is currently known as 'the blame game'. There was a report very recently in a local Adelaide suburban newspaper which I am not given to reading in much detail.

Mr SAWFORD—Thank God for that!

Prof. LINDELL—It is attached to the handout that has been distributed for this talk. You will see that it provides what I thought was a rather striking illustration of the present dysfunctional operation of Australian federalism. It concerned what appeared to me to be pre-eminently a local matter, namely the repair of a municipal bridge. I hasten to add that this bridge, although it is not far from the Adelaide airport, carries very little traffic that is connected with the Commonwealth's primary responsibilities, be they defence, international trade or even interstate trade. The report is quite remarkable since it does assume that the South Australian government was not itself responsible for funding the repair of this bridge. Members of the South Australian state parliament were not even mentioned as being interested in rectifying the problem. They might have been, but the report did not emphasise their role if they were. Instead, extensive reference was made to the ideas and the involvement of the federal member for Hindmarsh, who no doubt should be praised for his efforts. Of course, what that really gets at is that, from someone who is supposed to have taught constitutional law, there was some notion of the states having some primary responsibilities—and one would have thought that was one of them.

The answers to these sorts of problems need not necessarily call for constitutional amendment or references of power by the states to the Commonwealth—even though it has been clear for some time now that it is necessary to devise a new list of roles and responsibilities of federal, state and local government. Such a list can be the subject of an intergovernmental agreement between the federal and state governments and parliaments, without the need to alter the Australian Constitution by referendum or references of power.

I have to say, putting on my hat as a constitutional lawyer, that the current approach to the judicial protection of federalism seems to assume that the main responsibility for protecting federalism may well be, in large measure, political and not legal. As is well known, the roles of state governments are not defined in our Australian Constitution as they are in Canada. It has been clear for some time that the description of the enumerated powers of the Commonwealth in sections 51 and 52 of the Australian Constitution is no longer adequate to describe the full range of federal legislative powers which has evolved as a result of the judicial interpretation of the

Constitution and the superior financial resources of the Commonwealth. Hence the need to apply to the Commonwealth to repair that bridge.

Of course, the answers to these sorts of issues may well raise fundamental questions regarding whether federalism is appropriate to our circumstances. New surveys and the recent erosion of state responsibilities, during a decade of government dominated at the national level by major political parties that were supposed to be committed to federalism, may well give rise to doubts about the continued attachment of the public to this form of government. The former Prime Minister, Mr John Howard, may well have been right in thinking that people are now more interested in outcomes rather than in who delivers them. I am not saying that he is definitely right, but possibly he might be.

Has the time then come, for example, to remove all the words after ‘peace, order and good government of the Commonwealth’ in section 51 of the Australian Constitution? This would not abolish the states and their separate governments and parliaments, but it would do away with costly and rather largely fruitless litigation which has challenged the validity of federal legislation as going beyond the powers contained in section 51, particularly if the draftsman has done his or her work properly.

To elaborate my proposals further, a good starting point would be that the committee I have in mind would be looking at some of the previous reviews of the Australian Constitution—of which there has not been any great shortage. The last major review took place in 1986-88, apart from the specific issue of the republic in the 1990s. One of the previous reviews would have been of particular interest to the former Prime Minister who was with us today—the 1959 Joint Committee on Constitutional Review, which achieved a remarkable degree of consensus.

The lesson to be learned from that committee—which, as valuable as it was, did not really result in many amendments to the Constitution—is that we ask too much of parliamentary inquiries, particularly when undertaken at only one level of government, if we think their recommendations for constitutional alteration, however sound and unanimous, will be sufficient by themselves. Much more is needed to achieve the community support necessary to obtain a successful amendment of the Constitution at referendums required by section 128. But they can still play and should play an important role in debating and exploring the possibilities for the future. They would also play an important role in educating the public on these matters. There does seem to me to be a silent assumption that constitutional review can be left to the judiciary, even at a time when the courts are facing increasing public scrutiny and charges of judicial activism—even if those charges are, I think, largely exaggerated and unfounded.

A further task that could be assigned to the committee would be to inquire and report on the way referendums to amend the Constitution are actually conducted—for example, as to whether you should have referendum proposals voted on at or at separate times from elections for the parliament. The committee could also review the recommendations made by the Constitutional Commission and the Australian Constitutional Convention regarding the processes of initiation and approval of amendments to alter the Constitution. It would include a continuous review of the way in which the public can be properly informed about the advantages and disadvantages of proposed alterations. The standard being achieved by the usual yes and no cases leaves a good deal to be desired.

Another task concerns what may be termed the statute law revision of the Constitution to consider the deletion of outmoded and obsolete constitutional provisions, using that term in a purely legal and technical sense, particularly when the retention of such provisions no longer serves even a historical purpose. A proposal along those lines was developed by the Australian Constitutional Convention in one of six proposed constitutional alterations which was approved by the parliament, but not put to the electors, in 1983. Finally, I should add that, to be fully effective, my first proposal here may require making available regular parliamentary time for the discussion of the findings of the committee that I have just discussed.

The second example that I have chosen for today to illustrate the potential future use of parliamentary committees concerns a much duller subject, you might think: the parliamentary specification of purposes for which public funds are appropriated. It is taken from a submission which I made to the Senate Standing Committee on Finance and Public Administration in its reference on transparency and the accountability of Commonwealth public funding and expenditure—not a topic to be talked about after lunch, no doubt. I need first to provide some short background in order to help you understand the nature of that submission.

There is a fundamental constitutional principle, of course, which in Australia is derived from sections 81 and 83 of the Constitution—namely, that no money can be taken out of the consolidated fund into which the revenues of the states have been paid, excepting under a distinct authorisation from parliament itself—hornbook law, one would think. As has been observed, the principle emphasises the constitutional rule of the control of parliament over expenditure and the issue of public money; obviously enough, it forms a fundamental mechanism for holding the executive accountable to the parliament.

Unfortunately, the modern reality is that the parliament is gradually losing control over the expenditure of public funds. Appropriations are increasingly permanent rather than annual and they are also framed in exceedingly broad terms. This has been accentuated by the adoption of accrual budgeting in 1997, under which the authority to spend is expressed in terms of outcomes that are framed with a high level of vagueness and generality. A good case in point is the item of the Appropriation Act under which the former Commonwealth government purported to charge its Work Choices advertising campaign, which I suspect was framed in such a way that it could have authorised both parties to pursue their very different policies without you being any the better.

In short, it is doubtful whether the fundamental principle I mentioned regarding the need for a distinct authorisation from the parliament itself continues to be observed in any meaningful sense. That modern reality was made a little worse recently when a majority of the High Court in the *Combet* case upheld a category of expenditure which left it to the departments to determine for themselves and in their own discretion for what purposes public funds could be spent. This seemed to reverse an assumption which held true until then regarding the inability of the parliament to appropriate funds in blank. I do not think parliament should allow the making of such appropriations, even if it is now thought to be legally permissible. The aim of my submission was to recommend the restoration of adequate, but flexible, descriptions of the purposes for which public funds could be spent.

I can now explain, in more detail, the specific nature of my proposal. In the submission, I proposed that the Senate should assign to an existing standing committee or establish a new

standing committee to report to it on whether any appropriation bills comply with the guidelines drafted to give effect to my suggestions that I made in the light of the Combet case. The key task of such a committee would be to check and monitor financial legislation and report to the Senate on whether any such legislation is expressed in such a form as to comply with my suggestions. In particular, it would develop standards to regulate the specificity of the purposes for which public funds are appropriated—and I have to stress here that it would not be able to review or pass upon the policy or merits of such legislation. It would, in that sense, mirror the kind of work which is done for different purposes by the Senate standing committees on the scrutiny of bills and regulations and ordinances.

At this point, I should indicate that there is no reason, in my view, why such a committee should not be established by the House of Representatives or perhaps, as some may think more debatably, and in order to save resources, by a joint standing committee. My suggestions were originally addressed to the Senate but, in truth, they could also have been addressed to the House of Representatives. Thus, under this proposal, both houses of parliament should insist on the alteration of the relevant provisions of the future appropriation bills in order to restore the need for any approved expenditure to be linked to and connected with specific purposes or outcomes. In other words, they should not approve the appropriations in blank and the committees of the houses should lay down the standards that I was talking about regarding specificity.

In the interests of flexibility and consistent with the need for the greater specificity of purpose, they should seek the drafting of a category of departmental disbursements which could be broadly described as running and regular expenditure when that kind of expenditure simply cannot be identified by reference to particular policies or purposes required to be implemented by a department or public body. Obviously, when you acquire furniture and stationery and when you pay salaries, you cannot know from one moment to the next for what purposes any of those things are really going to be used. But there are some things that you can know, and the advertising for Work Choices was in that category. It was advertising for a policy which was a new policy which had not been approved by the parliament, and I think that would not fall within that general category that I have in mind.

I will conclude in relation to both of my proposals. As regards the second of the proposals—this was just discussed—and, as I have argued before, the effect of the Combet case has been to place the onus on the parliament if it is to regain its control over the appropriation and expenditure of public funds. The onus lies squarely and fairly with the parliament. The difficulty is, however, that governments, regardless of their political persuasions, are unlikely to want or perhaps even allow this to happen, at least in the House of Representatives, thus leaving such work to be done, if at all, by the Senate and its committees. But that I think—and I speak from the heart here—is a second best outcome because I have always believed that the House of Representatives should not abdicate its role in this area, even if it has not been willing to exercise it in recent times. Finally, the failure to adopt my first proposal—the one I advanced to enable the House of Representatives to become involved again in the subject of constitutional review—would represent I think a lost opportunity in charting our constitutional future.

CHAIR—Thank you very much to Professor Lindell for an excellent presentation. I think he certainly should provoke quite a lot of discussion about those proposals. Our next speaker is Dr Phil Larkin, who has had extensive experience with committees. He is currently with the Political Science Program of the Research School of Social Sciences at the ANU and is a

member of the Parliamentary Studies Centre. He has been at the ANU since 2005 and, before that, he had considerable experience with the British parliament and was particularly involved in looking at some aspects of committees. He has continued to look at the whole area of committees and some comparisons between parliaments. Today, in what I am sure will prove to be another excellent presentation, he is I think going to talk a little bit about some of those experiences. Before asking him to speak, I apologise because I have to catch an aeroplane. So Mr Ian Harris, the Clerk of the House, is going to take over as chair of this session.

Dr LARKIN—I have prepared a short PowerPoint presentation for you. Thanks for having me and thanks for staying on until the last session. I will try to keep it brief because I think being the last speaker and being in the session after lunch is never a recipe for an attentive audience. The reason I am talking about the UK is that there are similarities with the situation, as I see it, in Australia. Complaints about the demise of parliament are widespread in the UK: the executive is too dominant; parliament is no longer a sufficiently robust check on it; it is accused of pointless adversarialism—sort of ‘yah boo’ politics, if you like—MPs are being criticised as being nothing more than lobby fodder; and party discipline is such that it drowns out a plurality of views in wider society, if you like.

However, within that, committees have been put forward by a number of influential bodies, both inside and outside parliament, as perhaps a vehicle for a parliamentary renaissance, and reflecting that view—that they can provide this sort of revitalisation of parliament—they have taken on a number of increased functions. They have taken some on and others have been mooted.

Before continuing, I should say a quick something about the structure of the committees in the House of Commons—I am sure many of you know it but some of you will not. Unlike here, there are ostensibly two types of committee that concern us. There are public bill committees, which are ad hoc legislative committees. They study bills and come into existence when a bill is referred to its committee stage after second reading and cease to exist on reporting. They were called standing committees, although they are clearly not standing committees—they are ad hoc committees. But for a historical anomaly they were actually, until recently, called standing committees. Then there are select committees, which are standing committees in spite of being called select committees. They are ostensibly permanent. They are reappointed at the beginning of each parliament and reflect the structure of government, so every significant government department has a select committee shadowing it.

I used to work for the Trade and Industry Committee, which was charged with investigating the policy, administration and finance of the Department of Trade and Industry and its associated regulators and nominally departmental bodies. The select committees are unwhipped, and their reports are largely cross-party and unanimous. Dissenting reports are not unheard of, but they are relatively uncommon. It is also worth mentioning that they are not reliant on references from the main House. They are entirely in charge of their own agenda. If the committee considers something of relevance, it will investigate it—or is free to investigate it.

The parliamentary renaissance I talked about at the beginning has largely been focused on select committees. Public bill committees, and for them standing committees, have largely been seen as sort of—I am not going to say part of the problem—symptomatic of the problem, reflecting the problems of the House as a whole.

There have been a number of reviews of the role of committees or that have impacted on the role or had something to say on the role of committees in the last 10 years—probably seven or eight years. The liaison committee, which is the committee comprising the chairs of all the select committees—it sits as a committee itself—in one of its reports said that the select committee system was ‘working on the basis of fact not of supposition or prejudice and with constructive cooperation rather than routine disagreement.’ The report went on to call it ‘the House of Commons at its best’. All the references are in the written paper, so I will not dwell on them too much here. You can get them out of the written version.

The Hansard Society had a commission on the future of parliament—I think in 2000. It said that the select committee system avoids many of the most sterile and partisan aspects of parliamentary activity in the chamber and standing committees. So, you see, standing committees of the House are criticised for irrelevant showboat, set piece adversarialism and the rest, and select committees are not. Also worth noting are the Norton commission for the Conservative Party and Professor the Lord Norton of Louth, noted scholar of parliament. There was the Power inquiry, which was a kind of expert panel which went around the country taking evidence from interested parties and ordinary people. It recommended substantially strengthening the role of committees.

The modernisation committee is a slightly controversial committee. It is chaired by the Leader of the House and it has undertaken to review the way in which parliament functions and its procedures. It has been pointed out that there was already a procedure committee, so what the modernisation committee is for is not entirely clear. It is probably the foremost parliamentary committee on dealing with these things now, and it has had a lot to say, as we will see. Lastly, just in 2007, there was a green paper launched. Just after Gordon Brown took over from Tony Blair, he launched a green paper on the governance of Britain, which also has some things to say and which we will come to in a moment.

The first of the significant changes which I am going to discuss briefly that have been introduced is pay for chairmen. This had been mooted for a while. Select committee chairmen were not paid. It was an honour you took on. It was a way of placating former ministers who had been demoted, but they were not paid. But it was floated that pay should be introduced in recognition of the extra time commitment that being a committee chairman involved. As one MP pointed out in the review, this time commitment could actually prevent MPs from taking lucrative extra parliamentary work. He was obviously frustrated that he could not join his parliamentary colleagues on a plethora of non-executive directorships and the like. Obviously, my heart bled for him at the time. Anyway, it was an incentivising of the committee chairmanships.

More significantly for our purposes, it was seen as enhancing committee chairmen prestige and a means of providing an alternative career path to the pursuit of a frontbench position. In doing that, it would weaken the power, supposedly, of the party leadership over the backbench. Promotion, or the prospect of promotion, is one of the means by which you keep your backbench in line. This was a means which was less at their behest, I guess, and the idea was that it would promote more independence amongst the backbenchers.

It was not universally welcomed, including by my former chair, who, although being a beneficiary of it, was actually opposed to it. Some said that it would damage the committee

collegiality to have one member paid and the others not. Others thought that it would actually increase the power of the whips. At the moment, certainly the so-called awkward squad—recalcitrant backbenchers who refuse to fall into line—have been given committee chairs in the past; they have actually managed to get and hold on to select committee chairmanships in some instances. The idea was that, if you introduced pay, it would bring them more under the influence of the whips. These criticisms were not enough to deter parliament, and pay was increased. So we now have paid committee chairs.

A second development has been a much greater emphasis on pre-legislative scrutiny. Select committees traditionally have not played any sort of legislative role. As I mentioned at the beginning, public bill committees look at bills and select committees do other stuff—they look at the administration and policy of government rather than scrutinise legislation. Bills are referred to public bill committees after the second reading when the principles of that bill are already in place and set. So public bill scrutiny has traditionally had a relatively narrow focus on debating amendments, many of which will actually have come from government. Very few amendments have actually come from opposition or the backbenchers, but I will come on to that in a sec. So there was concern about the quality of scrutiny that the bills were subject to.

Pre-legislative scrutiny has taken off really. An increasing volume of legislation has been released as a draft bill. These do not actually have any official status. They are draft bills. The committee's recommendations are not binding on government. But nonetheless this seems to be a popular development. Committees are doing it, in spite of being free not to. I checked: between part of the session in 1997-98 and 2006-07, there have been 58 draft bills released and 48 of those have gone to select committees for pre-legislative scrutiny. The government has undertaken to release bills in draft form, unless there is a good reason not to.

In terms of the extent that this is going to go on, 'a good reason not to' might, as far as I can tell, include not getting the bill done in time if there is a pressing need to get the bill into operation. If that were systematically used, that would undermine this process. Also problematic has been the fact that even when bills have been released in this draft form sometimes the deadlines by which the committees have been required to report have been ridiculously tight. Sometimes they have been in the middle of a long summer recess, which has again undermined the process. But it has been a welcome development. The modernisation committee thought it was a good plan.

The government has said that the quality of the legislation that is subsequently introduced has improved. It is interesting to note that even when the recommendations of the committee have been rejected reports have informed debate on the bill proper at a later stage. Some of the members who served on select committees doing pre-legislative scrutiny have ended up on public bill committees looking at the actual bill when it is finally introduced, so they have had a grounding in the issues, if you like, through the committee process.

Another development is committee ratification of public appointments. This has been floated in this governance of Britain green paper which Gordon Brown released pretty soon after becoming PM. It has a lot of stuff in it and it is seen as Gordon Brown trying to reinvigorate the process of constitutional reform that had been notable in the earlier years of the Blair government but had drifted a bit of late. The idea is that we have confirmatory hearings by select committees for key public appointments.

Interestingly, this was put forward by the liaison committee in 2000, and the government under Blair rejected it for a few reasons. First of all, it was thought it would break clear ministerial accountability for public appointments. The government said that it would risk lame duck appointees. If an appointment was made and the committee then rejected it—again, the committee’s decision is not binding—you could have an appointee with a serious credibility and legitimacy gap. Lastly, it said that it would undermine the established function of committees, which should be scrutiny bodies rather than decision making bodies. But they returned to it and it is now being floated. The idea is, as I said, that the committee decision will not be binding but ‘in the light of the report from the committee, ministers would decide whether to proceed.’

Interestingly, several committees have, even before this was floated, taken it upon themselves to take an active interest in public appointments. The Treasury committee is noteworthy in that respect. They have been holding hearings with and interviewing every new appointment to the monetary policy committee—which is the body that sets interest rates—since 1998. They have only rejected one. In the light of the report from the committee, the ministers will decide whether to proceed. They did proceed, but they were forced to state their reasons for doing so, which largely involved just reiterating the highlights of this chap’s distinguished economist career. But nonetheless you could see it as some sort of progress. In spite of being floated some months ago, there has been no movement as yet. I was back in the UK up until Tuesday and I was talking to people in parliament. It is they were saying that it has gone very quiet on this front. On all the proposals in the green paper—not just this one—there has been a notable lack of progress.

I have been talking about select committees mostly because people like them in a way that they do not like public bill committees, I guess. Nonetheless, there is a recent development to the public bill committees, which is certainly worth mentioning. As standing committees—when they were still called standing committees—they received no submissions and held no hearings; they went straight to the sort of textual focus on the bills. As a result, they were seen as adversarial and executive dominated, both of which are undoubtedly true. As I said, the amendments that were passed were almost exclusively government ones. They were introduced by government as a sort of tidying-up process. Even government backbench amendments very, very rarely got up and certainly not opposition ones.

As a result of a recommendation of the modernisation committee, we have had a recent move to a two-stage committee stage for bills. Firstly, they now take oral evidence. They call for written evidence and subsequently are free to call for oral evidence. In fact, I gather that they are expected to do so. Then they move on to the traditional public bill function of detailed debate about individual amendments. The idea of this is that, firstly, it would improve scrutiny—because a range of stakeholders’ views could be brought to bear on the bill; unless it has gone through pre-legislative scrutiny, that is not going to happen—and, secondly, it might change the culture of the committee. Here is a quote from the modernisation committee’s report: evidence gathering also by its nature is a more consensual and collective activity than debate. So the idea is that it is going to make debate on bills more deliberative, less adversarial and more productive as a result.

It was introduced swiftly after the recommendations were made. I think it has been in place since the middle of last year. So it is a little early to make any sort of sweeping generalisations about the impact that this has had. Relatively few bills have gone through. What does seem to be the case is that the timetabling of bills is potentially undermining it. Governments always seem

to be in a hurry to get the legislation through and obviously, if they are going to have significant evidence taking and the like, this is going to take time. A call for evidence needs to go out and be received and then you have to schedule oral evidence hearings. All of this takes time and apparently that is not really being allowed for; it is not being fully taken on board. Clearly, there is a potential to undermine it to a great extent.

Secondly, there is a matter of resourcing. Public bills were traditionally negotiated through parliament by the public bill committee, which had a small procedural staff. Obviously now, changing to this evidence-gathering stage, there is a need for greater committee support. At the moment there have been no extra resources provided for that and it has been absorbed within the existing structure. What has happened is that select committee staff in the relevant area have been called in to help provide some of that. Also, there is a body called the scrutiny unit in the committee office, which is a small specialist staff. It has economists, statisticians, audit experts, estimates experts and the like. So, whenever life used to get too difficult for the select committee staff, we would just send stuff down to the scrutiny unit and they could take care of it. It seems that they are playing an increasing role in support for this public bill committee evidence stage. They are just a few of the developments that I have mentioned, but I think they are the most significant ones.

Select committees are seen as a means to change the culture of parliament. They are less adversarial, less whipped, more collegial and more constructive and, as a result, people like them. They are seen as doing a good job. Therefore, load them with greater responsibilities and, secondly, in the case of public bill committees, try to make them more like select committees. This is seen as a way of changing the worst aspects of the Westminster pathologies, if you like. There is potential, but there is also the possibility that you are just going to make the committee more adversarial. By giving these ever-greater roles, there is a possibility that you are just going to end up with this adversarial culture being imposed on the previously collegial select committees.

Kevin Andrews—he name checked me earlier in his talk; I will do it to him—said that the House committees were more collegial simply because they did not discuss legislation in any great deal. Perhaps it is too early to tell. There is no guarantee that the public bill committees will change and, similarly, if there is a lot more prelegislative scrutiny for select committees, they may start getting party divisions more firmly ingrained. Certainly there may be a greater interest and pressure from the party leaderships about what backbench committee members are doing.

But at the moment it seems to me that the most serious constraint on the potential for committees to play all the roles they are being entrusted with is MP's time. Certainly when I was there—and that was up until about three years ago—it was considered that the committees were operating at the very limits of MPs' capacity; they could not contribute any more time to the committees that they were involved with. Quite often, public bill committees and select committees are scheduled to sit at the same time, so you regularly have members that are double booked. If the plan is to load committees up with these ever-greater roles, I think something will have to give there. MPs cannot devote more and more time to committees and have the rest of their activities stay the same. Anyway, I will shush now. Thank you.

ACTING CHAIR (Mr Harris)—Thank you, Dr Larkin. I now throw the session open to general discussion, questions and comments.

Mr ZAPPIA—Once again, thanks for the presentations. Given that nobody else is raising questions, perhaps I can just raise a general observation—and I would be interested in some feedback from any of the speakers. That is this: it seems to me that there is a degree of cynicism about the establishment of committees by the press and that they see the role of committees as nothing more than a diversion for the backbenchers of the government party of the day so that they do not have time to perhaps interfere in too much of what is taking place. My question is really this: is that a perception that is also seen by the staff that perhaps staff these committees and has there ever been some consideration given to getting the press more involved and giving them a better understanding of the work of the committees so that, in turn, they might give it the credit that is due to the committees which would, in turn, that would make the committees more effective in the eyes of the government of the day?

Dr LARKIN—On the cynicism aspect, certainly I did not feel it working there and I do not think the members on the committee necessarily felt that. The committee reports and activities were actually quite closely monitored by the press; certainly mine was and a number of the others were as well, perhaps because I was in a relatively high area of political importance, I guess—industry policy and trade policy and the like. But it was certainly seen as significant. We got to know our industrial and trade correspondents on the quality papers. We did not always like them, but they were regular attendees and knew who they were.

I do not think members felt that either. I think they took their job seriously. Certainly, if the government did not respond adequately to the committee's recommendations, they would call them back in and ministers were scared of committee. The best they could hope for was no headlines, I guess. The press like nothing more than the committee ripping into a minister and making them look daft and the ministers know that. Whilst it is not going to make a ministerial career, it could certainly go a long way to breaking one, I think. So, no, I am not sure that the cynicism was as great as you suggest—in my experience in the UK, anyway.

Prof. LINDELL—I can only speak as an observer. I cannot speak about attitudes of staff. Certainly cynicism, as I see it, is out there in terms of community understanding. The interest that the media sometimes displays to that sort of thing is pretty much the interest which I think the media displays to discussion of policy debates generally. I think today—if I can be fairly broadly sweeping about it—the discussion in the media is really directed at who is winning and who is losing; it is not directed at the nature of the policies that are being debated. If that does get a run, it does not get much of a run essentially because journalists and media people must be thinking that that is really all the public is interested in: who is winning and who is losing. As a community we lose out as a result of that.

I do not think I am romanticising to think that in my lifetime there was a bit more discussion of policies. As to what one does about it, I think you have to keep working at ways in which, somehow or other, media people have to be brought back into a desire to discuss issues rather than just give subjective opinions as to who was pretty good in the House today or who was pretty bad in the House today. That may be very good for lifting the morale of the backbenchers, but it does not do very much for the people out there.

Dr LARKIN—I have one small comment to add. Certainly efforts were being made in the UK to increase media attention to committee activity. I am not sure that it was 100 per cent the right way. There was a report on dance in the UK by the Culture, Media and Sport Committee. It was launched by a specially commissioned modern dance display and performance in Portcullis House, which I can assure you had to be seen to be believed. It got coverage—I am not sure it was the right coverage, but it did get coverage.

We discussed whether we might hold an inquiry into matters to do with leasing in public sector—the pub industry—and whether we might launch that in one of Westminster’s more famed and noted watering holes, but that was vetoed, disappointingly.

ACTING CHAIR—There is a question at the back. While Professor Langmore is coming to the microphone, I might just add to Mr Zappia’s question. A couple of our speakers this morning mentioned that Reps committees do not have a reputation for making headlines. They are not the sorts of things where a committee inquiry is established and then the chairman goes out and reports the recommendations to a press conference and then the committee commences the inquiry, like some other parliamentary organisations that I will not name. I think there is more a track record of Reps committees trying to work to get a better end result for the public welfare of Australia.

On Geoff’s point about the adversarial role, it does anguish me sometimes when things happen in the House and it is described as one of the leaders ‘doing a backflip’, not one of the leaders listening to the Australian expressed opinion or being open to various other views and then saying, ‘Okay, that’s a good idea.’ It is very adversarial and it is constituted as a boxing contest or a backflip.

Finally, I thought I would add that the House of Reps department has established a press liaison officer. This person issues email alerts. The press are very busy. They work much better when they get spoonfed with material, and we find that the spoonfeeding does in fact come through to favourable coverage of the actual work of the committee. For example, we might ring up the press and say, ‘There is a meeting being held in Adelaide today. Your interests might be covered by going along and covering it,’ and it has been successful. I am sorry to have asked Professor Langmore to wait, but those comments were relevant to that particular question.

Prof. LANGMORE—Just in relation to that comment, I remember the time that the media committee had Kerry Packer give evidence, and there was quite a bit of media interest in that. That does illustrate that can it happen. I was simply going to ask whether there was some plan to prepare a short summary of these proceedings, and the conclusions and a list—or some summary of the recommendations. Because quite a lot of good recommendations have come out of it and I think it would be very valuable for those to be pooled together and distributed to all members of the House.

ACTING CHAIR—I think that is an excellent idea. We are very fortunate that the Department of Parliamentary Services has been keeping a record and there will be a transcript, eventually. I had proposed to contact former Prime Minister Whitlam and ask him if he would care to make any brief observations that possibly he was not able to do this morning, and we will certainly be publishing that. But I think maybe the idea of a precis is an excellent idea. I think we would make that available to all contactable participants. I think we probably do have your

contact details; please make sure that we do. I think the substantive point of Professor Langmore's question is whether we can commit to bringing this to the attention of all members of the House. I think that is an excellent suggestion. We will work on that.

Mr DUNCAN—Following on from Professor Langmore's point, we have heard a lot of good suggestions for reform of the committee system. I was particularly taken by Professor Lindell's two suggestions; I think they are quite innovative. From the panel, where do you see the drive for these changes occurring? Do we need another Professor Langmore addressing a caucus in driving the changes that happened 20 years ago? Do we need organisations like Get Up? Do we utilise the House Procedure Committee that already exists? Do we need to have a House modernisation committee as demonstrated by Professor Larkin in the United Kingdom? All these ideas that are coming out for the reform of the committee system, I am wondering how you see those reforms being implemented on a practical level.

Prof. LINDELL—That is a really difficult question. I think the primary responsibility does rest with the backbenchers. I think, despite all the difficulties, it has to come from members of parliament to whom governments are ultimately responsible. There is no way of getting around that point. If they, for one reason or another, are too scared to do it, are not willing to do it, then we are not going to get very far. Obviously the members of parliament, the backbencher, will be enormously helped if the community shows some interest, if the community wants parliament to improve in the way it handles its business. That is where I guess my own expertise fails me. I am not very good at being able to harness that community response that we heard so much about. That was really well put before lunch. But ultimately that is the one thing that would lead backbenchers to show that courage that is necessary. After all, we did see the results of that with the standing committees that we are celebrating here today.

Dr LARKIN—The cynical perspective on what happened in the UK is that Blair got in in '97 with a colossal majority and had to find something to do with his backbenchers to keep them occupied. A more charitable one would be that the backbench demanded to be occupied. Just to reiterate Geoff's point, the pressure has to come from the backbenchers, and I guess from the wider public. It has been an issue about the cynicism relating to parliament and select committees have been largely exempt from them—not entirely, but to a great extent they have been exempted from that wider cynicism about parliament.

ACTING CHAIR—We will go to Professor Jacobs and then Professor Marsh.

Prof. JACOBS—One of the points that has come through a number of times is this issue of public engagement, public involvement in the work of the committee. I want to be a touch contrary here. I am not saying that I disagree with that, but the concern is that within the House you have your classic political behaviour—you have one side, the other side, you have partisan politics—and of course that is what we expect in the House; it is a public forum and that is what happens. I think the beauty of the committee system across the board is that it is much more a back-of-House arrangement. As we have said, there is a collegiality, a bipartisan approach. The fact is that people will actually get together, and we have quite a number of reports that come out without minority opinions. Is there a danger that, if it gets opened up too much, what we will actually see is just a repetition of the front of House behaviour within this environment that actually works very, very well? Is there a limit to how far we want to go with that?

Dr LARKIN—I alluded to that at the end—that I think an awful lot of is expected of the changes that have been made and look like continuing to be made. I think the process works pretty well and it is possible that the balance is upset. There is obscure scholarly literature on the optimum size for a committee—exactly how big it needs to be to be sufficiently representative but to still maintain a degree of collegiality. I recommend that you do not read it, but it is worth considering that.

Prof. LINDELL—My tentative view is a bit the other way to what has been put. I really think that, by having more of that up front, we start dealing with issues that you are going to have to deal with anyway, in one form or another. Committees can get to them first, deal with them first, the government can then realise what it is going to be up against at some point. The only question is when. At the moment things get rammed through so that the problem will be confronted later when the weaknesses become apparent and something unravels, if a mistake has been made. It would be nice to think that all we were then doing is having the committee in place to deal with these issues before something is passed and hopefully improve its quality. That does not actually eliminate the adversarial aspect; it just sharpens the debate and makes it a bit more sophisticated.

Dr LARKIN—On that in the written paper I gave I mentioned the experience of the child support act 1991, which a lot of Labor backbenchers sat through and watched unravel once in legislation. It was pushed through rapidly without sufficient public engagement and it was bloody awful as a result, with loads of consequences that should have been foreseen and probably would have been had there been a more deliberative approach to the whole thing.

ACTING CHAIR—Philip mentioned the increase of pre-legislative scrutiny in London, and Professor Langmore this morning mentioned that pre-legislative scrutiny would be a good thing. There is a provision in the Reps standing orders at the moment for all committees to examine any pre-legislative proposal. It sometimes anguishes me when a department, for example, does a review of the Social Security Act, puts ads in the paper and asks people to respond directly to the department, because, as Kevin Andrews said this morning, there is a departmental mindset that members of parliament are more in touch with the community.

Prof. MARSH—I do think this issue of how to take these matters forward is critical. I do think that does involve trying to generate momentum, particularly in this place. I think the difficulty of that has to be appreciated which is, in a system that is fundamentally adversarial, committees are a real odd bastard graft. If they are going to have an enlarged role, that argument has to be addressed. I do think this issue of putting up-front why it is in the interests of both members and the government to expand the role of the system is the cardinal argument, and I tried to address some of those reasons this morning. It does seem to me, getting that on the agenda, getting the ethos of committees clarified and strongly argued is critical to moving the case forward. So it is not pressure from outside so much. Backbenchers will only take an argument forward if they can see the reason to do something. I think creating those reasons is what is in a lot of the papers that we have seen today and what has been said in this room. It has to be projected out of this room into a broader audience.

ACTING CHAIR—I agree. Thank you.

Prof. LINDELL—Let us go back to what the backbencher thinks is his or her role. At the moment my impression is that, if you are a member of parliament, particularly in the lower house, you are just going to accept the expertise of the government and the resources that the Public Service will provide and you are just going to have to cross your fingers and hope the government has got it right. It seems to me that that is a wrong assumption and that is what I meant when I said the House of Representatives should not be abdicating its responsibility. I think members of parliament do bring to their job their outside experience. They may not have the technical expertise that somebody in the social security department is going to have in every way, but they are going to bring different perspectives which are necessary and which, if they are not considered at that point, are going to have to be considered when the act is amended because something was overlooked. The mindset has to be developed that the member of parliament is not just there to deal with constituency work, which is time consuming in itself. It is a real role in legislative scrutiny.

I know Ian is sick of me talking about this, but even after the 2004 election, when there presumably were going to be some backbenchers who would be looking for something to do, I thought there was a role for committees being set up to deal with the mandates given to the Howard government to do certain things—we will leave Work Choices well to one side—and actually say to committees, ‘Okay, this is the Public Service’s view of how our mandate should be given. We are not locked into our position. We want to ensure that we get it right, so we are going to put it to a committee. On that committee there will be opposition people. Those opposition people could, if they are silly enough, obstruct. They could say they were opposed to the policy. The given has to be that here is the legislation in draft form. We are not absolutely committed to it, but we are committed to the principles behind it. So all you can do is what you should really be doing in the committee stage anyway: improving it.’

ACTING CHAIR—Sir Bernard Crick is with us. I am not sure if it was Sir Bernard or St John-Stevas himself, but one of the two said to achieve the reforms in the House of Commons that saw the departmentally oriented committee set up in the House of Commons, you needed a general atmosphere of reform, you needed members committed to reform and you needed a Leader of the House prepared to institute reform. I am not sure if that was you, Professor. Sorry to have kept you waiting, Mr Stephens.

Mr STEPHENS—Having been in a variety of roles in the Western Australian parliament over an extended period in both houses, as minister, as a backbencher, in opposition and in government, I think the task of expecting a committee system to move in a tidy manner or in one direction at the one time is a false expectation. If people have that ambition for it to be uniform in its approach as a committee system in the house or in the houses, I think that there is an opportunity for the committees system both to be adversarial, with the advantages that come at times from an adversarial role of politics to refine and sharpen ideas through that approach, and to be, at times, a prosecuting methodology for tracking down problems within the systems of government or within the wider community. There is also enormous opportunity for other roles as well informing both the members and, through the members, the community on issues. I have seen all of that variety of shapes and forms of a committee system take place simultaneously either in the lower house or in the upper house. The ambition for it to be dropping the mantle of one or the other approach is, I think, wrong. I think it has got to have a variety of different approaches to respond to it.

An example recently in Western Australia is when we had birds dropping out of the sky in Esperance that indicated a problem in the atmosphere. The government knew that it had a problem on the horizon and had better find out what was behind it. So the government quickly rushed to refer it off to a committee with expertise to get to the base of the problem and avoid further problems. In that process, I stepped aside as chair for a variety of reasons but created an opportunity for an equal number of members of that committee to tackle the issue free of the use of numbers on the floor of the committee.

I had been in a committee which has been adversarial in nature and played politics very hard and tough to the advantage of the community in those issues, but I do not think people should be ambitious for a uniform development of any committee system. It should be taking a variety of shapes and forms at different times to respond to the needs of the Australian community and find different expressions in different houses at different times.

ACTING CHAIR—That is a valuable contribution by an experienced practitioner. We have got time for two more questions.

Mr MONK—I have a House committee officer question for Dr Larkin. There are a couple of differences between House committees here and in the House of Commons: one being the ratio between committee spots and members. My understanding is that here members have a wide choice of quite a few committees and can be on several at once, whereas I understand, with 600 members, you do not have a whole heap of committees to give everyone a go. Plus you have got the powers of self-referral there which we do not have here. I was wondering whether you have any comment on whether that changed the way the committees in the House of Commons transacted their business.

Dr LARKIN—The referral thing is an interesting one. It was discussed earlier—I think John Halligan mentioned it in his session. It certainly means that committees have far greater autonomy over what they do—possibly too greater autonomy. There was actually a move, which I should probably have discussed earlier, to formalise what it is that they can actually do. I think a lot of them, for instance, were taking no interest in pre-legislative scrutiny and now the expectation is that they will actually do some of that, whether they like it or not, and quite often they do not. The tendency is to prefer more blue skies than investigatory ones.

Obviously it is a big parliament. It is interesting that, when I joined, the opposition were actually struggling to fill their committee places. We had a slightly strange situation where, once you took out the shadow frontbench, you also had a lot of very senior former ministers who had absolutely no intention of sitting on select committees—none whatsoever. I would not—that would be unfair. But they would take an interest in whatever they felt like taking an interest in and there was no way that the shadow whips were going to be able to force them to do anything. We had real trouble keeping a full complement of conservatives on the committee at one stage. There are more numbers chasing fewer spots, but I do not feel that that has in any way meant that backbenchers feel obliged to toe the government line—quite the contrary.

Mr SAWFORD—I have a two-part question on a more philosophical approach on reform and wisdom. It seems to me that in Australia we live a very comfortable life in a very lucky country. Often the mechanism for real reform is the beginning point of a sense of urgency. On very many issues in this country there is not a sense of crisis. For example, I made criticisms of education

this morning that I think were quite valid, but you could not describe the education in this country in 'a sense of crisis'. I think the reform process is complicated by the very nature of the country that we live in and our own attitudes of perhaps wanting to be more challenged. The other thing is in terms of wisdom. Whether you go back to ancient Greek philosophers or even modern contemporary philosophers, I suppose you could sum up wisdom as the ability of an individual to operate at a level or on a substance of an issue where fame, status, ambition, celebrity are relegated to whatever and they are not included. Wisdom is when you are able to operate without any of those things. In terms of a reform process that we need to operate in this country, do you have any ideas in terms of how we can perhaps create that sense of urgency? Not a false sense of urgency; I am not suggesting that for a moment. But it seems to me that effective change only happens when you have a sense of urgency. Sorry to be philosophical.

Dr LARKIN—On the incentives, when does a sense of urgency come? You are right: things could be a lot worse in the country at large. Nonetheless, I do not think politicians are held in particularly high regard. I have not seen the surveys, but usually surveys put them somewhere possibly below real estates agents and slightly above journalists.

Mr SAWFORD—We are above journalists.

Dr LARKIN—Which puts you about parallel with serial killers, I think. But most politicians as a breed are not held in particularly high regard. Setting aside fame and the like, that, you would think, might be some incentive to reconsider how parliament conducts its business. Secondly, there is the output. Ian Marsh, in his session, mentioned a load of policies where the government felt obliged to slam the anchors on and hit reverse. The result was, it seems, that it possibly did itself some damage. Perhaps that requires a couple more like that and then you have the incentive itself: output and individual prestige, I guess.

Prof. LINDELL—I do not have a very good reputation for philosophising. That being my weak area, I am going to duck the philosophy side. I do think your first point takes us back to the 'lucky country' syndrome. The idea is that everything is pretty good. Yes, we do have some debates, but really things will be all right even if we did not solve them. I do not know that that is really necessarily right. In the field that I was working in myself, in work places that I inhabited, I really did think there was deterioration in the universities. I was troubled by the fact that universities did not seem to be able to react to what was happening in a way that actually told parents, or little Johnny or little Mary, that their university education would be impacted or affected. Things, in some areas of education, are a lot worse than people realise, and they have been allowed to get worse.

I do remember the efforts of people like Mr Jacobi, who I do like to talk about from time to time. He was talking about the Murray River a long, long time ago and he was ignored, to our detriment. Suddenly we have plans put on the back of envelopes, not cleared through Treasury, to fix up problems that a lot of other people had been thinking about for some time. That is not a way to face the future and that is why I come back to supporting that plea to examine the future in a way that becomes a bit more meaningful. I do not think I have really fully answered your question, but that is my response to it.

ACTING CHAIR—Ladies and gentlemen, I would like to thank Professor Lindell and Dr Larkin on your behalf. I have a few concluding remarks. You can find a lot of comments

different to the ones made today about parliamentary committee meetings. I think John Kenneth Galbraith said that meetings are indispensable when you do not want to do anything, and Charles Kettering said, 'If you want to kill any idea in the world, get a committee working on it.' It is little bit like Stephen Martin's comment this morning that the banks, whenever they saw light at the end of the tunnel, built a bit more tunnel. I think my favourite quote comes from the House of Lords—Lord Milverton said, 'The ideal committee is one with me as chairman and the other members in bed with flu.'

Sticking to the British theme—the United Kingdom theme—there was a fascinating television program based on a book written by somebody called Dava Sobel called *Lost at sea: the search for longitude*. In that book, she describes the story of a wreck of an English fleet at the Scilly Isles in 1707. Admiral Sir Cloudisley Shovell was leading his warships home after a successful skirmish with the French off the coast of Gibraltar. It was pretty foggy and overcast. The charts were pretty bad and the navigators thought they were just off the Brittany coast when actually they were somewhere else. One of the sailors thought otherwise. He was an able seaman and he was taking his own calculations and thought they were absolutely somewhere else. He told someone and was hanged for the bother. I might say that for staff of the House of Representatives it is not a hanging offence to be right when all the bosses are wrong. If it were a capital offence, there would not be too many people left in the Department of the House of Representatives. But the fact was that to keep your own navigational calculations in the 18th century was an act of mutiny, so he was hung. But, after the fleet was shipwrecked off the coast of Scilly, he was proved to be correct.

What has this got to do with parliamentary committees? Well, I think it is a wonderful story, because a group of people raised a petition to parliament and asked parliament if something could be done about this well-known fact of the ignorance about correct longitude. Parliament in fact passed an act, the Longitude Act 1714, offered a price of \$20,000 to anybody who could find a reliable method and appointed a parliamentary committee to process the whole thing. Parliamentary committees have been around for a long time and have been doing a lot of wonderful work. During the course of the day, we have had some more up-to-date indications of the work of the House of Representatives parliamentary committees for the last 20 years and just a little bit before.

In bringing the session to a close, I would like to thank all of the presenters today, as well as you who have attended from both locally, interstate and overseas. It is particularly pleasant to see parliamentary members and parliamentary staff colleagues from other jurisdictions. It gives us another dimension to our discussions in this Australasian study of parliament group and the Australia-New Zealand association of clerks. Sir Bernard has mentioned that in Great Britain they have a study of parliament group and they quite deliberately excluded members of parliament. I think that our association is much richer for the inclusion of members of parliament. We are currently led in the Australasian study of parliament group by the former speaker of the New South Wales Assembly, Speaker Rozzoli.

The presentations we have heard today have focused on the practical side of the House of Representatives committees and the experiences of members and former members who have participated in and chaired committees over the last 20 years. They are a testament to the way in which committees have aided the House in achieving its representative, legislative and accountability functions. It is refreshing to me to think that the House does not represent on

Mondays, legislate on Tuesdays and be accountable on Wednesdays. These are all intermeshed. The consideration of legislation is a great example of the accountability function, but so too is the work of parliamentary committees, which are one of our main arms of making the executive accountable to the parliament and taking parliament to the people.

The presentations have also shown how parliament can change, even if sometimes slowly—it is an evolutionary process rather than a revolutionary one—to meet new demands and challenges. There is not much doubt that the functions of our committees have changed and evolved over the last 20 years. If we go ahead from today, I can see the seeds for further evolution in the future.

One of the constants over the last 20 years has been the value of standing committees in helping members fulfil their parliamentary responsibilities to represent the community, to legislate and to review policy and administration. First off this morning, we had the firsthand experiences of Professor Langmore, who played a vital role in setting up the groundwork for the committee system, together with his colleagues, Professor Stephen Martin and David Hawker, who participated in committees both before and after the establishment of the House committee system. David Hawker and Rod Sawford—and we are delighted that Rod was able to stay through to the end—have been able to provide reflections on the development of the committee system from its inception to the present. I must say I found particularly eloquent Rod's expression this morning about the wisdom of the Australian people and tapping into that wisdom of the Australian people.

I gave a seminar to senior public servants over 20 years ago, and one of them said to me: 'Look, we hate the idea of turning up to a parliamentary committee. We are the experts. We know everything, and this mob of members ambushes us.' This was back in the days before public servants were given cars and had to learn to type as a trade-off. I said to this fellow, 'Well, you probably drive a Volvo car,'—over 20 years ago, driving a Volvo car was the ultimate in having made it—and he said, 'No, a BMW.' I said, 'Okay, point made. You probably send your children to a very nice expensive school.' And he said, 'Yes.' I said, 'You are probably in this income bracket.' And he said, 'Yes.' I said, 'Pardon me, but you are not representative of the Australian community. We live a very charmed life here in Canberra. It is a different life to the ones a lot of the rest of Australia lives. Members of parliament are a vital link between the community, the community expectations and community wisdom and the decision makers in Canberra, and I think they are very vital for that one reason alone.'

Presentations by current members Kevin Andrews and Kay Hull provided snapshots of particular inquiries and development in committee practice over the later years of their operation, and these snapshots have provided us with a wider context. The presentation by Professor John Halligan have given us an institutional perspective and the presentation by Professor Ian Marsh has provided us with a participatory perspective. We are very grateful that you found the time to be with us for that.

We have also had the benefit of insights and thoughts of a member of our committee office staff, Siobhan Leyne, who worked for the committees in the ACT Legislative Assembly before coming to our department. Those of you who were present for Siobhan's presentation will know that it was very stimulating and provocative, but in the nicest possible way, and I personally am very proud that members of our staff have developed those attitudes and feel confident to express them. So thank you very much, Siobhan.

The final session provided an opportunity to contemplate the current situation of general purpose standing committees and the challenges confronting them. Geoff Lindell spoke about what might be done to make committees even more effective and did come up, as Tom Duncan, described with quite innovative recommendations. Philip Larkin provided a comparative perspective drawn from the experience and development of the committee system in the UK parliament of Westminster. I might say that I was really pleased to hear Phil talk about the pre-legislative scrutiny activity amongst those committees. The Parliamentary Studies Centre, of which I will talk a little more in one minute, is very lucky to have the experience of Phil, both from an academic and a practical parliamentary sense. It augurs well for events such as this to have the attendance of participation of eminent scholars of parliamentary proceedings.

I thank all of you who took the bother to make observations both in front of the microphones here and over a cup of tea outside. That was very much appreciated. This sort of cross-pollination between practical experience and academic reflection on parliamentary proceedings between the House of Representatives and the Senate is a good thing. The parliamentary services are providing research support for a new parliamentary study centre at the ANU. This centre seeks to promote an exchange of experiences between those who work within the parliamentary environment and those who have more scholarly interest in its proceedings and publications and the video or DVD presentations that are on the agenda for the future.

Tomorrow, the Parliamentary Studies Centre is running a workshop on parliamentary committees. Many of you will be attending. The organisation of both today and tomorrow has benefited from the strong cooperation between the Department of the House of Representatives and the Parliamentary Studies Centre led by Professor John Uhr, and we are very grateful for that. I should give one final thank you to Professor John Nethercote, who was responsible for the inception of the initial idea for this concept. I am very grateful to Robyn Webber, Clerk Assistant Committees in the Department of the House of Representatives and to Margaret Atkin and to Jessica Butler, who have put a lot of the arrangements into place. A special thank you to Glenn Worthington, who has worked extremely hard over the interregnum period between the dissolution and the reassembly of the parliament. Glenn has been preparing papers as well as putting a huge amount of effort into making today possible. So I am personally thankful to that team, and particularly to Glenn and I would like us all to pass on our thanks. Once again, I thank you for your attendance and participation and I hope those who can stay enjoy the workshops tomorrow. Thank you.

Seminar adjourned at 3.19 pm