

The changing role of parliamentary committees and the place of the community

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Since their inception parliamentary committees have evolved from a focus on the workings of the parliament to becoming the main forum for the community to speak to the parliament. While committees are increasingly community focussed, the community is not necessarily as interested in committee work. Committee practices need to evolve to ensure that they remain relevant and accessible.

Why is public participation in House of Representatives committees necessary? As creatures of the House, are they distracted from serving the House in the effort to engage the community? Or have committees evolved to the point that their primary purpose now is to serve as a conduit between the parliament and the community?

This paper will discuss the necessity of community involvement in parliamentary committees and the challenges posed in facilitating this involvement. It discusses the history of committees and how practices have moved from an internal focus to one that recognises and values the involvement of the community in committee work.

Despite the greater focus on involving the community in committee inquiries, this evolution is still hindered by the slow pace that changes to practices are adopted. Strategies for increasing community participation are posed throughout the paper, including the need for more strategic

thinking on community involvement and recognition of the educative role of committees. Fundamentally, evolution in committee practices are reliant on Members and secretariat staff being willing to confront standard practices and take risks on new methods of engaging the community.

The paper closes with a focus on strategies to increase Indigenous involvement in parliamentary committees. While the strategies discussed are aimed at the committees focussed on Indigenous matters, all committees would benefit from an improved engagement with Indigenous peoples. The Indigenous community necessitates special focus as it has particular needs, which have not always been addressed by House of Representatives committees, as well as a unique place as the original inhabitants of this land.

A glimpse at the evolution of committees

Committees in the Westminster system of parliament have a long history of transforming themselves to suit the needs of the parliament. Originally formed for the purpose of ‘committing bills’ before the House they were not as we know them today formed of groups of Members. They were individual members who were required to ‘draft or redraft a bill, engross or make a clean copy of it, devise provisos or amend the text.’¹

Committees evolved as the parliamentary system evolved, bicameralism led to the rise of joint committees and by the early to mid-sixteenth century committees were a feature, albeit irregular, of the conduct of parliamentary business. However, they remained focussed on the form and content of bills and the procedures of the parliament. Despite the ‘evidence attest[ing] to a variable conference relationship of co-operation and confrontation, hot tempers

¹ Graves, M. 2002 ‘By committing of a bill to the Howse allowed of the bodie thereof.’ Tudor parliamentary legislative committees: Development, purposes, value and problems 1510-1601. In Kyle, C. and Peacy, J. (eds) *Parliament at work: parliamentary committees, political power and public access in early modern England*. Boydell: Woodbridge. pp 25-41. p. 25

and harmony,' by the end of the sixteenth century, committees had become a permanent part of the Westminster parliamentary system.²

Although co-operation, confrontation, hot tempers and harmony remain a feature of modern parliamentary committees. They have evolved into independent creatures of the parliament, conducting in-depth legislative and policy investigations and providing the most direct means for the public to have input into parliamentary deliberations.

While committees had operated under various guises in the Australian House of Representatives for many years, the establishment of a formal committee system had been a proposal before the Parliament for some twenty years before a Hawke Labor government undertook its development in 1987.

The general reluctance by successive governments to establish committees was due to role that committees had in monitoring executive activities. Governments held fears that committees would be outside of the control of the Executive and perhaps dangerous ground in which to let loose unpredictable backbenchers and a louder voice to a discontented opposition.

Eventually, however, it was recognised that committees provide an important level of parliamentary accountability and that the establishment of a committee system would enhance the meaning of democracy in the parliament. High hopes were held for the new system. One of its advocates, the then Member for Fraser John Langmore, was cited as stating: 'the committee system could be the backbone of democracy.'³

² *ibid.*, p. 27, 40-41

³ 'Changes afoot for Govt watchdog: Power to be spread in the House.' *The News Northern Territory*, 14 September 1987.

Committees were to be responsible, as they remain to this day, for the scrutiny of Executive responsibilities. However, the expected depth of this scrutiny is questionable. In controlling which inquiries committees undertake, the government of the day also has the capacity to deny committees scrutiny of contentious issues. Although committees do have some mechanisms to undertake inquiries without referral, the majority are referred by Ministers, and Government chairs are unlikely in the main to cross their executive.

House of Representatives committees largely content themselves with examination of the larger policy issues. This is appropriate considering the role that the Senate, as the house of review, plays in scrutiny of the executive. It means that House committees can focus on working to develop future policy direction and are therefore more appealing for public participation as the issues under discussion can be of direct relevance to the public. This also allows committees much greater scope to travel outside of Canberra, which not only enhances the inquiry process, but also opens the parliament to a greater number of people who would otherwise not have the capacity to engage with it.

In spite of this, committees often struggle to engage the community in inquiries. There are a variety of reasons for this including a lack of community understanding of the role of committees. This lack of understanding about what committees can accomplish can leave submitters resentful about the perceived lack of action or results from their submissions, the preparation of which can significantly tax the resources of individuals and small organisations. For larger organisations and lobby groups, the trend towards increased accessibility of Ministers in recent years combined with the slow pace of many committee inquiries leaves little incentive to contribute.

Parliamentary committees are evolutionary creatures, and as such, do not make sudden changes. Some of their procedures echo those of their sixteenth-century predecessors and while this does not mean they cannot transform, it does mean that they need to be aware of the limitations these procedures create. Although there have been significant evolutions in committee practices, these are not always in line with or at the speed of community expectations.

House of Representatives committees have gained a solid reputation for embodying sound parliamentary procedure and, in the tradition of parliament, do not deviate from these practices when away from Parliament House. The strict adherence to parliamentary procedures and the formalised structures of how committees and their work is presented make committees inaccessible to many with low education levels, minimal English language skills, or simply no understanding of the legal importance of adherence to parliamentary procedure.

Nonetheless, there is no reason why committees should not try to actively seek new ways of engaging the community and develop new methods of presenting committee work so that it is relevant to the community as well as the parliament.

Practices have moved

Since the 1999 Standing Committee on Procedure report *It's your House*⁴, which formally recognised the importance of community participation in committee inquiries, a number of practices aimed at enhancing this relationship have been standardised. Advertising is undertaken through a variety of forums, including e-mail and the internet. More information about how the community can participate in committees is now being produced and the *About the House* magazine, a free magazine produced by the Department on the work of the House and its committees is widely distributed across Australia, and is particularly popular within schools.

Many other practices were adopted from the *It's your House* report – for example committees now make greater use of seminars, round table discussions and community statement sessions and more effort is being made to introduce innovative methods of seeking submissions. However, these innovations have been placed within existing standards and procedures and so they can be self-limiting.

⁴ Available at <aph.gov.au/house/committee/proc/reports/pciwc/index>

Inquiry terms of reference and advertising are generally written in a manner that assumes an understanding of the inquiry process and reasonably high literacy skills. Respondents to committee inquiries are therefore generally lobby groups or well organised organisations. Indeed, in public hearings, Members are most at ease with witnesses who are comfortable with the format and the manner of presentation.

Regardless, the ability of the community to access parliamentary committees is now greater than ever before. It is routine for committees to advertise for public input and conduct public hearings in locations other than Canberra. Members recognise the benefit of this, not only to the inquiry process, but also the benefit of these hearings being held in their own electorates.

Despite the increased capacity for individuals to access parliamentary committees, public hearings are not widely attended by members of the public. Although out of Parliament House, hearings have the same form and process as hearings held within precinct of the parliament itself. The physical setup of committee has a sense of formality, with Hansard recording and broadcasting equipment, witnesses needing to sit before a line of Members. This formality really does ‘take parliament to the people.’ However, it can also be intimidating for those with a limited understanding of the parliamentary process and this stands as a major barrier to participation – it is a brave and confident person who will front to be ‘examined’ by a committee. Naturally, for committee members, questioning is easier when witnesses understand and can engage robustly in the sometimes hostile and aggressive manner in which hearings take place.

It is not suggested that committees forgo any of the formalities that are necessitated by the parliament in circumstances where this is appropriate. However, at a time when the parliament is competing for public interest with a multitude of news, entertainment and opinion forums, committees need to be creative in their consultation to ensure that the widest possible cross-section of the community are able to have their views heard.

Apathy or inability?

There is a general sense that apathy is the main approach to public involvement, or lack thereof, in political processes. While some inquiries can garner a high degree of public interest, a general, ongoing interest and involvement in the parliament is low. A 2005 British study found that despite a public desire to be more involved in decision-making, very few individuals were willing to be seriously involved beyond signing petitions. However, the study also found that those were willing to be involved were ‘overwhelmingly middle-aged, white, wealthy and educated.’⁵

This suggests that mechanisms for involvement are prohibitive and that desire does not translate into action because those who are not ‘middle-aged, white, wealthy and educated’ cannot make themselves heard. Rather than questioning why the community does not engage with the parliament, the methods on offer should be re-evaluated.

Despite the struggle that some committees have with low community involvement in inquiries, the community is certainly not proving itself to be apathetic when it comes to participation in other opinion forums. For those with the ability to access it, the spread of the internet and the ability to easily self-publish has seen a wealth of new consultation methods and avenues for people to express their opinions. Online news services are now offering the facility for people to comment on some news and current affairs items, and most have some capacity for interactivity, allowing users to post their own opinion pieces and this is proving popular. Individuals are self-publishing not only on personal ‘blogs’ but also on shared forums such as ‘YouTube’ and online discussion forums. This indicates that people want their opinion heard (or at least published), as long as it is through a forum and format that is engaging and easy to access.

⁵ McHugh, D. ‘Wanting to be heard but not wanting to act? Addressing political disengagement.’ Parliamentary Affairs Vol. 59, No. 3, June 2006, 546-552. p. 549.

Parliamentary committees have been slow to engage with these new technologies except on an ad hoc basis. It is time for committees as a whole to investigate strategies for more the innovative use of technology, including hosting online forums as a method of consultation. There are a range of legal implications that need to be considered and it may be that full parliamentary privilege cannot be conferred to information gathered through informal mechanisms. These formalities should not deter committees from investigating the range of options and considering how more informal opinions and evidence can be incorporated in the inquiry process. It is not as if all parts of an inquiry's evidence is currently granted parliamentary privilege. For example, site inspections and the valuable 'off the record' conversations that Members conduct at these times can shape their insights but are not taken as evidence.

Committees and staff need to ensure that the desire to engage new audiences does not create a situation where parliamentary privilege is conferred in inappropriate circumstances (such as where an individual's identity cannot be verified, or the information, by its very nature is automatically published, as is the case in online forums.) However, this should not prohibit the use of alternative methods of consultation.

Developing new methods of consultation will be essential to engage new audiences, however it will not be adequate to simply develop these new consultation methods and hope that the community discovers them. Each committee should as a matter of course, develop a communication strategy aimed at their target audience. This should encompass issues such as managing the media, appropriate communication styles, options for online consultation and advertising and a methodology to both educate the community about the committee and inquiry and encourage a diverse range of submissions.

This should not only enhance public participation, but would limit the waste of resources through inappropriate advertising. As committee staff are not necessarily communications specialists, the provision of enhanced support in this area will be greatly beneficial to the promotion of committees and their inquiries.

The challenge to find unique ways to engage the community in committee work is not one that is unique to the Australian Parliament, committees in parliaments across the world experiment with methods of engaging the community in their work. For example:

- The Scottish Parliament produces ‘easy read summaries’ of some committee reports which are distributed to the community as well as, or instead of, the lengthier, more bureaucratic, report presented to parliament.⁶ The summary makes clear that these are the views of the committee on actions the executive should take and are therefore not necessarily actions which will be automatically implemented.
- British Columbia’s Legislative Assembly (Canada) Select Committee on Health developed a website for its 2006 inquiry into childhood obesity directly targeting youth involvement in the inquiry.⁷ The language, form and content of this website not only sought submissions to the inquiry, but also explained what the committee hoped to achieve, in a manner that was relevant to young people. Rather than listing the terms of reference, the committee posed a series of questions to be answered.

Managing community and committee expectations

A focus on the expectations of the committee is important. There is very little understanding in the community of what committees can actually achieve. It is not unusual for committees to receive requests from individuals to assist them with personal matters, often advocacy or the navigation of bureaucratic processes. Indeed, Members also often use the hearings process to grill witnesses (often bureaucrats) on matters of singular importance to their electorates. The community can be left disappointed if the aims of the committee are not articulated clearly, resulting in an expectation of resolution to matters over which committees have no influence, or an expectation that recommendations will automatically be implemented. Articulating the

⁶ For an example see the Easy Read Summary of the Removing barriers and creating opportunities report of the Scottish Parliament Equal Opportunities Committee, available at <scottish.parliament.uk/business/committees/equal/reports-06/documents/061123EasyReadFinal.pdf>. Accessed January 2008.

⁷ See <myhealthyspace.ca> Accessed January 2008.

committee's expectations of an inquiry (including why it is being undertaken) will assist both committees and staff to adequately focus the inquiry and the community to prepare useful submissions.

If committees want a diverse range of submissions and community participation in inquiries, it is no longer adequate to assume that the community has knowledge of their activities nor the capacity or interest to make submissions in the traditional ways. Efforts need to be made to ensure that committees target methods of consultation that are relevant and the most effective way of collecting quality evidence. There are no standard solutions as each committee will need to engage different sectors of the community and staff need to recognise that Members are best served through being able to effectively engage the community in their work. However, there are many institutions (i.e. academic institutions, professional associations or key industry groups) with the expertise to objectively advise committees in this regard and these should be utilised more often in the early stages of inquiries.

If committees are adequately focussed on why they are conducting their inquiries and how they wish to conduct them, appropriately focussing consultation will occur as a matter of course. Further strategies are outlined in the following section.

The educative role of committees

The refrain that committees take parliament to the people is popular and oft used. If this is to be the case, committees need to recognise their educative role, particularly when undertaking inquiries that have the capacity to garner significant community involvement.

If committees are to continue to be a relevant part of the Parliament and relevant to Australian society, mechanisms need to be put in place to ensure that disenfranchised voices are able to

engage in the system and are not drowned out by those already adept at making their views heard.⁸

A challenge for all parliamentary committees is to avoid well-established lobby groups gaining disproportionate influence and already disenfranchised voices being more easily overlooked. With the demands placed on Member's time, it is challenging for committees to meet and travel for hearings. Therefore, they obviously try to make the fullest use possible of the little time available to them. Many regular submitters – peak organisations and lobby groups – have an expectation to appear before the committee, and the capacity to make Members very uncomfortable with accusations of biased or incomplete consultation should they not be invited to appear. This can result in these 'usual suspects' dominating hearings, particularly if the inquiry process is not adequately focussed and reliant on submissions to provide direction for the public hearings schedule.

The inquiry process is a good opportunity for members to immerse themselves in an issue, and for the community to highlight issues of concern at the highest level. To give the whole community an adequate opportunity to participate in the system, consideration should be given to running community education sessions, prior to, or concurrently with public hearings. Public hearings provide an ideal opportunity to undertake public education on the parliament as they tend to attract media attention and give relevancy to the inquiry.

Education sessions can also be a useful forum to assist individuals to prepare submissions. For those who rarely prepare submissions, trying to address bureaucratic terms of reference can be a daunting, if not impossible, task. A strategy to overcome this is to complement terms of reference with a list of focus questions that address the key issues of the inquiry.

⁸ McHugh, D. p. 551

It is important not to focus on the report as being the inquiry outcome, but to recognise the importance of the process. The experience of a 2005 Senate Select Committee on Mental Health

demonstrated that often the report is not the most important thing a committee provides. It can be the exposure given to issues in hearings, and the media coverage received, that is more important than the document produced weeks or months later.⁹

This point needs to be more widely recognised by committees and the community. Because reports are generally produced a long time after the completion of hearings and recommendations often ignored by the government, the real value in inquiries comes through the inquiry process itself. If the inquiry generates significant public and media attention, action can be taken well before a committee even has an opportunity to draft their report.

Indeed, on highly contentious issues where Members hold firm positions, organisations see little use attending public hearings for the sake of changing the mind of the committee, but rather value the chance to draw more public attention to an issue. A Canadian activist highlighted this point:

During my years at NAC, [an] ... organisation that was almost always in opposition to the ... government, I rarely got a positive hearing from a parliamentary committee. As a result, NAC usually viewed my appearances before a parliamentary committee as more of a way to get media coverage than to persuade politicians.¹⁰

⁹ Dermody, K. I. Holland and E. Humphery (2006). Parliamentary committees and neglected voices in society. *The Table*. Vol 74, 2006: 45-55. p. 53

¹⁰ Rebick, J. 2000. *Imagine democracy*. Stoddart: Toronto. p. 77-78

Recognising that committee inquiries not only play a role in policy development but can play an important role in enhancing the democratic process is a first step to improving community involvement. Staff can take steps to give the community the skills to engage in the committee system and should consider this as an integral part of their role in supporting committees.

Disenfranchised and neglected voices

While considering the general barriers to participation apparent in the wider community, it must be acknowledged that there are a range of disenfranchised and neglected voices which need particular support in order to participate in the parliamentary system. The barriers to participation in democratic processes are compounded for those people who are already socially disadvantaged.

As discussed throughout this paper, engaging with the community through a variety of means is essential. It is important for committees to understand how the community wants and is best able to communicate. This requires committees and staff being willing to take advice on language use, dress and culturally appropriate behaviour.

A number of parliamentary committees have been very successful in engaging these disenfranchised and neglected voices. In part this success has come from media focus on inquiries, which has publicised them more widely than the committees on their own could hope to do. However, the successes have also come from committees engaging with people in their own environments.

This means holding public hearings in locations other than central business districts of major cities and in a diverse range of venues (such as schools or community halls). For inquiries that involve culturally and linguistically diverse groups strategies that should be considered include providing on-the-spot translation services, information about the inquiry in relevant languages and conducting education sessions (with translators) on the work of the parliament either prior to or concurrently with public hearings. Most importantly, committees need to have an understanding of how to listen to groups in the most appropriate manner.

A 1999 Joint Committee investigating native title matters was the subject of protests from many Indigenous groups for failing to understand how, and where, to listen to them appropriately.

I asked quite a few people in 1996—they sat at the same place as you mob are sitting now—not to just come in a jet plane in and out of town. You think that the places we are talking about look like that: green grass, trees, bloody houses and lawn—no, it is bush. It is plain country, hilly country, rocky country. You just come here and sit for an hour or two a day and that is it.¹¹

This same committee had earlier been confronted by a group of witnesses who chose to speak their own language in protest to the Bill under consideration. Translation services were not available at the time of the hearing, nor was the evidence later translated, appearing in the transcript as follows:

Thank you. You heard my name. I am a Walmajarri man. I have to speak my own language as I am a Walmajarri man.

Evidence was then given in a language other than English--

Mr Yu —Thank you. Mr Chairman, the next speaker will be Gemma Napanunga. She is a Googaja woman.

Ms Napanunga —My name is Gemma Napanunga. I am desert.

Evidence was then given in a language other than English--

Mr Yu —Thank you. The next speaker will be Hitcher Gordon and he will speak in Nardi.

Evidence was then given in a language other than English--

¹¹ Mr Frank Sebastian, Member Rubibi, Transcript of Evidence, Australian Parliament, Joint Standing Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, Section 206(d) of the Native Title Act 1993, 13 April 1999, Broome, p. 148.

Mr Yu —Thank you. The next speaker will be Peggy Patrick. She is a Gija woman.

Evidence was then given in a language other than English--

Mr Yu —The next speaker will be Mrs Maggie Long. She is a Jaru woman and Jaru speaker. She is the Co-Chairperson of the Kimberley Aboriginal Law and Culture Centre.

Evidence was then given in a language other than English--

Mr Yu —The next speaker will be Mr Peter Francis, who is a Nyigina man and who will speak in Nyigina.

Evidence was then given in a language other than English--

Mr Yu —The next speaker will be Mrs Edna Hopiga, who is a Karrijarri speaker.

Evidence was then given in a language other than English--¹²

While these witnesses used this process as a form of protest, to not later translate the evidence is not only disrespectful to the people involved, but to the process itself. Without access to the full evidence put to the committee, fair and balanced judgements cannot be seen to be made. Later committees have made greater use of translation services, however, the use of these services must be standard practice, rather than at the discretion of individual committees.

As well as the provision of translation services, it is essential that committees consulting with culturally and linguistically diverse groups have an understanding of the most appropriate forms of cultural address, including appropriate venues and forms of hearings. This may include ensuring that alongside public hearings, time is allocated to share informal time with witnesses, whether that be to share a meal or to tour sites that witnesses feel best represent their evidence (such as Indigenous sacred sites.)

¹² Australian Parliament, Joint Standing Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, Native Title Amendment Bill 1997, Transcript of Evidence, 6 October 1998, Broome, p. 968.

Indigenous participation

Unlike other countries with similar parliamentary structures¹³, the Indigenous peoples of Australia do not have a formal mechanism for participating in a parliamentary system that recognises their traditional governance structures. This limitation is beyond participation in parliamentary committees and extends to all democratic processes. Yet because of this, aside from direct lobbying, parliamentary committees can be the most important avenue that Indigenous peoples have to access the parliament.

Indigenous peoples suffer significant social and economic disadvantage against most key indicators, including health, housing, education and income levels. While these issues in themselves have immediacy, self-determination is also a key priority. Self-determination for Indigenous peoples, that is, the right to ‘determine their political status and freely pursue their economic, social and cultural development’¹⁴ is essential to improving social and economic disadvantage.

In practice, self-determination will translate in different forms. While Indigenous people are widely politically active, this political activism has not translated into engagement with the parliamentary system, either in terms of representation through seats in Parliament or contribution to the many parliamentary committee inquiries that run each year beyond those specifically targeting the Indigenous community.

Because of their ability to travel to remote communities and translate this evidence into parliament language through their report, committees should be taking more proactive steps to lessen the barriers to participation in democratic processes. There are many barriers to participation for Indigenous peoples. The Queensland Parliament’s Legal, Constitutional and

¹³ For example, the New Zealand Parliament has Māori constituencies to ensure Māori seats in Parliament; Canada has a formal treaty with Aboriginal peoples recognising the right to self-government as well as Aboriginal representation in the Parliament.

¹⁴ United Nations, International Covenant on Civil and Political Rights, Article 1

Administrative Review Committee in its inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's found that barriers include:

- lack of civics education, including lack of education on how to vote and become more involved in political processes;
- racism;
- lack of self-confidence;
- other issues being of higher priority (such as addressing health and housing);
- mistrust of Government;
- Westminster systems are inappropriate for Indigenous people;
- participation may be seen as a concession of sovereignty.¹⁵

These factors must be taken into account by parliamentary committees when constructing consultation processes, and the challenges they present must not dissuade committees from seeking ways to engage Indigenous participation. Indigenous participation in parliamentary inquiries is essential. As the original inhabitants of this land they therefore have a unique perspective on how the land and people should be governed. Yet without an official, high-level Indigenous representative body that has the resources to initiate engagement with the parliament, committees are left to actively seek Indigenous input, often with little understanding of how to do so.

Committees have tried a variety of methods to engage effectively with Indigenous communities. Indigenous peoples, like many in the wider community have a degree of cynicism when it comes to the presence of politicians in their midst:

¹⁵ Lim, S. 2003. Hands on Parliament – a parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic process. Conference Paper. Australasian Study of Parliament Group. July 2003. p. 2.

We have voted people into the government nearly every two years or whatever. They promise you the world; they promise you the sky. But when it comes to the day they are in, you are gone. You are out, Jack or George. You can sit there till next election day. Before the election day they are there like flies hanging on to you. They will not even let you go because they want your vote.¹⁶

Before seeking involvement in a particular community, committees must question whether the community really wishes to speak to the committee. Consultation for consultation's sake, without consideration of the impact this will have on the community, is highly disrespectful and will only result in further mistrust between the Indigenous community and the parliament.

The most valuable resource when consulting with Indigenous peoples is time. Acceptance and authority is not granted through titles and positions, trust must be slowly gained by the community. Parliamentary committees do not have the capacity to spend the time to undertake consultation in this manner, nor are their processes flexible enough to accommodate differing notions of governance. For these reasons, it is essential that the secretariat responsible for supporting the committee charged with the Aboriginal the Torres Strait Islander (ATSI) portfolio areas has in place arrangements that will maximise opportunities for effective consultation. If the community has little understanding of why politicians are seeking to talk to them with no apparent benefits or outcomes, why should they want to make the effort (which often includes lengthy travel in remote areas) to speak to a parliamentary committee?

Although secretariats are many times constrained by the desires of the committee, there are strategies that can be put in place that will enhance the relationship of the committee with the community and also provide more effective consultation which in turn will encourage more Indigenous peoples to engage with parliamentary committees.

¹⁶ Mr Frank Sebastian, Member Rubibi, Transcript of Evidence, Australian Parliament, Joint Standing Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, Section 206(d) of the

Ex-officio committee positions

As there are currently no Indigenous Members of Parliament, there are no opportunities for Indigenous representation on the committee concerned with ATSI matters. One possibility is for an ex-officio Indigenous position to sit on the committee with equal status of Members, but no voting rights for specific inquiries. This would provide an opportunity for the committee to gain a deeper understanding of Indigenous issues and ensure that inquiries are targeted more appropriately.

This has been proposed for Canadian House of Commons committees on several occasions, most recently in the 37th Parliament (January 2001 to May 2004). A motion was passed that would allow non-elected Aboriginal representatives to participate in the Standing Committee on Aboriginal Affairs and Northern Development's consideration of bills related to Aboriginal peoples. The Committee did not take advantage of this possibility and the motion is no longer in effect. However, unlike the Australian Parliament, the Canadian Parliament does have a number of Aboriginals as elected representatives who are able to sit on this committee.¹⁷

An ex-officio member position would require a substantial resource commitment, both in terms of an appropriate wage, travel and training support. In addition, given the multi-tribal nature of Indigenous peoples, it may be difficult for one position to provide adequate representation. Although committees work in a bipartisan manner, when they are divided on party lines, on issues of party politics, a position of this type could be seen to be tokenistic. While in principle this is an attractive solution to improving Indigenous representation in parliament, in practice it may have limitations and there are better ways of engaging a wider range of Indigenous peoples.

Native Title Act 1993, 13 April 1999, Broome, p. 157.

¹⁷ See <cmte.parl.gc.ca/cmte/CommitteeList.aspx?Lang=1&PARLSES=392&JNT=0&SELID=FAQ&COM=13176> Accessed January 2008

Committee advisors

A more appropriate advisory position may be for a formal committee advisor to be engaged for the life of parliament to advise not only the committee in their inquiry conduct but in particular to advise the secretariat on the best way to engage both formally and informally with Indigenous peoples.

This position would not need to necessarily be an Indigenous person, but rather an individual who has a specialist understanding of Indigenous culture and governance such as a cultural anthropologist. Such a specialist advisor should have the skills to facilitate engagement with Indigenous groups to ensure that the committee is talking not just to those who are skilled communicators, but those who are the most appropriate to represent their community.

There are precedents, and processes in place, to engage specialist advisors for committee inquiries. While these tend to be on a issues base, engaging a specialist should be matter of course for the Indigenous affairs committee. Appointing an advisor for the life of parliament will allow them to build a relationship with the committee and secretariat and understand the needs of the committee.

Staffing

While the Department has no control over the composition of committees, it is entirely responsible for staffing and so has great scope to improve committee processes through the provision of appropriate staffing.

There are strong grounds to consider creating an identified position for the research roles serving the committee for Indigenous affairs, particularly considering the low likelihood of Indigenous representation on the committee itself. An identified position differs from a designation position in that the individual filling the position is not required to be Indigenous, but is required to demonstrate an understanding of the issues affecting, and a demonstrated capacity to communicate sensitively and effectively with Indigenous peoples. This will

require commitment to and investment in training to ensure that current staff have the opportunity to meet the requirements of an identified position. Any advisor engaged to the committee should also be able to assist staff in gaining these skills.

All committee and inquiry secretaries should be given (and avail themselves of) the opportunity to travel to an Indigenous community to gain an understanding of the unique nature and culture of these environments. This can be done through the provision of shadowing opportunities on ATSI committee trips. As many committees work with Indigenous peoples this opportunity will provide an important training opportunity to enhance consultation processes across all committees.

The way forward...

The consultation methodology of House of Representatives committees has proved successful. Generally, inquiries are wide ranging and inclusive. As the only way the community can speak directly to the parliament¹⁸, committees are an essential link between the parliament and the community. However, the practices of committees need to keep pace with changes in society to ensure that they have the capacity to engage with difference community groups and most importantly with Indigenous communities.

At this, the twentieth anniversary of the House of Representatives committee system with the inevitable changes that come with a new Government, committees have an ideal opportunity to reflect on what their role is to be both in relation to the parliament and the community.

The success of committee inquiries is in part dependent on the attitudes of their support staff. The ideas put forth in this paper will take additional time and effort, and in some cases, resources. How do staff fit these additions into an already demanding workload? It will take

¹⁸ While there has been precedent for visitors to address the House, this arises only in exceptional circumstances. Harris, I. (ed.) 2005. *House of Representatives Practice*. Fifth Edition. Canberra. p. 114-115.

recognition from all staff that committee processes are continuously evolving. Committee support must be undertaken with an attitude of flexibility, creativity and innovation, both aware of and responsive to changes in the community.

Although Members and committees are the key clients for committee staff, it must be recognised that Members are best served through ensuring that they have the best possible opportunities for engagement with the community. The groundwork is in place but it requires sustained organisational support and the ongoing commitment and enthusiasm of the leadership team.

Committees are fulfilling Langmore's vision as a vehicle to enhance democracy but need to continue to embrace evolution in their practices to execute their role as an important conduit between the Parliament and Australian society.

I would like to acknowledge with thanks the many people I had lengthy conversations with in the preparation of this paper. In particular, Anna Dacre and Robyn Webber of the Department of the House of Representatives Committee Office and Patrick Sullivan of the Australian Institute of Aboriginal and Torres Strait Islander Studies.