
The Parliament of the Commonwealth of Australia

It's your House

Community involvement in the procedures and practices of the House of Representatives and its committees

House of Representatives
Standing Committee on Procedure

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Membership of the committee

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Terms of reference of the committee

To inquire into and report on the practices and procedures of the House generally with a view to making recommendations for their improvement or change and for the development of new procedures.

Terms of reference of the inquiry

To inquire into the opportunities for individuals and community groups to become involved in the procedures and practices of the House and its committees.

Issues covered may include:

- the petitioning process;
- a review of the right of reply of people referred to in the House;
- the use of electronic communication by committees; and
- improving community involvement in the work of committees.



List of recommendations

2 Petitioning the House

Recommendation 1

The committee recommends that the standing orders governing petitions (nos. 112 to 132) be amended to make them clearer, simpler and more accessible as set out in appendix B.

Recommendation 2

The committee recommends that the standing orders be amended to allow Members to present petitions during the period of Members' 90 second statements in the House or 3 minute statements in the Main Committee. The proposed amendment to the standing orders is shown in appendix B.

Recommendation 3

The committee recommends that an annual report to the House be prepared setting out petitions presented and ministerial responses to them. The Standing Committee on Procedure intends to implement this recommendation itself.

Recommendation 4

The committee recommends that the standing orders be amended to provide for petitions to stand referred to general purpose standing committees for any inquiry the committee may wish to make.

3 The right of reply procedure

Recommendation 5

The committee recommends that the resolution of the House of 27 August 1997 concerning protection of persons referred to in the House continue in effect without alteration.

Recommendation 6

The committee recommends that information about the availability of the right of reply process be placed on the Parliament's Internet site on the pages from which Hansard reports and live telecasts of proceedings are accessed, with links to full details on how to apply.

Recommendation 7

The committee recommends that information be added to the explanatory material about the protection of persons referred to in the House to specify what course people may take if they believe they have been adversely referred to in the published evidence of a committee.

4 The procedures of the House

Recommendation 8

The committee recommends that the standing orders be restructured and rewritten to make them more logical, intelligible and readable. The committee recommends that the Clerk prepare a draft for the committee's consideration.

Recommendation 9

The committee recommends that the following sessional order be adopted for a period of 12 months:

Questions from citizens

148A A Member may give notice of a question in terms proposed by a person who resides in the Member's electoral division. The following conditions shall apply to notices of questions given under this sessional order:

- (a) A Member shall satisfy himself or herself that the person proposing the question resides within the Member's electoral division.
- (b) The question shall show the name of the person who proposed the question.

- (c) A Member may not give notice of more than 25 questions in a calendar year.
- (d) Questions shall conform with the standing orders.
- (e) Provided the foregoing provisions are met a Member must give notice of every question proposed to him or her up to the limit of 25 per year.

5 Access to proceedings

Recommendation 10

The committee recommends that a link to the live broadcast of proceedings (when available) be provided on the top page of the Parliament's Internet site.

Recommendation 11

The committee recommends that a summary of the main items of business for consideration in the House and the Main Committee and scheduled public hearings of committees be shown on the House of Representatives Internet home page. The information should be updated daily and provide a link to the full daily program.

6 Committees and the community

Recommendation 12

The committee recommends that a conference of committee chairs, deputy chairs and secretaries be held at least once each Parliament to discuss strategies for promotion of committee work.

Recommendation 13

The committee recommends that the Speaker, in consultation with committees, investigate having a 'fly on the wall' type of documentary about committees made professionally for showing on television.

Recommendation 14

The committee recommends that a brochure about House of Representatives committees be published and made available on a similar basis to the brochure on the House of Representatives.

Recommendation 15

The committee recommends that details of the public hearing schedules of committees be published regularly using the following vehicles:

- (a) The Daily Program of House business (the Blue);
- (b) Announcements on the parliamentary broadcast (NewsRadio). The information could be included in a daily summary of business expected to be dealt with. The Joint Committee on the Broadcasting of Parliamentary Proceedings is asked to make any necessary changes to the standing determinations relating to the radio broadcasting of parliamentary proceedings to enable this to take place; and
- (c) The existing television coverage of Parliament provided by the Australian Broadcasting Corporation—Question time telecast and/or the *Order in the House* program.

Recommendation 16

The committee recommends that:

- (a) The Department of the House of Representatives take steps to improve coverage of House committees in educational material supplied to schools;
- (b) Video material explaining the committee process and showing House of Representatives committees be made available to schools and other groups; and
- (c) School groups visiting Parliament House be provided with information about public hearings which may be held during their visit and be encouraged to observe proceedings if a suitable hearing is expected to be held.

Recommendation 17

The committee recommends that the Department of the House of Representatives work with committees to develop a strategy to raise the profile of committee web pages, including establishing links with other sites, promoting web addresses, reviewing design and content and developing electronic feedback facilities.

Recommendation 18

The committee recommends that the Department of the House of Representatives work with committees to develop a media strategy to improve media support for committees, including the implementation of a professional communications service to provide media support and liaison for committees.

Recommendation 19

The committee recommends that, as far as possible, committee titles be retained on a long term basis.

Recommendation 20

The committee recommends that committees develop a short name and use it consistently for media liaison and public communications.

Recommendation 21

The committee recommends that the standing orders be amended to provide for tabling of committee reports at a time prior to 11 am.

Recommendation 22

The committee recommends that standing order 353 be amended as follows (*paragraph (b) added*):

Report and minutes presented

353 The report of a committee, together with the minutes of the proceedings, shall be presented to the House by a member of the committee.

Provided that a committee may resolve to do either or both of the following:

(a) if the House is not sitting when a committee has completed a report of an inquiry, the committee may send the report to the Speaker, or in the absence or unavailability of the Speaker, to the Deputy Speaker. Upon receipt of the report by the Speaker or the Deputy Speaker:

(i) the publication of the report is authorised by this standing order; and

(ii) the Speaker or Deputy Speaker, as the case may be, is authorised to give directions for the printing and circulation of the report.

The report shall be presented to the House in accordance with this standing order as soon as possible.

(b) to seek the approval of the Speaker, or in the absence or unavailability of the Speaker, the Deputy Speaker, to publish a summary version of its findings on a day prior to the report being presented to the House. If the Speaker or the Deputy Speaker approves the request:

(i) the publication of the summary version of the committee's findings is authorised by this standing order; and

(ii) Members of the House shall be advised of the publication and given access to the text of the document.

Recommendation 23

The committee recommends that standing order 346 be amended to read (*paragraph (iii) added*):

Publication of evidence and proceedings

346 (a) A committee or subcommittee shall have power to authorise publication of any evidence given before it or any document presented to it.

(b) The evidence taken by a committee or subcommittee and documents presented to it, and proceedings and reports of it, which have not been reported to the House, shall not, unless authorised by the House or the committee or subcommittee, be disclosed or published to any person other than a member or officer of the committee.

Provided that a committee may resolve to:

(i) publish press releases, discussion or other papers or preliminary findings for the purpose of seeking further input to an inquiry;

(ii) divulge any evidence, documents, proceedings or report on a confidential basis to any person or persons for comment for the purpose of assisting the committee in its inquiry or for any administrative purpose associated with the inquiry; or

(iii) authorise any member or members of the committee to provide such public briefings on matters related to an inquiry as the committee sees fit. The committee may impose restrictions on such authorisation and in any case a member so authorised shall not disclose evidence or documents which have not been specifically authorised for publication.

Recommendation 24

The committee recommends that committees make use of the *Checklist of strategies to maximise community involvement in a committee inquiry* set out in this report and that the checklist be updated and expanded on an ongoing basis.

Recommendation 25

The committee recommends that:

(a) the House agree to a resolution providing procedures for interaction with witnesses in the terms set out in appendix C to this report; and

(b) a pamphlet including a summary of the procedures be provided to all witnesses prior to hearing oral evidence from them.

Recommendation 26

The committee recommends that the standing orders be amended so that a motion to take note of a committee report automatically stands referred to the Main Committee for consideration and that time be made available for debate in the week following presentation of the report.

Recommendation 27

The committee recommends that new standing order 354A be inserted as follows:

Government responses to committee reports

354A (a) The Government shall prepare and present to the House no later than four months after the presentation of a report from a House of Representatives or joint committee, a response to the recommendations contained in the report. This provision does not apply to reports from the following committees: House, Library, Members' Interests, Privileges, Publications (except for reports on inquiries), Selection and the Parliamentary Standing Committee on Public Works. If the Government does not consider it appropriate to respond to a particular report, it shall inform the House giving reasons for its decision.

(b) The Speaker shall prepare and present to the House a schedule listing government responses to committee reports which have been presented and reports presented to which responses have not been presented. The schedule shall be presented by the Speaker twice in each calendar year or as often as the Speaker deems appropriate.

Recommendation 28

The committee recommends that committees inform witnesses and other relevant people of the contents of a government response to the committee's report. Where possible the text of a government response should be posted on a committee's Internet page.

Recommendation 29

The committee recommends that the standing orders be amended to empower committees to undertake activities to inform themselves on issues within their portfolio areas without the necessity for a formal reference from the House or a Minister. The power to call for witnesses or documents should not extend to such activities.

Recommendation 30

The committee recommends that standing order 339 be amended by inserting new paragraph *(ab)* as follows:

(ab) A committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used committee members and witnesses must be able to speak to and hear each other at the same time regardless of location.

Recommendation 31

The committee recommends that committees refer to guidelines for the use of audio visual or audio links when considering whether to use this technology for the conduct of proceedings. The Standing Committee on Procedure will present a set of guidelines to the House and review them from time to time. (The proposed guidelines are at appendix D.)

Introduction

Representative democracy

- 1.1 The size and complexity of modern societies such as Australia make direct government by the people acting collectively (the ideal of democracy) a practical impossibility. Western nations, such as Australia, have all adopted a representative form of democracy. Under our system of government the community exercises its collective will to select a group of people to form the Parliament and also decides which subgroup of the Parliament will be empowered to undertake the functions of government on the community's behalf.
- 1.2 Among the functions of the Parliament are law making, monitoring government activity and feeding community views into the processes of government. *House of Representatives Practice* says 'responsible government requires that proposed laws and many other processes of government be brought into public view through the medium of the House where administration and policies may be subject to public debate and where the pressures of public opinion may be brought to bear on the Government through the collective membership'¹. This then is the job of the elected representatives.
- 1.3 Under the Constitution the House is master of its own affairs and its operations are independent of people who are not Members of the House. In accordance with this concept, the standing orders of the House make no provision for people other than Members to initiate business or participate directly in its proceedings (other than through the work of its committees).

¹ Barlin, L M (ed), *House of Representatives Practice*, 3rd edn, AGPS 1997, p. 34.

Members take their representative role very seriously and work hard to represent their constituency in the way that they consider the most appropriate.

- 1.4 Does this mean that, having voted, there is no further political role for individuals in the community? The Procedure Committee is of the view that, in order for the House to perform its role effectively, it is important for Members individually and collectively to keep in touch with community views and the effects on people of legislative and government action. If scrutiny of government administration and policies is to be effective it is also necessary for the public to be aware of parliamentary debate and action in this regard.
- 1.5 A submission from Dr Andrew Brien of the Centre for Professional and Applied Ethics at Charles Sturt University says that citizens feel an increasing sense of alienation from the institutions of government. Dr Brien says:

The consequences of community alienation from the institutions of government are potentially disastrous. Democracies—and the benefits they provide—are sustained only through the consent and participation of their citizens. Participation takes many forms from joining political parties, making submissions, voting, calling on their local members and senators, and importantly, paying taxes. If citizens withdraw that consent or diminish their participation, either directly or through apathy, then the door is opened for more repressive systems of 'government'.²

Scope of this inquiry

- 1.6 Against this background the committee decided to undertake an inquiry which would review some of the ways in which the community interacts with the parliamentary process and look for some ideas to improve the people's engagement with and knowledge of parliamentary activity.
- 1.7 The Standing Committee on Procedure was established to inquire into and report on the practices and procedures of the House. This generally restricts its area of activity to matters associated with the standing and sessional orders and how the House conducts its business.
- 1.8 Clearly the potential scope of this inquiry into community involvement goes considerably beyond the province of the Procedure Committee. The
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2 Dr A Brien, Charles Sturt University, *submission*.

committee has excluded from its consideration matters that are not the responsibility or in the control of the House itself or its committees. For example, the work and actions of individual Members beyond their House and committee work has not been considered; nor have the activities of parliamentary or government bureaucracies in providing or promoting general educational material about the parliamentary system.

- 1.9 Nevertheless the committee has considered and made recommendations on a number of matters which are not strictly within its normal scope but which it feels are important to the inquiry and are within the competence of the House or its committees to implement.
- 1.10 There are two existing procedures of the House which touch directly upon people in the community. One of these is the ancient right of lodging petitions to seek action by the House. The other is the relatively recent provision whereby people who believe that they have been adversely reflected on by something said about them in the course of debate in the House may seek to have a response published.
- 1.11 Beyond these two specific matters the committee looked at the procedures of the House generally as well as how people can see, hear or obtain information about, the proceedings of the House. The committee considered that if people are to develop an understanding of the role of the House and its importance for them they need to be able to find out what it is doing, see it in action and understand what they see. They need to be able to see more than the excitement and political controversy of question time.
- 1.12 The committees of the House undertake the one type of House activity that actually occurs out in the community. The committee spent the major part of this inquiry looking at ways that committees could better promote their work and encourage more input from the community.
- 1.13 In summary the inquiry covered the following main areas:
 - petitioning the House;
 - the process whereby individuals can respond to critical comments made about them in proceedings of the House;
 - whether the procedures of the House are themselves a barrier to understanding what is happening in the House;
 - access to proceedings of the House; and
 - community involvement in the committee inquiry process, including the use of electronic communication technologies to conduct meetings.

- 1.14 The options and proposals canvassed in this report are by no means exhaustive but are indicative of some small steps which the House, its committees and those supporting them may take to improve the community's understanding of, and involvement with, the parliamentary process.

Conduct of the inquiry

- 1.15 The committee advertised its inquiry nationally on 27 March 1999. The views of Members, committee chairs, deputy chairs and officers of the House were sought. Submissions were invited from the community and academic institutions. State legislatures provided information on innovations in their areas of responsibility. Round table discussions were conducted with committee chairs, deputy chairs and secretaries. A list of participants in the inquiry is at appendix A.
- 1.16 It is noteworthy that while the inquiry was in progress a number of different approaches were tried, particularly by committees, towards improving community involvement. Indeed some of the recommendations contained in this report may already be implemented before the report is published. Some were stimulated by the inquiry but all indicate an encouraging recognition of the importance of melding our parliamentary institutions into the fabric of our community and culture.

Petitioning the House

- 2.1 Petitioning the House is the only direct means of communication between the people and the Parliament. It has been said that the right of petition is one of the three fundamental and integral rights of democratic citizenship—the others being the right of public meeting and the right of free speech.¹

Historical development

- 2.2 In the United Kingdom the right of petitioning the Crown and Parliament for redress of grievances dates back to the reign of King Edward I in the 13th century. The origins of Parliament itself can be traced back to those meetings of the King's Council which considered petitions. The terms 'bill' and 'petition' originally had the same meaning. Some of the earliest legislation was, in form, no more than a petition which had been agreed to by the King. The present form of petitions developed in the late 17th century. The House of Commons passed the following resolutions in 1669:

That it is an inherent right of every Commoner of England to prepare and present petitions to the House in case of grievance; and of the House of Commons to receive them.

That it is the undoubted right and privilege of the House of Commons to adjudge and determine, touching the nature and matter of such Petitions, how far they are fit and unfit to be received.

- 2.3 The effect of these resolutions was inherited by the Australian Parliament and the right of petitioning thus became the right of every Australian. It

¹ Senate Debates, 8 September 1910, p. 2793, referred to in Dr A Brien, Charles Sturt University, *submission*.

allows any individual or group of individuals to place grievances directly before the Parliament.

2.4 The volume of petitions received by the House has varied considerably over the years as illustrated by the following table.

Table 1 Petitions presented in the House of Representatives 1901 – 1999

Year(s)	No. of petitions	Year	No. of petitions
1901–10	818	1982	2094
1911–20	49	1983	1885
1921–30	19	1984	2315
1931–40	26	1985	2955
1941–50	109	1986	5528
1951–60	227	1987	3622
1961–70	1188	1988	1289
1971	723	1989	1690
1972	1130	1990	564
1973	1677	1991	824
1974	883	1992	843
1975	2043	1993	547
1976	1987	1994	540
1977	1420	1995	431
1978	1340	1996	430
1979	2366	1997	633
1980	1923	1998	336
1981	2900	1999 (to 30 Sep)	186

Source Chamber Research Office, Department of the House of Representatives

What is a petition?

2.5 A petition is essentially a request for action. Any citizen or resident, or group of citizens or residents, may petition the House of Representatives to take action. For example, petitions may ask the House to introduce legislation, or to repeal or change existing legislation, or to take action for a certain purpose or for the benefit of particular persons. Less commonly a petition from an individual citizen may seek the redress of a personal grievance, for example, the correction of an administrative error. The subject of a petition must be a matter on which the House has the power to act, that is, it must be a Federal rather than a State matter and one involving legislation or government administration.

- 2.6 Petitions, once presented, constitute a proceeding in Parliament and attract absolute privilege. For example, a person could not be sued for a libel alleged to be contained in a petition presented by them to the House. Petitions are, however, expected to conform to the same standards of decorum and self restraint which apply to Members in debate.
- 2.7 In looking at the petitioning process the committee had two objectives. It aimed to make it easier for people to get their message into the House and to improve the impact of petitions once received by the House. It considered three angles of approach to achieving these ends:
- modifying the rules governing form and content to make it easier for people to comply;
 - changing the way petitions are presented to the House to make more impact; and
 - improving follow up mechanisms for petitions.

Rules governing form and content

- 2.8 The standing orders of the House set out a number of rules governing the format and presentation of petitions. The standing orders do not impose any particular style of expression but certain other requirements must be met. Under the current standing orders these requirements cover form, language, content and signatures.

Form

- 2.9 The text of petitions must be clearly written, typed, printed or reproduced by mechanical process, such as photocopying. They should not have any additions or alterations and they should be on paper.

A petition must:

- be addressed to the Speaker and Members of the House of Representatives assembled in Parliament;
- state the facts which the petitioners wish to bring to the notice of the House; and
- conclude with a request (traditionally called a ‘prayer’) that the House take, or not take, some course of action. Petitions stating that the petitioners ‘ask’, ‘request’, or ‘respectfully urge’, that certain action be taken, or not taken, by the House are acceptable. It is not necessary to use the traditional form of words ‘humbly pray’.

No letters, affidavits or other documents may be attached to a petition.

Any petition not in English must be accompanied by a translation certified to be correct, with the name and address of the certifying person shown on the translation.

Petitions must be free of any indication that they may have been sponsored or distributed by a Member of the House.

Language and content

- 2.10 No reference may be made in a petition to any debate in Parliament; however, petitions relating to matters currently on the Notice Paper, bills before the Senate and the repeal or amendment of Acts are generally acceptable.
- 2.11 The standing orders require petitions to be respectful and temperate in their language. In keeping with the practice of the House, petitions must not be critical of the Queen, members of the Royal Family, the Governor-General, members of the judiciary, or Members and Senators. Petitions must not contain irrelevant statements.

Signatures

- 2.12 A petition must have the signatures and addresses written on the same page as the petition or on sheets containing the 'prayer' of the petition. Signatures which appear on an otherwise blank page or on the reverse side of a valid page are not recognised. Signatures must not be pasted on or transferred, for example, by photocopying.
- 2.13 A petition must contain the signature and address of at least one person on the sheet on which it is written. A petition must be signed by the people whose names and addresses appear, in their own handwriting. A person who is unable to write must put his or her mark in the presence of a witness, who must sign as the witness.

What are the rules designed to achieve?

- 2.14 The rules relating to petitions have sometimes been said to be unduly restrictive or to impose overly complex requirements on people trying to draw up petitions for presentation to the House.
- 2.15 The committee sought to identify the main purpose of each of the rules before considering what modifications might be necessary. The rules are

contained in standing orders 112 to 132. In general terms, the principle objectives of the rules are to:

- set out the purpose of petitions, that is, to seek action by the House (115, 116);
- ensure that the signatories genuinely signed the petition in the form in which it is presented to the House (115, 117, 118, 119, 120, 121, 122, 123);
- protect the dignity of the House including ensuring that—
 - Members are able to read the petition (115, 117);
 - the petition complies with the standing orders applying to debate eg respectful language, no reference to debates etc (113, 124, 125, 127);
 - the independence of the House is maintained in that only Members can initiate business (126, 127, 129); and
 - Members, who have access to other mechanisms, do not use a process designed for citizens (115, 126);
- prescribe actions which may be taken by the House in relation to petitions (130, 131, 132);
- enforce the application of the rules (113, 128); and
- put in place administrative and procedural processes to handle petitions.

Are the rules too restrictive?

- 2.16 It could be argued that the formal nature of the rules described above could deter people from presenting their grievances to the House.
- 2.17 Petitions that do not comply with the standing orders are ‘out of order’ and cannot be presented as petitions. No records are kept of the number of out of order petitions received but all Members have had the experience of having to tell a local organisation that a petition it has spent considerable time and effort preparing does not meet the requirements for presentation to the House.
- 2.18 In recent years some of the petitions which have not met the requirements have been presented to the House as tabled papers by the Leader of the House. In this form they are not considered as petitions—their terms are not printed in Hansard and they are not referred to Ministers.

- 2.19 While this can be a way of ensuring that the efforts of local groups are not entirely wasted simply because they were not aware of the details of the requirements for petitions, it is not a satisfactory outcome for the petitioners. The petitions are not accorded the same status as compliant ones and their presentation rests with the personal decision of a single Member (the Leader of the House) rather than an automatic process under the authority of the House itself.
- 2.20 The continuing demand for 'out of order' petitions to be presented as tabled papers would seem to indicate that the requirements for petitions may be overly prescriptive.
- 2.21 The committee considered whether the rules governing form and content should be modified to simplify procedures for people wishing to present a petition. By permitting petitions to be presented in a more relaxed format, the House could find that more citizens would use the petitioning process successfully. On the other hand a relaxation of the rules may compromise the authenticity of petitions, or the intentions of petitioners, or the authority and status of the House.
- 2.22 The committee considers that rules are necessary to maintain the authenticity of, and administrative procedures for, dealing with petitions as outlined in paragraph 2.15. However the committee accepts that the organisation and arrangement of the rules may make them difficult for petitioners to follow—they can appear overly complex. Therefore the committee has proposed reworking the rules into more accessible language to make them easier to follow and their purpose clearer. For example, the standing orders have been consolidated and grouped according to function and references to archaic terms such as 'prayer' have been removed.
- 2.23 The proposed new standing orders governing petitions are set out in appendix B. The appendix also contains a table setting out how the current standing orders translate into the proposed structure. The proposed standing orders encompass other recommendations made later in this chapter. Some minor changes to the requirements regarding form and content are also proposed and are described below.

References to parliamentary debates

- 2.24 The existing requirement that petitions should not contain references to debates in Parliament unless they are strictly relevant has been omitted. This rule is intended to protect the dignity of the House and reflects standing orders applying to debate which prohibit Members from allusion to previous debates and reflections on votes of the House. In practice, however, this rule is often not strictly applied.

- 2.25 The committee believes that references to debates in either House are quite acceptable as all debates are public. It should be open for people to refer to debates and decisions of the House if the House is to be accountable for its actions. The requirement for language to be respectful, courteous and temperate should be adequate to prevent unsuitably expressed criticisms.

Responsibility for compliance with standing orders

- 2.26 A requirement that Members be acquainted with the contents of petitions and ensure they are in conformity with the rules has also been omitted. The standing orders place a responsibility on the Clerk to certify that a petition is in compliance with the standing orders. The committee felt the additional requirement on Members was not necessary. Nevertheless it does not intend that Members should cease to take care with petitions. Members bear a responsibility to help those preparing petitions to ensure they meet the requirements. Members should be prepared to advise on drawing up petitions and should actively promulgate the requirements within their constituency areas.

Inclusion of lodgment address

- 2.27 The involvement of Members in assisting people to prepare petitions can be vital but Members need to draw a line between helping people and initiating or promoting petitions themselves. Members have access to the full range of procedures of the House to make their views known on a particular issue. Petitions are the only vehicle for citizens to have their concerns raised directly with the House. Members are not allowed to present petitions from themselves.
- 2.28 Following recommendations of the Procedure Committee in 1986 a provision was inserted in the standing orders prohibiting any indication on a petition that it had been sponsored or distributed by a Member.² The committee agrees that it is not appropriate for a petition to be submitted on a Member's letterhead or showing a photograph of the Member or displaying other identification details prominently. Nevertheless it may be helpful if the name and address of a Member could be allowed on a petition as an address for the submission of the petition. A proviso has been inserted in the proposed standing orders to allow for this.
- 2.29 The committee recognises that this may cause some uncertainty in the interpretation of the provision but trusts that the provision will be used sensibly and over time a body of practice and rulings will develop to

2 House of Representatives Standing Committee on Procedure, *Second report: Days and hours of sitting and the effective use of the time of the House*, May 1986.

guide future decisions. The committee envisages that an appropriate use of the provision would be an indication that, when completed, the petition should be forwarded to [name and address of a Member] for presentation to the House of Representatives. Such an instruction would preferably be placed at the bottom of the petition in a typeface no larger than that used for the text of the petition.

Recommendation 1

- 2.30 **The committee recommends that the standing orders governing petitions (nos. 112 to 132) be amended to make them clearer, simpler and more accessible as set out in appendix B.**

Electronic petitions

- 2.31 The recommended standing orders shown in appendix B include the requirement that petitions be on paper. This has not been explicitly stated in the standing orders in the past but has always been an implicit requirement. The famous 'bark' petition from the Yirrkala people was not actually produced on bark. It consisted of a typed sheet of paper pasted to a bark sheet with surrounding decoration in a traditional Aboriginal style.
- 2.32 It was suggested to the committee that it should consider the possibility of electronic lodgement of petitions.³ A number of possible vehicles were suggested including email, facsimile, telephone register and video.
- 2.33 The Parliament must operate in the modern world and interact with its constituency by the most effective means at its disposal. The expanding use of electronic communication technologies has been reflected in a number of activities of the House. For example: committees receive submissions by email; the House accepts documents for tabling in various electronic forms; it provides comprehensive information on its activities on the Internet; and makes extensive use of modern technologies for administration and the support of its sittings. This report proposes some further extensions of the use of electronic forms of communication.
- 2.34 However, proposals to receive petitions in various electronic forms present some problems, including the difficulty of verifying signatures

3 Australian Computer Society, *submission*, and Department of the House of Representatives, *submission*.

and of ensuring that a petition has not been altered after people have 'signed' it.

- 2.35 The committee notes that the Senate will accept petitions that have been posted and signed electronically on the Internet provided the Senator certifies that they have been duly posted with the text available to the signatories.⁴ The committee considers there are difficulties for a Member in certifying the authenticity of a petition received in this way.
- 2.36 Apart from the technical difficulties, the committee feels that the traditional process of gathering signatures plays an important role in mobilising community support for a proposal. Face to face soliciting of signatures in shopping centres or at community activities is a valuable way of involving people in debate on issues affecting their daily lives. The petition itself is only a part of the whole process of community discussion of issues of government.
- 2.37 For these reasons the committee has decided that it would not support the extension of the petitioning process to include electronic forms at this stage. The question can be reviewed in the future as the technical issues are resolved and the use of various technologies becomes more widespread in the community.

Presenting petitions to the House

- 2.38 A petition can only be presented to the House by a Member of the House. This can be any Member, including a Minister, and does not have to be the petitioners' local Member. It is the practice of the House that the Speaker does not present petitions but arranges for another Member to do so on his or her behalf.
- 2.39 Although a Member is not bound to present a petition received for presentation, it is traditionally accepted that he or she will present it, irrespective of personal views. Presentation of a petition by a Member does not mean that the Member necessarily agrees with its content.
- 2.40 Prior to 1972 it was the practice of the House for Members to present petitions themselves after the petitions had been certified by the Clerk to be in conformity with the standing orders. Now, the Member presenting the petition lodges it with the Clerk who makes an announcement in the House each Monday, listing the petitions which have been lodged. The

4 Evans, Harry (ed), *Odgers' Australian Senate Practice*, 9th edn, Department of the Senate 1999, p. 446.

Clerk indicates in each case the Member who lodged it, the identity and number of petitioners and the subject matter of the petition.

- 2.41 This and other changes to the procedure for presentation of petitions were made chiefly as a result of a marked increase in the volume of business and pressure on the time of the House.
- 2.42 The committee considered a number of options to improve the impact made by petitions and to allow Members more involvement in the process without unduly increasing the amount of time taken up by the presentation of petitions.
- 2.43 One of the options considered by the committee was a proposal to enable petitioners to present petitions to the House in person. The petitioner or one of the petitioners would read the prayer of the petition from the Bar of the House. If a petitioner was not available the petition could be presented by a Member.
- 2.44 The committee saw that this proposal offered the opportunity for petitioners to interact directly with the House and gain a personal experience of its operation. It felt, however, that this advantage was outweighed by some potential difficulties. These included the small number of people who would be able to travel to Canberra to take advantage of the procedure and the possibility of discrimination against those in remote locations or who were otherwise disadvantaged. Ensuring that petitioners limited their participation to reading the petition without attempting to argue a case or disrupt proceedings was also seen as a possible area of concern.
- 2.45 The committee decided that a better approach—one which boosts the involvement of Members in presentation of petitions—was to provide more flexibility in the process. The committee proposes that Members be allowed the option to lodge a petition for announcement by the Clerk in the present manner or to present a petition themselves during the period for Members' statements in the House or the Main Committee. This would allow a Member, if he or she wished, to present a petition formally and to make comments on it at the same time. For observers of the proceedings there would also be the visual impact of seeing the petition handed to the Clerk in the House or Main Committee.
- 2.46 The Member would need to have the petition certified by the Clerk that it was in conformity with the standing orders before presenting it in this way.
- 2.47 This proposed procedure mirrors the existing provision for Members to give oral notices of motion during Members' statements. As Members rarely use the opportunity to give oral notices the committee does not

expect there to be a large number of Members taking up the opportunity to present petitions in this way, at least in the first instance. If there is strong interest from Members in using this method the amount of time available for Members' statements may prove inadequate. If this occurs the committee will look at options for expanding the Members' statement facility.

Recommendation 2

- 2.48 The committee recommends that the standing orders be amended to allow Members to present petitions during the period of Members' 90 second statements in the House or 3 minute statements in the Main Committee. The proposed amendment to the standing orders is shown in appendix B.**

Effectiveness of petitions—Improving follow up

What do petitions achieve?

- 2.49 The practice of accepting petitions has been viewed from time to time as an ineffective anachronism which makes excessive demands on the time of the House. It is true that the importance of petitions has diminished over the centuries. Individual grievances can often be dealt with by more direct non-public action by Members, by the Commonwealth Ombudsman and by such bodies as the Administrative Appeals Tribunal. Public grievances may be more effectively brought to public attention through the media, through other parliamentary forms such as questions, debate and committee inquiries, and through direct communication with private Members and Ministers.
- 2.50 To recognise that petitions have diminished in importance is not to suggest, however, that they have no importance at all. It is obvious from the figures in the table on page 6 that the many people who organise petitions and the thousands who sign them consider their efforts to be worthwhile. The number of petitions has been in significant decline for some years but this does not necessarily diminish the importance of individual petitions.
- 2.51 An important effect of the petitioning process is that Members and the Government are informed, in a formal and public way, of the views of

sections of the Australian community on public issues. It has been suggested to the committee that petitioning provides a means for identifying and publicising issues that need to be addressed administratively, by inquiry or through legislation, and of communicating information to fuel the Parliament's deliberative processes.⁵

- 2.52 Even if no action is taken immediately on a petition, it and others like it may assist in the creation of a climate of opinion which can influence or result in action. They inform the Government in a public way of the views of sections of the population and they can serve as one means of placing community concerns on the parliamentary agenda. The petition usually forms part of a broader attempt by individual groups within the community to draw public attention to grievances. Petitions also provide a focal point for individuals and groups attempting to organise campaigns on various issues, for example, public meetings are sometimes organised around the signing of petitions.

Reference of petitions to Ministers

- 2.53 Following criticism of the lack of follow-up procedures for the consideration of petitions, the matter was considered by the Standing Orders Committee in 1972.⁶ The standing orders were subsequently amended to provide that a copy of every petition lodged with the Clerk and received by the House shall be referred by the Clerk to the Minister responsible for the administration of the matter which is the subject of the petition. If more than one Minister is responsible for the matter which is the subject of the petition, it is referred to the Minister having the greater responsibility.
- 2.54 Since 1988 standing orders have provided for a Minister to be able to respond to a petition by lodging a response with the Clerk for presentation to the House, such responses to be announced at the end of the petitions announcement. Only 18 ministerial responses have been lodged since the procedure was instituted.
- 2.55 Ministers may also use less formal methods of responding to petitions, for example, by writing personally to petitioners. In some cases a Minister may order administrative action to be taken in response to a particular grievance.
- 2.56 The Procedure Committee recommended in 1990 that Ministers be obliged to respond to petitions within 21 sitting days of their referral by the House

5 Dr A Brien, Charles Sturt University, *submission*.

6 House of Representatives Standing Orders Committee, *Report together with recommendations 20 March 1972*.

but this recommendation was not implemented.⁷ The committee has decided to pursue an alternative approach.

Annual return of petitions and responses

2.57 The committee supports a proposal to report regularly and publicly on the petitions and ministerial responses presented to the House.⁸ It proposes that an annual return listing the petitions presented to the House including the text of any ministerial responses received be prepared. The committee proposes to undertake this task itself. It is hoped that this regular reporting may encourage Ministers to respond to petitions sent to them and report the responses to the House.

Recommendation 3

2.58 **The committee recommends that an annual report to the House be prepared setting out petitions presented and ministerial responses to them. The Standing Committee on Procedure intends to implement this recommendation itself.**

Reference of petitions to committees

2.59 Most petitions seek action which is within the responsibilities of Government; very few matters are strictly within the ability of the House itself to remedy. This would seem to make reference of petitions to Ministers the most appropriate course. However the committee believes that the House ought to take some action in relation to petitions as well.

2.60 Petitions could form a useful way for committees to monitor issues of concern in the community and the committee recommends that each petition presented to the House should be referred automatically to the relevant standing committee. The committee would be under no obligation to take action in relation to the petition but could inquire into any matters raised in a petition if it wished.

2.61 Later in this report, the committee has recommended that committees be empowered to undertake 'watching briefs' on matters within their portfolio areas without having a specific reference. The automatic referral

7 House of Representatives Standing Committee on Procedure, *Responses to petitions*, November 1990.

8 Dr A Brien, Charles Sturt University, *submission*.

of petitions could be one mechanism to assist committees to inform themselves of issues which may deserve attention.

Recommendation 4

- 2.62 The committee recommends that the standing orders be amended to provide for petitions to stand referred to general purpose standing committees for any inquiry the committee may wish to make.**
- 2.63 The Australian Computer Society suggests in its submission that petitions be published on the Parliament's Internet site with a feedback mechanism for people to indicate their support or opposition.⁹
- 2.64 The committee does not support use of this mechanism universally for all petitions presented but it could be a useful way for a committee to gauge support for, or opposition to, a petition. It could be used either as part of a formal inquiry into a matter raised by the petition or as a preliminary to deciding whether to pursue an issue further. Again it would merely be an option which a committee could use if it so chose.

⁹ Australian Computer Society, *submission*.

The right of reply procedure

- 3.1 The privilege of freedom of speech in Parliament has sometimes been described as the most important of parliamentary privileges. Its origins date from the British Bill of Rights of 1689 which declares 'that the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament'.
- 3.2 It is vital for the effectiveness of our parliamentary institution that Members be able to freely debate any issues without fear of prosecution. Members may say whatever they think fit during debate in the Parliament provided it is in accord with the ordinary rules and practice of the House. Nevertheless it is incumbent upon Members to use this privilege responsibly. Speaker Sinclair commented on 23 March 1998:

(T)here is much more to the responsible exercise of this privilege than merely complying with the technical requirements of the standing orders and practices of the House. In using the opportunities they enjoy, all members are under an obligation to ensure that, as well as observing the rules of the House, they also apply very careful judgment, especially when making remarks about those who are not members of the House. They should take all reasonable steps to satisfy themselves as to the accuracy of any comments they may wish to make and also express themselves in appropriately temperate terms.

The House has established a procedure allowing those reflected upon adversely to apply to have a response published in the parliamentary record. Members will recognise, however, that whatever its merits such a procedure cannot undo nor negate the harm that may be done by the careless or cavalier use of the

privilege of freedom of speech with all the publicity that may sometimes flow from that.¹

- 3.3 This committee supports these sentiments and urges Members to think carefully about what they may say about individuals in the course of debate. Privilege with responsibility should be the watchword.
- 3.4 Nevertheless, despite all the care that Members may take, there are occasions when it may be judged important to speak frankly or in the heat of impassioned debate a Member may, rightly or wrongly, say something to which someone outside the House may take offence. This was the background to the development of the reply process outlined below.

Historical development

- 3.5 In a report in June 1991, the Procedure Committee recommended that a person be able to make a written submission to the Speaker relating to perceived adverse remarks about themselves, and that the submission may be referred to the Committee of Privileges, which may consider the matter and make a report to the House, either recommending that no further action be taken, or the person's submission be published or incorporated in Hansard.²
- 3.6 In reaching its 1991 recommendations the committee considered the 1984 findings of the Joint Select Committee on Parliamentary Privilege, the *Parliamentary Privileges Act 1987*, and the Senate experience where such a procedure had existed since 1988. The report examined the issue in relation to the freedom of speech extended to Members when speaking in the House. The committee maintained that the issue of privilege is a contentious one, and considered that although it could be argued that Parliament's practice was self-regulatory, 'it [did] not guarantee that an individual, rightly or wrongly, will not suffer injury during parliamentary proceedings'.³
- 3.7 The right of reply procedure was established by resolution of the House on 27 August 1997 and gives people who have been offended by remarks made about them in the House the opportunity to respond to those

1 House of Representatives Debates, 23 March 1998, p. 1255.

2 House of Representatives Standing Committee on Procedure, *A citizen's right of reply*, June 1991.

3 *ibid.*

remarks and to seek to have their responses published in the parliamentary record.

Operation of the procedure

- 3.8 The procedure may be used by a person named in the House or referred to in such a way as to be readily identified. It is intended for use by individuals, not by or on behalf of corporations or other organisations. It has been interpreted as applying only to Australian citizens and residents.
- 3.9 A person who perceives that he or she has been adversely reflected upon may make a written submission to the Speaker:
- claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that his or her privacy has been unreasonably invaded by that reference; and
 - asking to be able to incorporate an appropriate response in the parliamentary record.
- 3.10 The Speaker must refer a submission to the Committee of Privileges if he or she is satisfied that the subject is not obviously trivial or that the submission is not frivolous, vexatious or offensive, and that it is practicable for the Committee of Privileges to consider it.
- 3.11 In considering a submission, the Committee of Privileges must meet in private, and may confer with the person who has made the submission or the Member who has made the statement in the House. The committee may not consider or judge the truth of the statements in the submission or in the House. The committee may not itself publish either the submission, or its proceedings, but may present minutes, and all or part of the submission, to the House. If it believes the submission is frivolous, vexatious or offensive, or not sufficiently serious, the committee must report to the House accordingly.
- 3.12 The Committee of Privileges can make one of two recommendations: that a response by the person, in terms specified in the report and agreed by the person and the committee, be published in the House or incorporated in Hansard; or that no further action be taken by the House.
- 3.13 Responses must be succinct and strictly relevant to the questions in issue, and must not contain anything offensive in character. They must not contain any matter the publication of which would have the effect of

unreasonably adversely affecting or injuring a person or unreasonably invading a person's privacy, or unreasonably adding to or aggravating such an adverse effect.

- 3.14 The Committee of Privileges has agreed to guidelines and procedures which apply to its consideration of submissions.

Experience so far

- 3.15 Only a handful of applications have been made under this procedure since its introduction in 1997. In light of this the chair of the Committee of Privileges has suggested that no changes be made to the procedure at this time.⁴ The Clerk supported this view.⁵
- 3.16 The Leader of the House, the Hon Peter Reith MP, in his submission comments that:

The procedure enhances the Parliament's standing as, consistent with the rule of natural justice, citizens who feel genuinely aggrieved by adverse mentions in the House will have the ability to seek to reply to the comments which have been made about them. The stringent ground rules in the procedure are effective, I believe, in filtering out vague complaints and guarding against frivolous or vexatious claims.⁶

Senate experience

- 3.17 The Senate has had a procedure in place since 1988 which provides an opportunity for a person who has been adversely referred to in the Senate to have a response incorporated in the parliamentary record. A person aggrieved by a reference to the person in the Senate may make a submission to the President of the Senate requesting that a response be published. The submission is scrutinised by the Senate Privileges Committee, which is not permitted to inquire into the truth or merits of statements in the Senate or of the submission, and provided the suggested response is not in any way offensive and meets certain other criteria, it

4 Hon A M Somlyay MP, Chair, House of Representatives Committee of Privileges, *submission*.

5 Department of the House of Representatives, *submission*.

6 Hon Peter Reith MP, *submission*.

may be incorporated in Hansard or ordered to be published.⁷ The procedure was the model for that adopted by the House.

3.18 Since the adoption of the procedure in 1988 (to 30 June 1999) the Senate Committee of Privileges had recommended 26 responses for publication with a further five matters not pursued after the committee had made contact with the aggrieved person. This is clear evidence that the procedure is not heavily used. In a recent report to the Senate on developments in parliamentary privilege⁸ the committee speculated that reasons for this may include:

- It is not well known. It is rare for the media to report on the issue.
- Many matters arise during the adjournment debate or matters of public interest when media interest in Senate proceedings is minimal. People seeking a response are likely to be affected within their own community rather than nation-wide and their concern is more to have their response disseminated at the local rather than at the national level.
- Such abuse of parliamentary privilege as may occur tends to be directed primarily at persons within the same arena or alternatively at persons who have other mechanisms for asserting a right of reply.
- The most likely sources of adverse comments against individuals are committee proceedings which have their own detailed procedures to afford a person adversely named or referred to, usually by witnesses in those proceedings, a right of reply.

3.19 Despite the small numbers of people availing themselves of the procedure the Senate committee concludes that the procedure is both desirable and successful. It also comments that it has found in most cases ‘that the persons have been concerned not with vengeance or apology, but rather to ensure that their voice is heard or views are put in the same forum as the original comments were made’⁹. The Senate committee concludes that in its experience misuse of the process has not occurred. It emphasises the simplicity of the process and says it is usually quick, inexpensive and effective and is available to all regardless of either skill or financial capacity.

7 Evans, Harry (ed), *Odgers’ Australian Senate Practice*, 9th edn, Department of the Senate 1999, p. 69.

8 Senate Standing Committee on Privileges, *Parliamentary Privilege: Precedents, Procedures and Practice in the Australian Senate 1966–1999*.

9 *ibid.*

- 3.20 The Senate committee suggests that the fact that the committee makes no judgment as to the truth or otherwise of the assertion made by either the Senator or the responders is vital to the success of the process and avoids the committee getting bogged down in adjudicating endless claims and counter claims.

Conclusion

- 3.21 The evidence available would appear to indicate that the procedure operates satisfactorily and should be retained in its present form.
- 3.22 Similar processes have recently been adopted in several State legislatures. This may indicate a degree of general acceptance of this type of mechanism, at least in Australia. It may also result in the procedure gradually becoming more well known.

Recommendation 5

- 3.23 **The committee recommends that the resolution of the House of 27 August 1997 concerning protection of persons referred to in the House continue in effect without alteration.**
- 3.24 The Australian Computer Society suggested to the committee that the Internet could be used to publicise the availability of this procedure.¹⁰ The Society went further to suggest that a right of reply interface might be developed to allow people to lodge their applications directly via this mechanism. The committee recognises that this may assist some people but considers that the need to prepare a written application may ensure that people think carefully about their submission and the case they wish to put forward. A form which allows instant lodgment of a submission may encourage more frivolous submissions or lead to people not presenting the best possible response that they might with longer consideration.
- 3.25 While not supporting the Society's proposal for a right of reply interface, the committee agrees that there should be information on the Internet site about the procedure. More and more people are likely to access Hansard reports or view live proceedings over the Internet. The committee

10 Australian Computer Society, *submission*.

proposes that brief information about the availability of the right of reply process be placed on the pages from which Hansard and live telecasts are accessed and that links to fuller information be provided.

Recommendation 6

- 3.26 **The committee recommends that information about the availability of the right of reply process be placed on the Parliament’s Internet site on the pages from which Hansard reports and live telecasts of proceedings are accessed, with links to full details on how to apply.**
- 3.27 Some of the State procedures place more responsibility on the Presiding Officer to determine and report on the matter rather than refer all except frivolous or vexatious cases to a Committee of Privileges. This committee felt that, in the Commonwealth context, the Committee of Privileges is the most appropriate body to consider these issues. A multi-member body representing all parties, as the Committee of Privileges is, can ensure that the process is seen as fair and not left to the judgment of a single person.

People referred to in committee proceedings

- 3.28 People referred to adversely in the published evidence of a committee are not covered by the procedure described in this chapter. They are free to respond directly to the committee involved. The committee may decide to publish further evidence or statements from the person if it feels it appropriate. This arrangement allows the rebuttal to be published in the same form as the original reference (published evidence of the committee) and to be presented to the House in that form.
- 3.29 It has been suggested to the committee that the process in regard to people referred to adversely before a committee should be clarified.¹¹ The committee believes that the process is adequate but proposes that information relating to committee processes be added to the explanatory material on the right of reply procedure provided to inquirers. The implementation of formal procedures governing interaction with witnesses recommended in chapter 6 will also help to ensure that people

11 Dr A Brien, Charles Sturt University, *submission*.

are aware of what action they can take if they believe that they have been adversely referred to by another witness or committee member.

Recommendation 7

- 3.30 The committee recommends that information be added to the explanatory material about the protection of persons referred to in the House to specify what course people may take if they believe they have been adversely referred to in the published evidence of a committee.**

The procedures of the House

- 4.1 In the course of this inquiry the committee looked at two existing procedures of the House—petitions and the procedure allowing people to reply to critical statements made about them in the House—which directly affect the community. It also considered whether there are any general aspects of the procedures which hamper understanding of the role and operations of the House and looked at whether there was scope to allow individuals any more direct interaction with the workings of the House.

The mystique of the procedures of the House

- 4.2 While the House of Representatives has developed its own unique procedures adapted to the Australian context, the roots of those procedures undoubtedly lie in the traditional practices of the House of Commons at Westminster. The fundamentals of these practices have been developed over centuries. Some of the positive results of this long process include:
- fairness and consistency in proceedings—the rules seek to find a balance between supporting the imperatives of government and ensuring all Members and groups get a fair opportunity for input;
 - predictability of processes;
 - an element of formality;
 - a sense of tradition and significance for both participants and observers; and
 - a framework to aid the dignity of the House.

All of these factors contribute to the legitimacy and authority of the processes of the House.

- 4.3 Against this it might be argued that at least some of the procedures are archaic and the traditional language associated with them is difficult to understand. While tradition, formality and structured processes enhance the dignity and authority of the House, incomprehensible and archaic terms can sometimes appear silly to those not familiar with them and undermine the very dignity they are meant to uphold.
- 4.4 The rules are intended to be used and understood by the Members of the House. People who simply observe proceedings can do so satisfactorily without needing to be conversant with the underlying procedure and practice. For Members the unique terminology and procedures can add to the sense that they are performing a special and important role. Many of the rules also help to protect the House and individual Members from political gamesmanship.
- 4.5 Nevertheless it is possible that the community would have more interest in and, possibly, more respect for the proceedings of the House if they could more readily understand the terminology and rules used.
- 4.6 The House has taken some recent steps to modernise some of its procedures. In response to recommendations from the Procedure Committee the House in 1994 abolished the Committee of the Whole and the former committee stage of bills was replaced with the consideration in detail stage.¹ The requirement to appoint a committee of reasons whenever the House disagreed to Senate amendments to bills was abolished in 1998. Now the reasons for disagreeing to the amendment are tabled by the Member, usually a Minister, who moved the motion for disagreement.

Reader friendly standing orders

- 4.7 The standing orders of the House were first developed at the beginning of this century. They have been added to and amended repeatedly over the years with the result that the style of language used is inconsistent, with a mixture of modern and obsolete forms. The structure and order is not always logical. The ambiguous phrasing of some standing orders has led to changing interpretations over the years.
- 4.8 The committee proposes that the standing orders be restructured and, where necessary, rewritten to make them more consistent and easily used by Members and those observers and students seeking to understand better how the House operates. While retaining the effect of the present standing orders, the process could be used to:

1 House of Representatives Standing Committee on Procedure, *About time: Bills, questions and working hours*, October 1993.

- introduce a more logical sequence and groupings;
 - make the language generally more readable and intelligible to the modern reader;
 - incorporate intentions or purposes where appropriate to add meaning to formal processes; and
 - remove inconsistencies and ambiguities.
- 4.9 Uniquely parliamentary terms such as references to ‘readings’ of bills or ‘naming’ of a Member should be retained. They are a part of the House’s heritage and character and are symbolic of its unique place among national institutions. Obtuse sentence forms could be modified to make the document more readable.
- 4.10 The committee envisages that such a project would entail a considerable commitment of resources and take some time but a completely revised set of standing orders would be a fitting project for the House in its second 100 years.

Recommendation 8

- 4.11 **The committee recommends that the standing orders be restructured and rewritten to make them more logical, intelligible and readable. The committee recommends that the Clerk prepare a draft for the committee’s consideration.**

Lodgment of questions on notice on behalf of individuals

- 4.12 The parliamentary system of government in Australia does not encompass direct participation of electors in the business of the House. As discussed in the first chapter of this report the role of Members of Parliament is to represent the community that elected them. The way in which Members do so is for them to decide.
- 4.13 The committee feels however that the questions on notice procedure presents an opportunity for Members to take action on behalf of their constituents and directly acknowledge the link to individual people.
- 4.14 The committee examined a proposal for an amendment to the standing orders to allow Members to lodge questions on notice on behalf of people

who live in the Member's electorate.² Members can and do lodge questions on behalf of constituents under the present rules. The key difference represented by this proposal is that the name of the person on whose behalf the question is lodged would be identified on the Notice Paper. The proposal envisaged an annual limit on the number of such questions which could be asked by each Member. There would continue to be no limit on the number of questions which Members could ask on their own behalf.

- 4.15 The committee believes that the proposal has merit and offers an avenue for people to learn first hand of one aspect of the House's operation and their Member's role in it. The committee has some concern that the process may become dominated by professional lobby and special interest groups at the expense of individuals. These groups already have access to Ministers and Members and are proficient at obtaining the information they need and getting their message across. For this reason the committee has recommended that the proposal be trialled in the form of a sessional order to ascertain its usefulness. It has also included a provision that the Member must be satisfied that the person lives in his or her electorate.
- 4.16 This proposed sessional order includes a requirement that any question lodged in this way must comply with the standing orders governing questions. Members will be obliged to lodge any questions they receive up to the annual limit of 25. This obligatory factor should ensure that the questions are truly those asked by the constituents and Members cannot be seen to lodge only those questions which suit their personal or party convictions.

Recommendation 9

- 4.17 **The committee recommends that the following sessional order be adopted for a period of 12 months:**

Questions from citizens

148A A Member may give notice of a question in terms proposed by a person who resides in the Member's electoral division. The following conditions shall apply to notices of questions given under this sessional order:

- (a) A Member shall satisfy himself or herself that the person proposing the question resides within the Member's electoral division.**

² Notice of motion lodged by Hon L R S Price MP on 1 June 1999.

- (b) The question shall show the name of the person who proposed the question.**
- (c) A Member may not give notice of more than 25 questions in a calendar year.**
- (d) Questions shall conform with the standing orders.**
- (e) Provided the foregoing provisions are met a Member must give notice of every question proposed to him or her up to the limit of 25 per year.**

Access to proceedings

- 5.1 An important part of helping people to understand and become involved in the workings of the House and its committees is enabling them to see, hear and read the proceedings and obtain information about the business which has been or is to be conducted. This entails the provision of audio and video transmissions of proceedings and making available as widely as possible the program and records of the House.
- 5.2 These issues are not strictly within the scope of the Procedure Committee's normal sphere of activity but are relevant to the present inquiry. This chapter summarises the current arrangements and makes some comments in relation to a few matters. Some proposals are put forward in connection with the presentation of material on the Internet.
- 5.3 The Joint Committee on the Broadcasting of Parliamentary Proceedings (the Broadcasting Committee) is responsible for overseeing arrangements for audio and video transmissions of the proceedings of the House. Most of the information given here about broadcasting and televising has been supplied by the Broadcasting Committee and this committee is grateful for its assistance.

Broadcasting of parliamentary proceedings

- 5.4 Parliament conducts its proceedings, with the rarest exceptions, in public. This is now taken for granted but it has not always been the case. People may view the proceedings of the House from the public galleries. Access to the proceedings of the House for televising has been permitted since 1991. Radio broadcasts have occurred since 1946. Trials have also taken place of sound and video broadcasts of proceedings over the Internet.
- 5.5 Parliamentary proceedings need to be accessible to as many people as possible. While new technologies are opening up new audiences and are

the way of the future, many people will continue to rely on the inexpensive traditional technologies of radio and television. The needs of these people should not be neglected.

***Parliamentary Proceedings Broadcasting Act 1946* and the Joint Committee on the Broadcasting of Parliamentary Proceedings**

- 5.6 The *Parliamentary Proceedings Broadcasting Act 1946* sets out statutory requirements for radio broadcasting of parliamentary proceedings and for the televising of joint sittings. It lays down the powers and responsibilities of the Joint Committee on the Broadcasting of Parliamentary Proceedings and requires the Australian Broadcasting Corporation (ABC) to provide radio coverage of the Senate and the House of Representatives, and the televising of joint sittings pursuant to section 57 of the Constitution. Absolute privilege is provided in the Act for required radio and television broadcasts.
- 5.7 At the commencement of the first session of every Parliament, a Joint Committee on the Broadcasting of Parliamentary Proceedings is appointed in accordance with the Act. The Act requires the committee to report to each House on general principles for radio broadcasting of the proceedings of each House. The committee then decides, in accordance with the general principles, the days and times the proceedings of either House or of a joint sitting are to be broadcast. These are known as standing determinations.

Radio broadcasts of proceedings

- 5.8 Radio broadcasts are made and controlled under the *Parliamentary Proceedings Broadcasting Act 1946*. The radio broadcasting of the proceedings commenced on 10 July 1946 in the House of Representatives. The Parliament of Australia was the second national Parliament of the Commonwealth to introduce the broadcasting of its proceedings, the radio broadcast of proceedings in New Zealand having commenced in 1936. Since November 1988 the broadcast has been made from a network established especially to carry the broadcast of proceedings and related material only.
- 5.9 Now called NewsRadio (formerly PNN), the network broadcasts 24 hours a day, seven days a week and provides what is termed a 'rolling news' service together with live coverage of the Australian Parliament. The rolling news service provides access to a range of international services including CNN, the BBC, Deutsche Welle and Radio Canada. Transmitters are located in all State capitals, Canberra, Darwin and Newcastle and coverage is estimated at 50–70% of the Australian population.

- 5.10 The ABC commenced 'audiostreaming' NewsRadio on the Internet in August 1998. This means that, via the ABC's website, people can listen to NewsRadio and its broadcasts of parliamentary proceedings if they have access to the Internet.¹
- 5.11 Since the parliamentary broadcast has been carried on a dedicated network its coverage has been limited mainly to metropolitan and surrounding areas. People living in rural areas, for the most part, are denied the opportunity to listen to live broadcasts of proceedings. The Broadcasting Committee notes that it considers the extension of radio coverage to all Australians to be a priority issue.²
- 5.12 This committee agrees that it is extremely important that coverage be extended to all areas. While radio might be considered an old technology which is being overtaken by other media, it has the advantage that receivers are cheap and portable. Both these factors are particularly important in the rural setting. Newer technologies such as digital radio cannot be expected to be within the reach of the mass of population for some considerable time. The committee believes that the ABC and the Broadcasting Committee should investigate options for improving the access of rural people to live broadcasts of proceedings.

Televising of Parliament

- 5.13 Guidance on the televising of the Australian Parliament is provided separately by the House of Representatives and the Senate. Each House authorises the televising of its proceedings by means of resolutions and sets its own conditions on broadcasters.
- 5.14 Separate to the guidance role performed by the Broadcasting Committee and the two Houses, the Department of the Parliamentary Reporting Staff provides the means for video signals to be fed to a number of television broadcasters. These include the ABC, commercial networks, the Special Broadcasting Service (SBS), and other commercial news services such as SkyNews and Reuters Financial Services Television. There are no fees for the provision of these signals.
- 5.15 Two video channels (one for each House) are provided to a number of Commonwealth government departments and a limited number of other organisations such as the headquarters of the major political parties, the National Press Club and some industry bodies. This service is soon to be replaced by an updated one supplying more channels enabling the Main

1 The ABC's website is located at www.abc.net.au.

2 Joint Committee on the Broadcasting of Parliamentary Proceedings, *submission*.

Committee proceedings and committee hearings to be broadcast as well as the proceedings of the two Houses.

- 5.16 The House imposes conditions on the live television broadcast and rebroadcast of the proceedings and excerpts of proceedings of the House and the Main Committee. These include such things as broadcasts being used for fair and accurate reports and not for political party advertising, satire or commercial advertising. The Broadcasting Committee investigates breaches of the conditions and is able to impose penalties on stations or programs.

Future directions

- 5.17 The information provided by the Broadcasting Committee lists a number of anticipated developments in the area of broadcasting of parliamentary proceedings. The most notable of these in relation to this inquiry are:
- **Internet broadcast**—Live video broadcasts of proceedings via the Internet are being trialled. Implementation of the webcast is expected to commence from 22 November 1999. It is expected to provide up to eight channels to cover both Houses, the Main Committee, parliamentary committees (four channels) and special events such as press conferences (one channel). This will provide world wide coverage but only to those with Internet access. Initially sound quality will be good but video images will be poor quality.
 - **Digital radio**—Digital radio broadcasting is due to become available in Australia next year and potentially will enable high quality Australia-wide coverage. The Broadcasting Committee cautions, however, that because of initial high costs it will be some time before the technology is generally accessible.
- 5.18 The Procedure Committee commends these developments and encourages their implementation. The Internet is still a long way from being universally affordable. Other new technologies similarly will not be within the reach of the mass of the population for some time.

Access to records of House activity

- 5.19 As well as watching or hearing the proceedings people need to be able, if they wish, to find out what has happened in the House and what issues it is expected to deal with in the future. Most people gain this type of information through media reports whose coverage of different types of parliamentary business is limited. While demand may not be high for

more detailed, comprehensive or accurate information it needs to be available to those who seek it if the House and its Members are to be accountable for their work.

- 5.20 Paper copies of parliamentary documents including Hansards, Votes and Proceedings, Notice Papers and Daily Programs are limited mostly to immediate users in Parliament House and government agencies. Large public libraries also usually hold copies. Hansard is the most widely available document but the cost of printing and distribution means that access to hard copy has been shrinking rather than expanding. The parliamentary departments have been using internet technology to make this information available more widely.

Online access to Chamber-related documents

- 5.21 Hansard is available on the Internet at www.aph.gov.au/hansard. Other publications about the House of Representatives can be accessed at www.aph.gov.au/house/pubs.
- 5.22 During 1997-98 a uniform approach to the provision of parliamentary information on the Parliament's Internet site was implemented covering both Houses and the other departments supporting the Parliament. This approach aimed to provide a consistent appearance and a logical structure and navigation approach across the site. A simple search facility is available for the Parliament's web site.
- 5.23 During 1997-98 there were 2.254 million direct Internet access requests for Hansard material, nearly twice as many as in 1996-97. One analysis showed that 75 per cent of access requests were for committee transcripts, 13 per cent for House of Representatives pages and 11 per cent for Senate pages.³

Parliament's Internet site

- 5.24 Issues of information and services provided through the Internet, beyond direct broadcast of proceedings and official records of the House's activities, have not been covered comprehensively in this inquiry as they fall outside the Procedure Committee's terms of reference. However, a number of suggestions were made in submissions for new services or ways to present information on the web. Some of these have been covered in other chapters of this report.
- 5.25 The committee does not intend to comment on the general presentation of material on the Parliament's Internet site but it does wish to make two

3 Department of the Parliamentary Reporting Staff, *Annual Report*, 1997-98, p. 22.

proposals. Both the following items should be displayed prominently on the top level pages indicated.

- A direct link should be provided from the top page to the live broadcast when it becomes available.
- At the top page for each House there should be some brief information about what is to be debated in the House that day including scheduled committee hearings. This need only be fairly abbreviated so users can pick out the highlights with a link to the full daily program. It could possibly be provided as a scrolling list.

5.26 The current design of the Parliament's Internet site is fairly bland and has been deliberately designed to allow equitable access to the widest possible range of users. Use of mostly open standards and minimal use of frames, graphics and animations is necessary to ensure those with less powerful computers or software or personal disabilities are able to access the material. This accords with comments made by the Internet Society of Australia.⁴ This approach necessarily results in a somewhat dull and static look. The committee feels that its two recommendations will help to convey the impression that the House is active and working. It will also make it easier for casual users to see the House at work without having to spend time searching through layers of information.

5.27 The proposal that information about committee hearings be included in a summary of the day's expected business is complementary to the recommendations concerning publication of hearing details contained in chapter 6. The committee is keen to ensure that the profile of committees is lifted and that information about their activities is included wherever possible with published information about the House and its business.

Recommendation 10

5.28 **The committee recommends that a link to the live broadcast of proceedings (when available) be provided on the top page of the Parliament's Internet site.**

Recommendation 11

5.29 **The committee recommends that a summary of the main items of business for consideration in the House and the Main Committee and**

4 Internet Society of Australia, *submission*.

scheduled public hearings of committees be shown on the House of Representatives Internet home page. The information should be updated daily and provide a link to the full daily program.

Parliamentary newsgroup

- 5.30 The committee considered a suggestion that a moderated parliamentary newsgroup be established to enhance networking between the Parliament and the community.⁵ Such a newsgroup could be used for announcing committee inquiries and seeking feedback as well as for other general parliamentary information.
- 5.31 A parliamentary newsgroup would be required to serve the needs of the Parliament as a whole in a bipartisan way and not those of any political party. It seems probable that such a newsgroup would become an avenue for political debate. The committee feels that this would be inappropriate for an official parliamentary site which would need to be moderated by a parliamentary official who is required to maintain a politically impartial stance. Other opportunities, including newsgroups, exist for political interchange. Many Members have personal Internet sites with facilities for interaction enabling them to gather political comment.
- 5.32 The committee fully supports the use of the Internet to gather input and feedback on issues of the day from people in the community. A number of recommendations and suggestions made in this report will improve interaction between committees and the community (*see* chapter 6). These include the use of electronic feedback forms, Internet chat rooms and the like. As resources permit, committees are encouraged to use their own Internet sites to facilitate two way communication. In appropriate circumstances, this could include newsgroups or bulletin boards. In the light of these opportunities, the committee has decided not to support a proposal for an official parliamentary newsgroup at this stage.

Video conference links between Parliament and electorate offices

- 5.33 One proposal put forward to extend the ability of citizens to participate in the political process was the provision of video conference facilities in Members' electorate offices.⁶ The facilities could be used by constituents to view proceedings and participate in committee proceedings.

5 Australian Computer Society, *submission*.

6 Internet Society of Australia, *submission*.

- 5.34 While the committee is sympathetic with this idea, it considers that there are other priorities for the resources which would be required to put it in place.
- 5.35 The committee does not support a proposal for video conference to be used to hold sittings with some or all Members appearing from their electorate offices via video conference.⁷ Apart from legal and resource considerations, the committee believes that this would impair the ability of the House and its Members to function as they are expected. Members need to interact with each other on a face to face basis, to debate issues, to negotiate positions, to learn from each other, both in and out of the Chamber. The Parliament is more than just the sum of its parts—it needs Members to come together to combine their talents and knowledge to best represent the people of Australia. The committee does not believe that this could be achieved effectively without the physical presence of Members together in the one place.

7 Internet Society of Australia, *submission*, and Tom Worthington, *exhibit*.

Committees and the community

- 6.1 It is through the activities of parliamentary committees that the community has the greatest opportunity to become involved in the day to day work of our parliamentary system.
- 6.2 The inquiry looked at two main aspects of the operation of committees of the House. It considered ways of improving community involvement in, and understanding of, the work of committees. It also reviewed arrangements for committees to use electronic methods of communication such as video and teleconferencing to hear evidence and conduct meetings.
- 6.3 The comments and recommendations contained in this chapter refer to committees of the House of Representatives. The committee encourages joint committees to consider taking up the ideas put forward as far as the rules governing their operation allow. Where implementation of the recommendations for joint committees requires action by both Houses or the Senate, the House is urged to seek the support of the Senate to achieve benefits for joint committees as well as House committees.

Community involvement in the work of committees

- 6.4 There are two outcomes to be achieved from improving the interaction between the community and committees:
- more effective input from the community into the inquiry process; and
 - raised awareness of the House's committees and their work.

The first is important for the effectiveness of the committees themselves and the second contributes to the understanding of, and respect for, our parliamentary system of government.

- 6.5 This chapter moves very briefly through a range of proposals put forward to improve the profile of House committees. Many of these are relatively small steps which, on their own, may make only a tiny contribution. The committee hopes that together they will lead to more people becoming aware of the work of committees and realising that there is more to Parliament than political arguments. The recommendations and suggestions are not meant to be either comprehensive or static. They are intended to form the beginning of a process whereby the House and its committees think more about, and commit more resources to, actively improving relationships with the community.
- 6.6 The committee notes that, during the course of this inquiry and to some extent before it commenced, some committees have been prompted to try new approaches and that some of the proposals put forward in this report are already being put into practice. This inquiry has helped to foster a renewed energy for building relations with the community and thus has achieved its primary objective.
- 6.7 Over recent years committees have been using a variety of techniques to improve their communication with the community mainly to obtain input to inquiries. Examples of developments in this regard include:
- extensive use of the Internet to publicise inquiries, facilitate background research, disseminate reports and evidence, and receive submissions (email);
 - development of databases to facilitate targeting interested groups and manage evidence;
 - use of a variety of processes in addition to formal hearings to gather information and evidence, for example, public meetings, seminars, round table discussions; and
 - production of videos, summaries and pamphlets to complement official reports of findings.
- 6.8 Despite these developments the committee was concerned by the low profile of House committees.
- 6.9 Because of their unique powers and access to information, parliamentary committees are well placed to contribute effectively to law making and scrutiny of executive performance. These functions deserve more attention. The committee believes that governments should use the skills

of House committees more in the law making process, in particular, by referring more legislation to the committees for consideration.

- 6.10 It takes issue, however, with the proposition that only some policy matters would benefit from parliamentary or community input.¹ The Parliament has a responsibility to oversee all the activities of government including its policy making. No government policy operates in isolation without effect in the Australian community generally. While other bodies can provide the Government with specialist advice and policy review, the Parliament has a special role to represent the views of Australians generally, to act as a conduit for information about how policies affect people's lives.
- 6.11 A range of ideas for improving community interaction with committees has been put forward. The committee considered four areas in particular—improving understanding in the community of the work of committees; the role of the media; improving input to committee inquiries; and improving follow up of reports.
- 6.12 The committee has made a number of recommendations in relation to these matters. In addition, recognising that not all inquiries or committees are the same, it has put together a checklist of ideas which committees might consider using to enhance the effectiveness of particular inquiries. It is hoped that the checklist will provide a starting point for committees to think creatively about ways to involve people and improve the impact of their work. The committee believes that the actions it has recommended will help people to understand the role of committees better. It has also made some proposals designed to improve the effectiveness of committee work and enhance the community's involvement with parliamentary committees.

Improving understanding in the community of the work of committees

- 6.13 The work of the House and its committees is something that potentially touches the lives of all Australians. A first step in attracting more involvement by community members in the work of committees is raising the level of awareness of this facet of the Parliament's activities. A better awareness and understanding of the constructive and bipartisan nature of most committee work would help to improve the standing of the Parliament itself. For many, their only knowledge of Parliament is confined to televised excerpts of question time and media reports of political contests.

1 Mr Grant Harrison, *submission*.

- 6.14 Committees themselves need to recognise the importance of educating the community about their role and incorporate activities designed to show people how they work and what they achieve. Some committees have been taking steps in this direction but efforts have sometimes been rather ad hoc. The committee believes that more could be achieved.
- 6.15 Rather than each committee working in a vacuum there is potentially a benefit in committees sharing their experiences and ideas on how to engender better understanding of their work. More enthusiasm and creativity can be generated if committees work together to develop strategies. The conference recommended below could be used to coordinate effort, generate ideas, share experiences and encourage action.

Recommendation 12

- 6.16 **The committee recommends that a conference of committee chairs, deputy chairs and secretaries be held at least once each Parliament to discuss strategies for promotion of committee work.**

Getting out among the people

- 6.17 One of the key approaches to improving the profile of House committees is to publish information about them in media that people already read or watch and to give people the opportunity to observe committees in action in places where they live or work or go to school. Some of the ideas proposed in the *Checklist of strategies to maximise community involvement in a committee inquiry* set out later in this report are based on this concept. For example, holding hearings in the suburbs, conducting information sessions in regional centres where hearings are being held² and inviting local schools to observe proceedings³ would show people that committees are at work in their local area.
- 6.18 These proposals ask committees to look at public hearings not just as vehicles for gathering information and opinions from witnesses but as opportunities to demonstrate their relevance to a wider audience. When they think about where to conduct a hearing they should consider not only the convenience of the witnesses and themselves but the possibility

2 Department of the House of Representatives, *submission*.

3 Round table discussion with committee chairs and deputy chairs, 22 June 1999.

of drawing an audience to watch them at work. Hearings should be advertised locally with this in mind.

- 6.19 Given that television is probably the medium which gains the most widespread penetration within the community, it would be the most powerful means for committees to present their message. It may be the most effective way to balance the image most people receive through news reports of the most controversial parliamentary events. The committee is aware that in the United Kingdom the BBC has screened a number of documentaries covering aspects of the UK Parliament, most recently a series about the operations of the House of Lords. This approach has not really been tried in Australia.
- 6.20 A professional documentary following a committee inquiry could show Members of Parliament carrying out committee work, listening to people's views and working towards a valuable outcome. It would have the advantage of showing Members in a different light to that often given by news broadcasts. In order to generate interest in such a documentary, committee members and staff would have to be willing to allow cameras to record all aspects of a committee inquiry and perhaps take the risk of including material which could be less than flattering. Realism would generate far more interest than a program designed to show an idealised process.⁴

Recommendation 13

- 6.21 **The committee recommends that the Speaker, in consultation with committees, investigate having a 'fly on the wall' type of documentary about committees made professionally for showing on television.**

Access to more information about committees

- 6.22 Over recent years the House has developed a range of published material about the work of the House generally. This material is available to visitors to Parliament House, through Members and from the Internet. The committee feels that material specifically about the work of the House's committees should also be developed.
- 6.23 The committee is encouraged by the placement of a monthly advertisement giving information about various committee inquiries in

4 *ibid.*

the news pages of the *Australian* and a proposal to publish a regular news bulletin about House and committee activities.

- 6.24 It will be important for each committee to contribute material to the bulletin and include it as part of its advertising strategy for each new inquiry. The bulletin should include information about activities and progress in relation to inquiries as well as announcements of the commencement of new ones so that the whole process becomes more open and well known.
- 6.25 A companion brochure specifically about committees would complement the existing one about the role and functions of the House of Representatives. It would help to raise the profile of House committees and reiterate that they are a very significant facet of the work of the House and its Members.⁵

Recommendation 14

- 6.26 **The committee recommends that a brochure about House of Representatives committees be published and made available on a similar basis to the brochure on the House of Representatives.**
- 6.27 In addition to a brochure giving general information about committees, details of public hearings should be published on a daily or other regular basis by several means. Even though only a handful of people might be persuaded by the publication of these details to attend a hearing, this approach would serve as a reminder to those interested in parliamentary proceedings generally that committees are active and listening to people.

Recommendation 15

- 6.28 **The committee recommends that details of the public hearing schedules of committees be published regularly using the following vehicles:**
- (a) The Daily Program of House business (the Blue);**
 - (b) Announcements on the parliamentary broadcast (NewsRadio). The information could be included in a daily summary of business expected to be dealt with. The Joint Committee on the Broadcasting of**

5 *ibid.*

Parliamentary Proceedings is asked to make any necessary changes to the standing determinations relating to the radio broadcasting of parliamentary proceedings to enable this to take place; and

(c) The existing television coverage of Parliament provided by the Australian Broadcasting Corporation—Question time telecast and/or the *Order in the House* program.

- 6.29 It is also important that a message about the valuable work of House committees be promulgated through school civics education. This can be done by making sure that suitable information is provided to schools and they are encouraged to include the House and its committees in their curricula.

Recommendation 16

- 6.30 **The committee recommends that:**

(a) The Department of the House of Representatives take steps to improve coverage of House committees in educational material supplied to schools;

(b) Video material explaining the committee process and showing House of Representatives committees be made available to schools and other groups; and

(c) School groups visiting Parliament House be provided with information about public hearings which may be held during their visit and be encouraged to observe proceedings if a suitable hearing is expected to be held.

- 6.31 All House of Representatives committees have their own Internet site. The content of the sites varies to suit the needs of each committee but there are several common elements. All committees list current inquiry details, including terms of reference, closing dates for submissions and information on how to make a submission. Media releases, details of public hearings, submissions and reports of the committee are also available.

- 6.32 As access to the Internet is becoming more widespread, especially among students, committees need to review their web pages continually to ensure that they remain effective. Not only does the information need to be up to date but it needs to compete for attention with an ever expanding range of other sites. The site needs to be easy to locate and the information within it needs to be easy to find and understand. At the same time committees should bear in mind the need to resist using formats and design features which may limit access by people with less advanced equipment or personal disabilities. One submission argued for the use of open standards and the provision of alternative versions of information to avoid these problems.⁶

Recommendation 17

- 6.33 **The committee recommends that the Department of the House of Representatives work with committees to develop a strategy to raise the profile of committee web pages, including establishing links with other sites, promoting web addresses, reviewing design and content and developing electronic feedback facilities.**
- 6.34 All of the recommendations set out above are aimed at increasing the number of sources of information about committees. As information is spread more widely more people will come across it, and as awareness rises people will seek to find out more about the parliamentary system and be more willing to become involved in particular inquiries that may be relevant to them.

Role of the media in advertising inquiries

- 6.35 The media are a vital element for committees in achieving better understanding within the community of the role and work of parliamentary committees and, more particularly, in seeking to gain the greatest input to inquiries.

Paid advertising

- 6.36 Paid advertising, mostly in metropolitan broadsheet newspapers, is the chief mechanism by which committees traditionally have sought input to inquiries.

6 Internet Society of Australia, *submission*.

- 6.37 One submission suggested 'Committees need to move beyond simply advertising in newspapers and on Parliament's Internet home page. The people who have Internet access tend to be of a particular socio-economic group, as do the people who read newspapers. ... for some inquiries likely to be of significant public interest, thought should be given to advertising on the ABC and commercial television and radio, in addition to community newspapers.'⁷ This sentiment was echoed by others who spoke to the committee.
- 6.38 Unfortunately television advertising, in particular, can be beyond the means of most committees but the Procedure Committee encourages committees to consider all possible forms of advertising where warranted by the nature of the inquiry.
- 6.39 The style and content of advertisements should also be adjusted to suit the medium in which they are being carried and the target audience. If an advertisement is expected to reach beyond professional interest groups who are familiar with committee processes to the community in general, more information may be needed on the inquiry process and what is expected in a submission. 'Officialese' and bureaucratic style can be confusing and even intimidating for people not used to dealing with government agencies. It was suggested to the committee that even the term 'submission' can be an impediment to the involvement of ordinary people.⁸ Committees should regularly review their advertising strategy to ensure that the language and style is accessible to the people they are trying to reach.
- 6.40 Committees are urged to apply a flexible approach to advertising to target the audience they are seeking. Where appropriate, they should consider alternative forms, styles and vehicles including radio, local television, tabloid newspapers, magazines, or local newspapers.

Improving media coverage of House committees

- 6.41 Paid advertising, especially in newspapers where the bulk of committee advertising is placed, will only ever reach a small percentage of the population. Paid advertising can also take a significant proportion of a committee's limited budget if conducted on a national basis.
- 6.42 The Clerk's submission outlines some steps which have been taken by committees to improve their media coverage and the committee is aware

7 Dr A Brien, Charles Sturt University, *submission*.

8 Round table discussion with committee chairs and deputy chairs, 22 June 1999.

of further steps taken since the inquiry began.⁹ Moves in this direction are to be applauded. However the committee believes that more could be done to ensure productive media coverage of the activities of House committees.

- 6.43 It is noticeable that Senate committees have achieved a much higher profile in the media than House committees to the extent that House committees are sometimes incorrectly referred to as Senate committees. This may, in part, be due to a tendency for Senate committees to undertake more politically controversial inquiries. The committee believes that the bipartisan nature of most House committee inquiries is one of the strengths of our system and would not like to see a move towards political controversy to stimulate media interest. Nevertheless many House committee inquiries merit greater media attention on the basis of their potential effect in the community.
- 6.44 In the context of the limited resources available the committee believes that some form of professional media support accessible to all committees could be an effective approach.
- 6.45 Committee secretariat staff are highly skilled and dedicated to assisting their committees to achieve the best possible result. Rightly, their first priority (and their training) is directed towards assisting the committee with research, report drafting and administrative arrangements. Maximising press coverage must be accommodated with these other priorities and, for most, developed on the job as an additional skill.
- 6.46 Access to the services of a person with specialised communication skills and extensive contacts within the media would be a valuable resource for many inquiries. If employed exclusively to work with committees such a person would have the opportunity to develop an understanding of the committee system and to provide a bridge of understanding between Parliament and the media with benefits to both sides.
- 6.47 Some of the tasks which could be undertaken by a media liaison person or unit could include:
- identifying key messages for an inquiry;
 - developing media contact lists and advising on advertising strategies;
 - preparing and distributing fact sheets, news releases and information kits;

9 Department of the House of Representatives, *submission*.

- organising and facilitating press conferences, including providing advice and support for chairs and members on content and procedure issues in dealing with the media;
- organising local media when committees travel;
- facilitating greater interaction between members and journalists, including scheduling and coordinating interviews and appearances;
- ensuring that the presentation of committee reports takes account of media needs; and
- media monitoring, including summaries and analysis.

Recommendation 18

6.48 **The committee recommends that the Department of the House of Representatives work with committees to develop a media strategy to improve media support for committees, including the implementation of a professional communications service to provide media support and liaison for committees.**

6.49 It was pointed out to the committee that the complexity of committee titles and the way they tend to vary from Parliament to Parliament does not assist the cause of easy recognition and accurate reporting of committee activities.¹⁰ The committee believes that as far as possible governments should ensure that stable committee names are retained from Parliament to Parliament.

Recommendation 19

6.50 **The committee recommends that, as far as possible, committee titles be retained on a long term basis.**

6.51 Committees should also consider adopting a short name for use as a 'trading name' which can be recognised and referred to easily. The House of Representatives Standing Committee on Economics, Finance and Public Administration already refers to itself as the House Economics Committee

10 Round table discussion with committee secretaries, 29 June 1999.

and seems to be developing a profile under this title. Committees of the United States Congress provide good examples of the effectiveness of this approach. The committee recognises that for some committees covering a wide range of portfolio matters it may be difficult to devise a suitable name but believes that the effort would have worthwhile results.

Recommendation 20

6.52 The committee recommends that committees develop a short name and use it consistently for media liaison and public communications.

6.53 Another issue raised concerned the current provisions for tabling committee reports on Mondays after 12.30 pm. It was suggested that this time was often too late for press deadlines and made it difficult for committees in gaining publicity for the tabling of their reports.¹¹

6.54 The committee feels that the best solution to this problem is for the House to move the whole period for committee, delegation, private Members' and related business which now takes place on a Monday afternoon to a morning time slot. The options for this are to move this period to a Wednesday or Thursday morning.

Recommendation 21

6.55 The committee recommends that the standing orders be amended to provide for tabling of committee reports at a time prior to 11 am.

6.56 The committee believes that if committees are to maximise interest in their reports by the media and the public there needs to be more flexibility in the way findings are released.

6.57 Committees must report their findings to the House giving comprehensive and cogent arguments for the implementation of their recommendations. This is, of course, the official report which is presented to the House, usually during the time set aside by the House for receiving committee reports on sitting Mondays.

11 Round table discussions with committee chairs and deputy chairs, 22 June 1999, and secretaries, 29 June 1999.

- 6.58 The committee believes that there is a place for another less formal summary or short report of findings which could be released to the media and the public at a time better suited to gaining maximum media attention. This could be a non-sitting day prior to the formal tabling in the House. Media coverage on parliamentary sitting days tends to focus on the political debate in the Chamber. Committees may be able to obtain better publicity for their work if they can optimise the time of release of their principal findings. The short report would convey the main points of the inquiry and the principal recommendations in a form that could be used readily by the media. (The committee's comments on using different styles to inform the media and other key interest groups of a report's findings are set out in paragraphs 6.90 and 6.91.)
- 6.59 The House would still receive the full formal report. All Members of the House would also need to be informed of any early release of findings in the form of a short report. This could be achieved by asking the Speaker to formally approve the release of the short report. All Members would then be advised of the proposed release and given access to an online version. The full report would remain embargoed until it was tabled in the House which should occur at the earliest possible time after the release of the short report.
- 6.60 Committees could have recourse to this process if they wished. It could be used judiciously in those circumstances where the committee felt that useful benefits would be gained. There would, of course, be occasions when release of a separate short report would not be appropriate or helpful but it would provide committees with an option for improving communications with the media and the community.

Recommendation 22

- 6.61 **The committee recommends that standing order 353 be amended as follows (*paragraph (b) added*):**

Report and minutes presented

353 The report of a committee, together with the minutes of the proceedings, shall be presented to the House by a member of the committee.

Provided that a committee may resolve to do either or both of the following:

(a) if the House is not sitting when a committee has completed a report of an inquiry, the committee may send the report to the Speaker, or in the absence or unavailability of the Speaker, to the Deputy Speaker. Upon receipt of the report by the Speaker or the Deputy Speaker:

- (i) the publication of the report is authorised by this standing order; and**
- (ii) the Speaker or Deputy Speaker, as the case may be, is authorised to give directions for the printing and circulation of the report.**

The report shall be presented to the House in accordance with this standing order as soon as possible.

(b) to seek the approval of the Speaker, or in the absence or unavailability of the Speaker, the Deputy Speaker, to publish a summary version of its findings on a day prior to the report being presented to the House. If the Speaker or the Deputy Speaker approves the request:

- (i) the publication of the summary version of the committee's findings is authorised by this standing order; and**
- (ii) Members of the House shall be advised of the publication and given access to the text of the document.**

- 6.62 The actual tabling of a report is unlikely to generate significant media interest if there has been little contact with the media during the course of the inquiry other than a press release at the beginning.
- 6.63 The assistance of a media liaison unit as proposed earlier in this chapter will help alleviate this problem but providing more information on progress in pursuing inquiries would help to pique the interest of the media.
- 6.64 If the community is to become more aware of the work of committees and the impact of their inquiries, then the inquiry process needs to become more open and regularly reported. People need an opportunity to see, through the media, the whole process of an inquiry and how ideas and recommendations develop.

- 6.65 Following the Procedure Committee's review of the committee system in 1998, the rules relating to disclosure of evidence and preliminary findings of a committee were relaxed.¹² The standing orders now expressly provide that a committee or a subcommittee may authorise publication of press releases, discussion papers and preliminary findings and proceedings and reports not yet reported to the House.
- 6.66 The committee now proposes to extend this flexibility a little further by specifying that a committee may authorise its chair or any or all of its members to provide ad hoc briefings to the press or others about the progress of the inquiry. The intention is that a committee would consider early in the course of an inquiry whether it should allow free discussion with the press about any aspects of the inquiry including, perhaps, its deliberations and the development of findings. If the committee so decided, members would be able to respond effectively to ad hoc press inquiries within any limits which may be imposed by the committee.
- 6.67 The committee recognises that it is vital that members should not feel constrained in what they can say during committee deliberations. Damage to the integrity of committee processes through public political point scoring or through the disclosure of sensitive confidential briefings could destroy the intended benefits of this initiative. Obviously it would not be appropriate for committees to authorise total free speech under all circumstances. Few inquiries are likely to be subject to sensitivities or create political tensions. Inquiries by the Committee of Privileges or some Joint Committee on Foreign Affairs, Defence and Trade inquiries are examples where the committee may need to consider carefully what rules it would wish to apply to disclosure of evidence and proceedings.
- 6.68 In the end, the committee believes that the benefits of allowing members to speak freely with the press, within any limits set by the committee, thereby helping to keep the public informed, outweighs the dangers of abuse.
- 6.69 Individual committees are in the best position to judge whether a particular inquiry would benefit from allowing open discussion of its progress and should be given the responsibility of setting the parameters of openness in each case. A committee may wish to give consideration to these matters at the commencement of an inquiry. The committee could, of course, change its determination at any time during the course of an inquiry.

12 House of Representatives Standing Committee on Procedure, *Ten years on: A review of the House of Representatives committee system*, May 1998.

Recommendation 23

6.70 The committee recommends that standing order 346 be amended to read (*paragraph (iii) added*):

Publication of evidence and proceedings

346 (a) A committee or subcommittee shall have power to authorise publication of any evidence given before it or any document presented to it.

(b) The evidence taken by a committee or subcommittee and documents presented to it, and proceedings and reports of it, which have not been reported to the House, shall not, unless authorised by the House or the committee or subcommittee, be disclosed or published to any person other than a member or officer of the committee.

Provided that a committee may resolve to:

- (i) publish press releases, discussion or other papers or preliminary findings for the purpose of seeking further input to an inquiry;
- (ii) divulge any evidence, documents, proceedings or report on a confidential basis to any person or persons for comment for the purpose of assisting the committee in its inquiry or for any administrative purpose associated with the inquiry; or
- (iii) authorise any member or members of the committee to provide such public briefings on matters related to an inquiry as the committee sees fit. The committee may impose restrictions on such authorisation and in any case a member so authorised shall not disclose evidence or documents which have not been specifically authorised for publication.

Improving input to committee inquiries

6.71 The committee was made aware of a number of methods utilised recently to improve the input to particular inquiries, including better targeting of advertising and the use of less formal mechanisms for gathering information and evidence.

- 6.72 The *Checklist of strategies to maximise community involvement in a committee inquiry* set out on the next few pages encompasses most of the ideas put to the committee in the course of its inquiry. The committee expects that committees will continue to add to this list as new technologies become available and new strategies are developed.
- 6.73 The key to increasing the range of people contributing to an inquiry is flexibility. Committees should adapt their practices to suit each particular inquiry. Where appropriate they should move beyond the formality of the traditional public hearing process and try to engage people through processes which may be more familiar or comfortable. For example the checklist suggests taking oral evidence without a prior written submission¹³ or allowing a period during a public hearing for people to make brief extempore statements in relation to the inquiry.¹⁴ Telephone hotlines, Internet chat rooms¹⁵ and customised feedback forms on Internet pages¹⁶ are other possible techniques that may prove more user friendly in appropriate circumstances.
- 6.74 It needs to be remembered that information received through these methods would not have the same status as formal evidence received at a properly constituted meeting of the committee and may not attract the same privilege.

Recommendation 24

- 6.75 **The committee recommends that committees make use of the *Checklist of strategies to maximise community involvement in a committee inquiry* set out in this report and that the checklist be updated and expanded on an ongoing basis.**

13 Dr A Brien, Charles Sturt University, *submission*.

14 Round table discussion with committee secretaries, 29 June 1999.

15 Mr Bob Holderness-Roddam, *submission* and Australian Computer Society, *submission*.

16 Prof. B Guerin, Flinders Institute of Public Policy and Management, *submission*.

Checklist of strategies to maximise community involvement in a committee inquiry

The following list is intended as a starting point for committees when they are considering ways to get the best input possible to an inquiry or to promote understanding of the committee's work within the community.

It is expected that over time this checklist will be extended as committees develop new strategies and share their experiences.

Each committee and inquiry will have different requirements and characteristics. Committees should use the checklist creatively and judiciously to suit the circumstances applying in each case.

Publicising the inquiry

Things to try

✓ Announce your reference at a press conference with the Minister.

If an inquiry has been referred to the committee by a Minister, better media coverage might be achieved if the chair and the Minister formally announce the start of the inquiry preferably at a press conference with an accompanying joint press release.

✓ Try placing advertisements in different media and outlets, for example, radio, regional television, tabloid newspapers, magazines, sports or news sections of newspapers.

Advertising is expensive and works best if targeted at the people from whom it is hoped to receive submissions. Professional interest groups may be reached as satisfactorily using direct mail and specialist publications as through the traditional broadsheet newspaper advertisement. Community groups and individuals may respond better to popular press and radio.

- ✓ Use a less formal style for advertisements.

Individuals may respond better to advertisements couched in simple language that avoids technical and bureaucratic terminology. The term submission might be avoided or explained.

- ✓ Think about using press conferences to give progress reports or advertise the committee's presence in a particular area.

- ✓ Televise hearings held within Parliament House so that footage is available for use by the media or for production of videos of the committee's work.

Television coverage is dependent on having relevant footage available to accompany a news report.

Gathering evidence

Things to try

- ✓ When holding a hearing in a regional centre invite local school or community groups to attend to observe the committee process in action.
- ✓ Hold metropolitan hearings in a suburban centre rather than the CBD and invite local schools or groups.
- ✓ Use local media to encourage people to attend a hearing and see how a committee works.

It may help to promote understanding of the work of parliamentary committees if local people are encouraged to come along to observe a committee in action. Moving a city hearing to the suburbs where people live may generate local interest not possible if hearings are isolated in a central business district.

- ✓ Arrange an information session on the work of committees before or after a hearing in a regional or suburban centre.

Material used for Canberra based seminars could be developed for use in information sessions to supplement formal hearings. If possible the chair or members of the committee could contribute by talking about their experiences of working in committees.

✓ Consider taking oral evidence without a prior written submission.

✓ Allow a period during the course of a public hearing for members of the public to make short statements in connection with the inquiry.

The committee could set parameters for statements such as imposing a time limit or specifying the subject matter that statements may cover.

✓ Consider using alternatives to formal hearings.

For example seminars, public meetings, round table discussions. The standing orders now recognise a range of proceedings for committees.

✓ Consider using other methods than a meeting of the committee to gather information or opinions for an inquiry. For example:

- ✎ use a professional facilitator in focus or community groups;
- ✎ have individual committee members visit different places simultaneously to talk with groups or make inspections;
- ✎ set up a telephone hotline or Internet chat room; or
- ✎ set up a customised feedback form on the committee's web page.

Information gathered in these ways may not be covered by parliamentary privilege.

✓ Consider developing a list of people with an interest in the subject of the inquiry who could act as a reference group to suggest further avenues of input, provide comments on preliminary findings, or liaise with local communities and interest groups.

Reporting

Things to try

✓ Include photographs, diagrams, cartoons etc. to increase the impact of a report.

Any photographs etc. should clarify the text of the report or help to explain how a committee works, for example, a photograph of the committee using traditional meeting methods in talking to an indigenous group on their land, or a flow chart illustrating how a policy proposal might work.

✓ Produce a video or pamphlet summarising the report.

✓ Produce a short version of the report or a version tailored to a target audience to complement the official tabled version.

The language used in a report is intended primarily to argue a case to convince the House, Ministers and government officials of the merits of the committee's proposals. A different style of language may be more suitable for a document intended to explain the committee's findings to the community generally, the media, or a special interest group eg findings on youth matters may be more effective if couched in the language typically used by young people.

✓ Use video conferencing to give an oral presentation on the findings of an inquiry to key interest groups.

This may be useful for inquiries where there are particular groups of key witnesses such as Aboriginal communities who have access to video conference facilities and would benefit from an oral presentation or explanation of findings.

Non-parliamentary members of committees

- 6.76 The New South Wales Legislative Assembly has experimented with appointing non-parliamentary members to its Standing Ethics Committee. This is a statutory committee which is responsible for advising on a code of conduct for Members of the Assembly. Community members are appointed by at least five of the parliamentary members from applicants following public advertisement. They have full voting rights.¹⁷ A similar proposal was put forward by Dr Mary Maxwell.¹⁸
- 6.77 The committee understands that the NSW experiment has worked satisfactorily. Nevertheless it feels that there are some difficulties with instituting the idea in the Commonwealth setting.
- 6.78 The Standing Ethics Committee has a particular function which hinges directly on community expectations of the behaviour of Members of Parliament. The three community members of the committee were intended to help introduce contemporary standards into a code of conduct against which parliamentarians could be measured and ensure that Members were not seen to be setting their own standards. The input of community members was central to the drafting of a code of conduct for Members. The committee does not however have a role in judging conduct of individual Members.¹⁹
- 6.79 Neither the House of Representatives nor the Senate has an equivalent committee to the New South Wales Standing Ethics Committee. Both the Committee of Members' Interests and the Committee of Privileges are required to judge the conduct of individual Members and the Procedure Committee considers that it would not be appropriate to have non-parliamentarians in such a role. The Chair of the Committee of Privileges agreed, pointing out that matters dealt with by the committee are often highly sensitive and concern the private affairs of Members.
- 6.80 In addition, both these committees are established by standing orders of the House, as are the general purpose standing committees, and it is difficult to assess whether the House could delegate to a mixed member committee the same powers and privileges as it does to a committee comprising only Members of Parliament.

17 *Independent Commission Against Corruption Act 1988* (NSW).

18 Dr Mary Maxwell, *submission*.

19 Russell D Grove, Clerk of the NSW Legislative Assembly, *information supplied to the Procedure Committee*.

- 6.81 Deliberative meetings of Commonwealth parliamentary committees take place almost exclusively in Canberra, as do many public hearings, as they are held during parliamentary sitting times. People not based in Canberra could feel excluded from any opportunity to apply for this type of position because of the relative geographic isolation of Canberra.
- 6.82 The committee does not recommend formal appointment of non-parliamentary members to any committees. It has however included in the *Checklist of strategies to maximise community involvement in a committee inquiry* a suggestion that committees might develop an informal group of interested people to act as a reference group for a particular inquiry. Such a group could be used to provide ongoing input to an inquiry and give feedback on proposals put to the committee and preliminary findings. A more formal application of this idea was used successfully by the New South Wales Joint Committee Upon Waste Management which appointed reference groups representing local government, waste recyclers, conservationists and the packaging industry.²⁰

Relations with witnesses

- 6.83 When formal evidence is received it is important that witnesses feel confident that they will be treated fairly and with respect and that they understand the rights and obligations of both themselves and the committee. The Clerk expressed a similar view in his submission.²¹
- 6.84 The 1998 review of the House of Representatives committee system reported that the committee had received a number of submissions concerning relationships between committees and witnesses.²² That report recommended that the House adopt a resolution setting out a framework for dealing with witnesses. In responding to the report the Government stated that it supported the recommendation in principle but felt that ‘fixing the guidelines in a resolution may attract issues of arguments and interpretation over committee procedure, adding to the time and cost of inquiries and distracting from the business of the committee’.²³
- 6.85 The committee believes that it is important for committee processes to be open to scrutiny and for everyone involved—committee members as well as witnesses—to be confident that the processes are fair and appropriate.

20 Russell D Grove, Clerk of the NSW Legislative Assembly, *information supplied to the Procedure Committee*.

21 Department of the House of Representatives, *submission*.

22 House of Representatives Standing Committee on Procedure, *Ten years on: A review of the House of Representatives committee system*, May 1998.

23 House of Representatives Debates, 3 December 1998, p. 1302.

- 6.86 Adopting firm guidelines with the official backing of the House is the first step in ensuring consistent and open practices. But it is also important that witnesses and committee members know and understand the requirements. The committee notes that an excellent pamphlet entitled *Appearing as a Witness at a Parliamentary Committee Hearing* has been available for some time. It proposes that, following formal adoption of guidelines for dealing with witnesses, the pamphlet be reviewed to ensure that it encompasses the requirements of the guidelines and is presented in as accessible language as possible. Full copies of the guidelines should also be publicly available. Committee chairs should take responsibility for ensuring that both witnesses and committee members are conversant with their rights and responsibilities before any evidence is heard.

Recommendation 25

- 6.87 **The committee recommends that:**

- (a) **the House agree to a resolution providing procedures for interaction with witnesses in the terms set out in appendix C to this report; and**
- (b) **a pamphlet including a summary of the procedures be provided to all witnesses prior to hearing oral evidence from them.**

Completing the circle—Improving follow up of reports

- 6.88 How important is ‘completing the circle’—receiving, promulgating and debating a government response to a committee report—to the public’s perception of the value of the committee process? This was an issue which the committee considered when looking at ways to involve the community more in committee activities.
- 6.89 It is important that committees are perceived to be contributing to a process that has an end result; that all the input they receive is used to produce a report that people can see and understand; that the recommendations are seriously considered by government decision makers; and that the connection between the committee’s work and changes happening in the community is obvious.

The end product—The report

- 6.90 A committee must produce a report to the House setting out the findings of its inquiry. The chief audience for this report, apart from other Members of Parliament, is the Minister and his or her department. The report must argue a coherent case for the recommendations to be implemented. This must be done in a language and style most suited to that audience. This may not be the most suitable style for other people who may also wish to know the committee's findings and proposals, including the press, people who contributed to the inquiry or people who may be affected by any changes resulting from the inquiry.
- 6.91 Each inquiry is different and has a different group of interested people to be communicated with. The checklist on pages 58 to 61 suggests that committees should consider producing, in addition to the official version of the report, some other product to convey its findings to a wider audience. This could take the form of a video, a pamphlet, a summary or a version in plain English or a community language. The cost of producing any of these or other options needs to be weighed against expected benefits in the context of the particular inquiry involved. It may be that for a report expected to be in high demand there may be a cost saving by limiting the number of copies of the tabled version and producing a shorter version for full distribution (*and see* paragraphs 6.56 to 6.61).

Debating the report

- 6.92 A recurring theme in the committee's discussions with committee chairs and deputy chairs during both this inquiry and last year's review of the committee system was that Members believe more time should be available to debate committee reports.²⁴ Committees spend considerable amounts of time investigating issues and making recommendations, yet once the report is tabled there is often no further debate on the issue, no opportunity for members of the committee to expand on the written word or to argue for implementation of its recommendations.
- 6.93 The committee accepts that the pressure of business in the House is such that making more time available there is extremely difficult. There is scope though for extension of the meeting times of the Main Committee to provide more opportunities for discussion of committee reports. The Main Committee has met on Monday and Tuesday evenings to consider legislation. Equally, Monday or Tuesday evening could be used to debate

24 Round table discussion with committee chairs and deputy chairs, 22 June 1999, and House of Representatives Standing Committee on Procedure, *Ten years on: A review of the House of Representatives committee system*, May 1998.

committee reports or other times could be used, for example, concurrently with the Monday period for committee and private Members' business in the House.

- 6.94 The committee believes that all committee reports should automatically be referred to the Main Committee after tabling in the House and that provision should be made to schedule them for debate no later than the week following presentation. Additional sittings of the Main Committee to debate committee reports could be managed by the Selection Committee.
- 6.95 The committee suggests, as a basis for managing debates in the Main Committee, that a standard time be allocated for each report based on a formula of 10 minutes per member of the committee. The actual speakers would not be limited to members of the committee but would be managed by the Whips in the usual way. Some reports would generate significantly more interest than others and the basic time frame could be applied flexibly.

Recommendation 26

- 6.96 The committee recommends that the standing orders be amended so that a motion to take note of a committee report automatically stands referred to the Main Committee for consideration and that time be made available for debate in the week following presentation of the report.**

Government response to recommendations

- 6.97 For those who have been involved in a committee inquiry it is important to see that there has been an outcome to the inquiry process and that their contribution was worthwhile. For committees themselves the report often signals the end of the process and most provide a copy of the report to those who contributed. However, unless there is some indication that the recommendations are to be implemented, or that they have been taken into account in policy formulation, or even an explanation as to why the Government does not intend to implement them, contributors may feel that there has been no concrete outcome for their efforts. The value of the activity becomes questionable.
- 6.98 The issue of the timely production of government responses to committee reports was discussed at some length in the committee's 1998 review of

the committee system.²⁵ Successive governments have undertaken to respond to committee reports within three months but no government has consistently met the response times it has set itself. Speakers have followed the practice of presenting to the House at approximately six-month intervals a schedule listing government responses to House and joint committee reports as well as outstanding responses. Subsequently the Leader of the House tables a list showing the stages reached in preparing the responses. This list is not in itself a response.

- 6.99 The committee believes that the process of the Government responding to committee reports needs to be formalised in the standing orders and an accountability mechanism put in place to ensure that the requirements are met.
- 6.100 The committee considered several possibilities for making the Government more accountable for meeting this commitment. These included:
- instituting a similar mechanism to that used for questions on notice, that is allowing the chair or a committee member to rise in the House and ask the Speaker to write to the relevant Minister seeking reasons for the delay in responding;
 - listing on the Notice Paper all the committee reports to which a response has not been received within three months; or
 - retaining the present system of six-monthly reporting by the Speaker.
- 6.101 In the end the committee decided to recommend that a requirement to respond to committee reports within four months be inserted in the standing orders and that no new accountability mechanisms be put in place, that is, the six-monthly reports by the Speaker continue. This represents an extension of the time to which governments have committed themselves but leaves the responsibility with them to meet the requirement. If this arrangement does not result in improvements in performance the committee intends to review the situation with a view to seeking a more effective mechanism.

25 House of Representatives Standing Committee on Procedure, *Ten years on: A review of the House of Representatives committee system*, May 1998.

Recommendation 27

- 6.102 **The committee recommends that new standing order 354A be inserted as follows:**

Government responses to committee reports

354A (a) The Government shall prepare and present to the House no later than four months after the presentation of a report from a House of Representatives or joint committee, a response to the recommendations contained in the report. This provision does not apply to reports from the following committees: House, Library, Members' Interests, Privileges, Publications (except for reports on inquiries), Selection and the Parliamentary Standing Committee on Public Works. If the Government does not consider it appropriate to respond to a particular report, it shall inform the House giving reasons for its decision.

(b) The Speaker shall prepare and present to the House a schedule listing government responses to committee reports which have been presented and reports presented to which responses have not been presented. The schedule shall be presented by the Speaker twice in each calendar year or as often as the Speaker deems appropriate.

- 6.103 **Regardless of whether the Government decides to implement a committee's recommendations in whole or in part, committees and the people who contribute to their inquiries expect that the report will be read and considered seriously by the Government. The presentation of a detailed response to the House is evidence that this has taken place.**
- 6.104 **Although a committee is not responsible for the government response to its report, it should at least inform contributors to the inquiry of the result, so that people can see the whole process of a committee inquiry, including its final outcome.**

Recommendation 28

- 6.105 **The committee recommends that committees inform witnesses and other relevant people of the contents of a government response to the committee's report. Where possible the text of a government response should be posted on a committee's Internet page.**

Watching briefs

- 6.106 In terms of rounding out a committee's inquiry function the committee agrees with the suggestion that committees should be empowered to undertake activities to inform themselves on issues within their portfolio areas without a formal reference from the House or a Minister. Reasons for this might include:
- following up on an earlier report or government action on a report to obtain feedback or to assess results;
 - addressing areas of immediate community concern which are not directly related to an inquiry.²⁶ This may or may not result in a more specific reference being pursued;
 - providing a forum for discussion of core issues within the committee's portfolio jurisdiction including the exploration of new ideas;²⁷ or
 - exploring areas of administrative concern or keeping a watching brief within the portfolio area.
- 6.107 There are mechanisms already available for committees to undertake some activities without a specific reference, for example through the automatic reference of annual reports of agencies and Auditor-General's reports to committees. Some committees have sponsored seminars on matters of concern (eg the Standing Committee on Family and Community Affairs seminars on youth suicide and men's health). The Joint Standing Committee on Foreign Affairs, Defence and Trade has conducted visits to defence facilities and reported the visits to the House and the Senate. In addition committees quite commonly seek briefings from government departments.
- 6.108 If a committee is to maintain an ongoing oversight of areas of government activity and make a credible contribution to the improvement of government service delivery to the community it must be able to keep an independent eye on developments and gather feedback from the community. Committees need to have access to flexible mechanisms to ensure that they are directing their efforts to the most important issues. They need to access a wider range of sources for this than just government officials.

26 Department of the House of Representatives, *submission*.

27 Prof. B Guerin, Flinders Institute of Public Policy and Management, *submission*.

- 6.109 As suggested above some committees have been exploring ways of informing themselves about issues. However there should be a formal recognition of this as a legitimate activity for committees and a framework put in place to govern it.
- 6.110 The committee supports the suggestion made by the Clerk that the power to compel the attendance of witnesses or the production of documents should be restricted to inquiries undertaken with the authority of a formal reference.²⁸ The obligation to report to the House would also remain with the formal reference and be optional for any other activities. This approach leaves the formal reference as the principal vehicle for committees to investigate issues and make proposals for change but allows them to keep up to date and explore potential issues before deciding whether to seek a formal reference.

Recommendation 29

- 6.111 **The committee recommends that the standing orders be amended to empower committees to undertake activities to inform themselves on issues within their portfolio areas without the necessity for a formal reference from the House or a Minister. The power to call for witnesses or documents should not extend to such activities.**
- 6.112 The automatic reference of petitions to committees as recommended in chapter 2 would assist them to monitor issues of concern arising in the community.

Use of electronic communication by committees

- 6.113 There are two strands to the use of electronic communication by committees. One is its use to communicate with people about the committee or an inquiry, to gather information generally or for administrative purposes. The second is the use of audio or audio visual links to conduct formal meetings of the committee—either to take oral evidence or to deliberate.

28 Department of the House of Representatives, *submission*.

General purpose use of electronic communication technologies

- 6.114 Electronic means of communication are being used increasingly in government and private sectors as technology becomes more functional, reliable, affordable and accessible.
- 6.115 The flexibility offered by electronic communication has benefited the work of the Parliament and its committees for some time. House of Representatives committees have been making increasingly wider use of email and the Internet. All committees are able to receive submissions by email and many publish the text of submissions on their Internet site.
- 6.116 The submission from the Standing Committee on Employment, Education and Workplace Relations describes the range of ways in which that committee is using email and the Internet to assist its inquiries. The chair comments:
- It is difficult to gauge the effect that the Internet and related services are having on community involvement in inquiries, except to say that it is definitely positive. Since the secretariat began to make submissions available on the committee's website the number of paper copies of submissions mailed in response to requests has fallen dramatically. ... There has been a corresponding rise in the number of submissions received by email. ... Email is clearly a quicker and more convenient means of communication for many people.²⁹
- 6.117 A number of the recommendations and suggestions put forward in this report entail making better use of available technologies and committees are encouraged to continue to explore this frontier.
- 6.118 Several submissions contain a note of caution, however, and suggest that care should be taken to ensure that traditional methods are maintained in parallel with new techniques.³⁰ There is a danger of people without access to new and ever more advanced technologies being excluded if too much reliance is placed on their use.
- 6.119 The use of technology for general communications, research and administration entails no special authority from the House and each committee needs to consider how it can most effectively and sensibly make use of the available techniques. As technology advances, strategies and practices need to be reviewed continuously.

29 Dr B J Nelson MP, Chair, House of Representatives Standing Committee on Employment, Education and Workplace Relations, *submission*.

30 Ms Filomena Nichols, *submission* and Mr Bob Holderness-Roddam, *submission*.

Use of audio and audio visual links to conduct meetings

- 6.120 The use of electronic communication devices to conduct formal meetings of a committee does need to be authorised by the House to make sure that the meeting can be considered legally constituted and that all the normal powers and privileges apply.
- 6.121 In 1994 the Procedure Committee recommended that the House agree to a resolution authorising its committees to meet and take evidence by electronic means subject to conditions agreed to by the House from time to time.³¹ Following a trial allowing a single committee to take evidence by video conference, the House, on 27 August 1997, agreed to a resolution in the terms recommended by the committee.
- 6.122 The issue surfaced again in the Procedure Committee's 1998 report which reviewed the House of Representatives committee system.³² Among a range of amendments to the standing orders affecting committees, the report proposed that the committee review the 1997 resolution with a view to incorporating the provisions into the standing orders. The review has been done as a part of this inquiry.
- 6.123 There has only been one instance of a House committee making use of video conferencing to hear formal evidence. Others have used it for private meetings, seminars and talking with overseas experts. The chairman of the Joint Parliamentary Committee on Corporations and Securities advised the committee of the use of video conferencing to hear evidence from a witness in the United Kingdom.³³ Teleconferencing has been used more regularly for private meetings.
- 6.124 The present resolution of the House imposes a range of conditions on the use of this technology to conduct meetings, including a requirement for a quorum to be present at one place, a prohibition on hearing *in camera* evidence this way and a list of issues which must be considered before a committee can decide to use this technique.
- 6.125 In reviewing the resolution the committee considered the terms of a Senate standing order which allows its committees to use this technology with very little restriction.

31 House of Representatives Standing Committee on Procedure, *Application of modern technology to committee proceedings*, November 1994.

32 House of Representatives Standing Committee on Procedure, *Ten years on: A review of the House of Representatives committee system*, May 1998.

33 Senator Grant Chapman, Chairman, Joint Parliamentary Committee on Corporations and Securities, *submission*.

Value of audio and audio visual links

- 6.126 On 29 May 1997 the Standing Committee on Employment, Education and Training conducted a public hearing by video conference. It was the first time a House committee had done this. In reporting to the House on the committee's experience the chair of the committee, Mr Bob Charles MP, said that 'the committee does not recommend that video conferences be considered as a substitute for the more conventional hearings but rather as a useful adjunct when circumstances warrant it'. Mr Charles made several observations about the benefits and disadvantages of using video conferences for public hearings. These included financial and time savings and the loss of face to face interaction between committee members and witnesses.³⁴
- 6.127 The question of the value of using audio and audio visual links to conduct meetings was discussed extensively at the committee's round table meeting with committee chairs and deputy chairs. Several submissions also commented on this matter.
- 6.128 There was a general consensus expressed during these round table discussions that electronic communications, particularly video conferencing, could be used effectively in certain circumstances, particularly for committees whose work involves travelling considerable distances, or for committees whose workload or demanding inquiry schedule means that time is at a premium. It was felt that video conferencing could assist these committees to get as much information from as wide a section of the Australian community as possible in a much shorter period of time.
- 6.129 For example, the Standing Committee on Primary Industries and Regional Services stated that although it had not held any hearings or discussions using video conferencing, it sees great value in the use of this technology, given that many of its 'clients' are located in regional and remote areas.

Due to restraints on time and financial resources, the committee is sometimes not able to travel to all the regions relevant to its inquiries. In addition, it is only able to make its regional visits when Parliament is not sitting. The use of videoconferencing would enable the committee to hold discussions with people interested in its inquiries across the whole of Australia, and to do so more expeditiously than when it relies on face-to-face meetings alone. It would also enable the committee to make regional

34 House of Representatives Debates, 24 June 1997, p. 6136.

contacts during its Canberra meetings in sitting weeks, when all members are already gathered in one location.³⁵

- 6.130 An important reservation of the Primary Industries and Regional Services Committee was that electronic communication should not be a replacement for physical contact. This was a view shared by several other committee chairs whose work did not necessarily involve extensive consultation with isolated areas.
- 6.131 Committees of the Commonwealth Parliament are not empowered (or resourced) to travel outside Australia but, in an era of increasing globalisation, access to overseas experience and expertise is becoming more important if committees are to put together the best possible reports and advice. The use of these technologies to gather information and evidence from overseas is obviously a cost effective option.
- 6.132 The use of tele and video conferencing for deliberative meetings of a committee was also raised at the round table discussions with committee chairs, deputies and secretaries. It was felt that, in appropriate circumstances, this could be a valuable way to save time and travel costs and advance the deliberative stages of an inquiry during non-sitting periods.
- 6.133 The overall consensus seemed to be that a decision on whether these technologies would be valuable depended very much on the particular circumstances for each committee, inquiry, witness or meeting.

Possible shortcomings or concerns with audio and audio visual links

- 6.134 When the committee first considered the use of electronic communication for the conduct of meetings in 1994, two of the greatest drawbacks were the cost of hiring suitable facilities and their limited availability. While these concerns are still relevant they are rapidly becoming less of an obstacle. Committees still need to take care that proposed or potential witnesses, particularly in rural and remote areas, have easy access to facilities and are not disadvantaged or excluded because of a decision to use electronic communication rather than the committee visiting them in person.
- 6.135 Another concern noted by Mr Charles in reporting on his 1997 experience was the quality of sound and vision provided. He particularly noted the possibility of distraction or confusion caused by transmission delay. As technology advances these problems will also diminish but committees

35 House of Representatives Standing Committee on Primary Industries and Regional Services, *submission*.

should be aware of these considerations and address them through modifications to the conduct of proceedings or by confining use to situations where there is unlikely to be rapid interaction between committee members and witnesses.

6.136 The committee agreed that one of the main reservations to the use of electronic communication is that, by having less regular face to face contact with regional and remote areas of Australia, a perception that parliamentarians are remote from, and uninterested in, the concerns of the community could be reinforced.

6.137 However, the committee accepts the view of Dr Brien that, although many committees manage to travel into remote and regional areas of Australia to gather evidence, 'occasions will arise when such excursions ... will not be feasible'. The committee understands that the use of video conferencing in these circumstances may in fact reduce the 'exclusion as a result of geography' referred to by Dr Brien. The committee strongly agrees that it is still vitally important for committees to travel to regional and remote areas, and endorses his opinion as to why this travel should occur:

It demonstrates not only to the citizens who live in such locations, but all citizens, that no matter where a person lives within the Commonwealth, their views will be invited and heard. It demonstrates a commitment, in tangible terms, to the democratic processes that we have.³⁶

6.138 The committee accepts that the use of electronic communication may be disadvantageous if communities, as a consequence, receive fewer visits by parliamentary committees. On the other hand communities who, historically, have had little contact with parliamentary committees because of remoteness or other geographical constraints might, by using electronic communication, have an opportunity to participate that they did not have in the past. So while it should not to be a replacement for physical visits of committees to places around Australia, electronic communication could expand contact with the community in some cases and allow more people to see what their elected representatives were doing.

6.139 Other relatively minor concerns which arise include the possibility of a need to swear witnesses and the requirement to have an authorised person present to administer the oath or affirmation. The swearing of witnesses has become infrequent mostly being replaced by a general statement by the chair of the committee's expectations. The Procedure

36 Dr A Brien, Charles Sturt University, *submission*.

Committee suggests that, in circumstances where a committee feels it is necessary to administer an oath and perhaps test the witness rigorously for truth, a traditional face to face hearing may be more appropriate.

- 6.140 The presentation of documents is another issue which needs to be taken into consideration although most video conference facilities are able to display documents simultaneously at both ends of the transmission. The documents can be transmitted electronically at the meeting or physically afterwards.
- 6.141 Again, the conclusion of the committee was that the use of audio visual or audio links to conduct meetings or hearings is very much a 'horses for courses' proposition with the costs and benefits to be weighed up by each committee in each set of circumstances.

Use of video conferencing in other arenas

- 6.142 Several Australian courts use, or are considering the use of, audio or audio visual links. The committee is aware that electronic communication (in many cases including video conferencing) is used in the Federal Court, the Family Court, the Administrative Appeals Tribunal and the Refugee Review Tribunal, as well as in some State Supreme Courts.
- 6.143 There are parallels in the potential problems perceived by committee chairs and secretaries in using audio visual links with those faced by judges in courtrooms around Australia. These include questions of the administering of oaths or affirmations; whether the presence of court/parliamentary officers is required and whether enough assurance can be given of the privacy of evidence and the security of witnesses.
- 6.144 Victorian courts have a highly developed integrated audio visual system. The *Evidence (Audio and Visual Linking) Act 1997*, which came into operation on 22 December 1997 (amending the *Evidence Act 1958*), provides that, in suitable cases, persons may appear by audio or audio visual link, rather than having to appear before the court in person. The court can, in any case, civil or criminal, direct that persons appear by means of video link. The court has an overriding discretion to direct that a person appear physically before the court. The legislation makes special provision for the use of video links for proceedings involving children.
- 6.145 The court must be satisfied that the remote site is equipped with the technical requirements that enable all persons at the court to see and hear the person appearing giving evidence. For example, the camera used at the Victorian Magistrates Court allows the judge to 'scan' the room, giving either a view of the court or of the person speaking. As at December 1998,

video link facilities were installed in almost every courtroom of the County Court in Melbourne, the Magistrates Court, the Supreme Court and in nine country courts with additional sites proposed. Facilities are also available in some prisons, the Coroner's Court and the Victorian Civil and Administrative Tribunal.³⁷

Legal considerations

Privilege

- 6.146 Standing order 367 states 'All witnesses giving evidence to the House, or any of its committees, are entitled to the protection of the House in respect of anything that may be stated by them in their evidence'. This protection also derives from the Bill of Rights (applying by virtue of section 49 of the Constitution and re-asserted by the *Parliamentary Privileges Act 1987*) which declares that ... 'proceedings in Parliament ought not to be impeached or questioned in any court'. The term 'proceedings in Parliament' includes committee proceedings.³⁸ This privilege is important to ensure that committees receive honest and open evidence and witnesses cannot be intimidated or threatened for giving evidence to a committee.
- 6.147 The Parliamentary Privileges Act defines 'proceedings in Parliament' as 'all words spoken and acts done in the course of, or for the purposes of or incidental to, the transacting of the business of the House or of a committee'. When the committee originally looked at this issue in 1994 the Clerk of the House was of the view that this provision would ensure that evidence provided by electronic means would be covered by privilege in the same way as any other evidence.³⁹ The committee agreed.
- 6.148 It would seem clear that privilege would attach to evidence received by a committee regardless of the method used to obtain it. The only proviso to this is that privilege cannot extend beyond Australian jurisdiction and therefore evidence from overseas witnesses would not be privileged in terms of the law of the country concerned. This should not be an impediment to using video or audio links to hear overseas witnesses in suitable circumstances. Such witnesses would need to be informed that privilege would not apply before they were asked to give evidence.

37 Terry Kearney, 'Video-conferencing in the County Court', *Law Institute Journal*, December 1998.

38 Barlin, L M (ed), *House of Representatives Practice*, 3rd edn, AGPS 1997, p. 666.

39 Standing Committee on Procedure, *Application of modern technology to committee proceedings*, November 1994.

Quorum

- 6.149 A more difficult question is the legal status of a meeting held with some or all of the committee members linked by electronic means. In order for a committee to exercise its powers and privileges business must be transacted at a legally constituted meeting of the committee as defined by the standing orders of the House—the principal requirement being for the presence of a quorum.
- 6.150 The 1994 report suggested that, provided the House specifically authorised its committees to meet in this way, it would probably not be necessary to have a quorum in one place. At that time, however, the committee recommended a cautious approach and the resulting resolution of the House required a quorum to be physically present in one place and prohibited members not in that place from voting.
- 6.151 Since the committee's original report Senate committees in particular have had more experience with the use of these technologies and their potential risks and uncertainties. It is notable that the Senate has removed its restriction on quorum requirements and now allows committee members participating electronically to be counted for the purpose of a quorum and to vote.⁴⁰
- 6.152 The committee is of the view that the means by which a meeting is conducted should not affect its legality—the important consideration is the ability of the members to participate to the same extent that they could if they were together in one room. The chair needs to be confident of the identity of all of the participants in a meeting whatever means are used to conduct it. Provided that all the participating members can hear and (in the case of video link) see each other simultaneously, then they should be counted for the purpose of a quorum and have the same rights to vote and move motions as other members.
- 6.153 The standing order which the committee has recommended specifically authorises committees to meet using audio or audio visual links and by implication gives those meetings the same legal status as any other meeting.

In camera evidence

- 6.154 A related issue is whether committees should be able to hear evidence *in camera* using audio or audio visual links. The current resolution specifically prohibits this.
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- 6.155 The chief consideration in deciding whether to use any particular means for hearing evidence in private is that security can be assured—that the committee and the witness can be confident that no unauthorised person will overhear the evidence. This can depend very much on the nature and location of the facilities being used. Obviously, if a teleconference were to be held with committee members unable to see a witness, it would be unlikely that the committee would feel satisfied that security was guaranteed.
- 6.156 Some of the more general issues such as the need to test rigorously for truthfulness, or to observe and interpret witness statements in the context of body language, or to question the witness in detail, may also come into play when the question of hearing evidence *in camera* arises.
- 6.157 The chair of the Joint Committee on the National Crime Authority, Mr Peter Nugent MP, suggested that, because of the sensitivity and confidentiality of much of the evidence heard by that committee, video conferencing or similar techniques would probably not be suitable for that committee.⁴¹
- 6.158 Video links are used in courts for hearing sensitive or confidential evidence, including taking evidence from children. This would seem to indicate that the legal system is confident of the security which can be imposed using video links although the access of courts to their own dedicated facilities needs to be borne in mind.
- 6.159 The committee is of the view that, as with other aspects of the use of these technologies, the committee involved is in the best position to decide on the suitability of any proposed course of action. It proposes therefore to leave the discretion with the committee concerned but suggests that committees consider each situation carefully before using audio or video links for sensitive or confidential evidence.

Conclusion

- 6.160 Society is continually embracing new and changing technologies and techniques. The issues with which governments and, therefore, committees have to deal are increasingly complex. Parliament must keep up with the most effective ways to carry out its business but at the same time, in the words of one of the committee chairs, it ‘must never lose that magic connection between people’.

41 Mr P Nugent MP, Chair, Joint Committee on the National Crime Authority, *submission*.

- 6.161 Since the committee's initial investigation in 1994 of the use of electronic communication for the conduct of committee meetings and hearings, this technology has become more widely and cheaply available. Committees and other bodies have had considerably more experience with using it.
- 6.162 Committees should have the discretion to make the best use possible of the technologies they have available to them at any time. They should have the flexibility to decide what is the best course in each circumstance.
- 6.163 The committee has decided that the House should authorise by standing order the use of audio and audio visual links by its committees to conduct meetings. The standing order should not limit the authorisation to any particular technology. Committees, by resolution, may decide to use the technology in whatever circumstances they see fit.
- 6.164 In addition the Procedure Committee proposes to prepare some guidelines to assist committees in coming to a decision in each case. The guidelines would not be mandatory but committees would be strongly advised to consider them. The guidelines would be presented to the House following adoption of the proposed amendment to standing order 339. The committee would review the guidelines from time to time and would welcome comments or suggestions from committees reflecting their experience at any time. A draft of the proposed guidelines is at appendix D.

Recommendation 30

- 6.165 **The committee recommends that standing order 339 be amended by inserting new paragraph (ab) as follows:**

(ab) A committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one place. If an audio visual or audio link is used committee members and witnesses must be able to speak to and hear each other at the same time regardless of location.

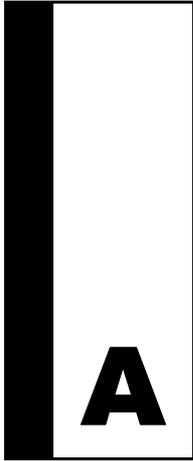
Recommendation 31

- 6.166 **The committee recommends that committees refer to guidelines for the use of audio visual or audio links when considering whether to use this technology for the conduct of proceedings. The Standing Committee on Procedure will present a set of guidelines to the House and review them from time to time. (The proposed guidelines are at appendix D.)**

CHRISTOPHER PYNE MP

Chair

18 October 1999



Appendix A

Participants in the inquiry

The following is a list of Members, parliamentary officers, public and private organisations and individuals who assisted the inquiry either by way of submissions, exhibits or participation in round table discussions:

Hon J N Andrew MP, Chairman, Joint Committee on the Broadcasting of Parliamentary Proceedings, and Speaker of the House

Australian Computer Society

Ms F E Bailey MP, Chair, House of Representatives Standing Committee on Primary Industries and Regional Services

Dr Andrew Brien, Associate Director, Centre for Professional and Applied Ethics, and Chair, Ethics in Government and the Public Service Program, Charles Sturt University

Hon I R Causley MP, Chair, House of Representatives Standing Committee on Environment and Heritage

Senator Grant Chapman, Chairman, Joint Committee on Corporations and Securities

Ms M Crooks, Secretary, House of Representatives Standing Committee on Communications, Transport and the Arts

Department of the House of Representatives

Mr I Dundas, Secretary, House of Representatives Standing Committees on Primary Industries and Regional Services, and Environment and Heritage

Mr D Elder, Clerk Assistant (Committees), Department of the House of Representatives

Ms A L Ellis MP, Deputy Chair, House of Representatives Standing Committee on Family and Community Affairs

Ms B Forbes, Secretary, House of Representatives Standing Committee on Economics, Finance and Public Administration, and Joint Standing Committee on Electoral Matters

Ms P Gardiner

Ms G Gould, Secretary, Joint Standing Committees on Migration, and National Capital and External Territories

Prof. Bruce Guerin, Director, Flinders Institute of Public Policy and Management, Flinders University of South Australia

Mr Grant Harrison

Mr Bob Holderness-Roddam

House of Representatives Standing Committee on Primary Industries and Regional Services

Internet Society of Australia

Mrs J Irwin MP, Deputy Chair, House of Representatives Standing Committee on Environment and Heritage

Dr M Kerley, Secretary, Joint Committee of Public Accounts and Audit

Hon L S Lieberman MP, Chair, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs

Mr A Lomp, Director, Liaison and Projects Office, Department of the House of Representatives

Mr M McLean, Secretary, Joint Committee on the National Crime Authority

Mr P McMahon, Secretary, House of Representatives Standing Committees on Industry, Science and Resources, and Employment, Education and Workplace Relations

Dr Mary Maxwell

Mr A A Morris MP, Deputy Chair, House of Representatives Standing Committee on Industry, Science and Resources

Mr G R Nairn MP, Chair, Joint Standing Committee on Electoral Matters

Dr B J Nelson MP, Chair, House of Representatives Standing Committee on Employment, Education and Workplace Relations

Mr P C Neville MP, Chair, House of Representatives Standing Committee on Communications, Transport and the Arts

Ms Filomena Nichols

Mr F Nugent, Secretary, Joint Committee on Corporations and Securities

Mr P Nugent MP, Chair, Joint Committee on the National Crime Authority

Hon Peter Reith MP, Leader of the House and Minister for Employment,
Workplace Relations and Small Business

Mr Tony Robinson MP, Member for Mitcham, Parliament of Victoria

Ms N L Roxon MP, Deputy Chair, House of Representatives Standing Committee
on Legal and Constitutional Affairs

Mr R W Sawford MP, Deputy Chair, House of Representatives Standing
Committee on Employment, Education and Workplace Relations

Hon A M Somlyay MP, Chair, House of Representatives Committee of Privileges
and Chair, House of Representatives Committee of Members' Interests

Ms M Swieringa, Secretary, Joint Standing Committee on Foreign Affairs, Defence
and Trade

Mr Tom Worthington

The following people supplied information relating to the practices in other
legislatures:

Mr A V Bray, Clerk, Legislative Council, Victoria

Mr Harry Evans, Clerk of the Senate

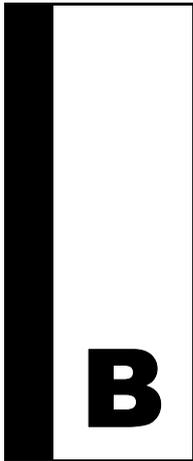
Mr John Evans, Clerk, Legislative Council, New South Wales

Mr Russell D Grove, Clerk, Legislative Assembly, New South Wales

Mr Peter J McHugh, Clerk, Legislative Assembly, Western Australia

Mr R J S McKenzie, Clerk, Legislative Council, Tasmania

Mr Ray Purdey, Clerk, Legislative Assembly, Victoria



Appendix B

Proposed standing orders relating to petitions

CHAPTER IX

PETITIONS

Preparing a petition

What must be in a petition

112 A petition for presentation to the House must:

- (a) be addressed to the House of Representatives.
- (b) refer to a matter which is within the power of the House of Representatives to address, that is, a Commonwealth legislative or administrative matter.
- (c) state the facts which the petitioners wish to bring to the notice of the House.
- (d) contain a request for the House or the Parliament to take one or more specified actions.

How a petition should be prepared

113 A petition must conform to the following requirements:

- (a) It must be on paper.
- (b) It must be legible.

- (c) It must be in the English language or be accompanied by a translation certified to be correct. The person certifying the translation must place his or her name and address on the translation.
- (d) The text of the petition must not contain any alterations.
- (e) It must not have any letters, affidavits or other documents attached to it.
- (f) The language used must be respectful, courteous and moderate. The petition should not contain irrelevant statements.
- (g) It must not contain any indication that it has been sponsored or distributed by a Member of the House of Representatives; except that, for the purpose of facilitating the lodgement of the petition, the name and address of a Member may be shown as an address to which the petition may be sent for presentation to the House.
- (h) A petition from a corporation should be made under its common seal. Otherwise it will be received as the petition of the individuals who signed it.

Rules about signatures

114 Every petition must contain the signature and address of at least one person on the page on which the terms of the petition are written.

All the signatures on a petition must meet the following requirements:

- (a) Every signature must be written on a page bearing the terms of the petition, or the action requested by the petition. Signatures must not be copied, pasted or transferred on to the petition nor should they be placed on a blank page on the reverse of a sheet containing the terms of the petition.
- (b) Each signature must be made by the person signing in his or her own handwriting. A petitioner who is not able to sign must make a mark in the presence of a witness. The witness shall sign the petition as witness and write his or her address, and the name and address of the petitioner.

Presentation to the House

Only a Member may lodge a petition for presentation

115 A petition for presentation to the House may only be lodged by a Member. A Member cannot lodge a petition from herself or himself.

Responsibilities of Members

116 Before lodging a petition with the Clerk or presenting a petition to the House a Member must:

- (a) write his or her name and electoral division at the beginning of the petition; and
- (b) count the signatories and write the number of signatories at the beginning of the petition.

Presenting a petition

117 Petitions may be presented to the House in one of the following ways:

- (a) In accordance with standing order 101, the Clerk shall announce each sitting Monday petitions lodged for presentation. Members must lodge petitions with the Clerk by 12 noon on the Friday prior to the Monday on which it is proposed that they be presented.
- (b) A Member may present a petition during the period of Members' statements under standing order 106A or 275A.
- (c) A petition which refers to a motion or order of the day may be presented by a Member when that motion or order of the day is moved or called on for the first time.

Before presenting a petition under paragraph (b) or (c) the Member presenting it must insert the information required by standing order 116 and obtain a certification by the Clerk that it complies with the standing orders.

Responsibilities of Clerk

- 118** (a) The Clerk or the Deputy Clerk shall check that each petition lodged for presentation complies with the standing orders. If it does he or she shall certify the fact on the petition.
- (b) The Clerk shall make an announcement to the House of the petitions lodged for presentation. The announcement shall indicate, for each petition, the Member who lodged it, the identity and number of petitioners and the subject matter of the petition.

Action on petitions

Action by the House

- 119** (a) No discussion on the subject matter of a petition is allowed at the time of presentation.
- (b) Every petition presented shall be deemed to have been received by the House unless a motion that it not be received is moved immediately and agreed to.
- (c) No other motion may be moved in connection with a petition except a motion that a particular petition be:
- (i) referred to a particular committee; or
 - (ii) printed. This motion may only be moved by a Member who intends to take action on the petition and informs the House of the action he or she intends to take.
- (d) Unless a motion is moved under subparagraph (c)(i) the petition shall stand referred to the relevant standing committee for any inquiry the committee may wish to make.

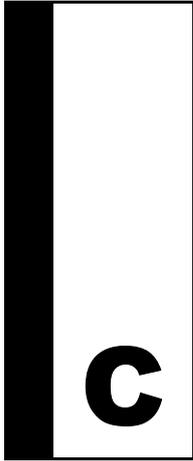
Other action

120 The following action shall be taken in respect of every petition received by the House:

- (a) Its terms shall be printed in Hansard.
- (b) The Clerk shall refer a copy of the petition to the Minister responsible for the administration of the matter which is the subject of the petition. A Minister may respond to a petition by lodging a written response with the Clerk. At the end of the petitions announcement the Clerk shall report any response received and the response shall be printed in Hansard.

Renumbering of standing orders relating to petitions

Proposed standing order number	Current standing order number
112 (a)	New (implicit in current standing orders)
(b)	New (implicit in current standing orders)
(c)	New (implicit in current standing orders)
(d)	115, 116
113 (a)	New (implicit in current standing orders)
(b)	115
(c)	117
(d)	115
(e)	123
(f)	125
(g)	115
(h)	122
114	119
(a)	118
(b)	120
115	126
116	127
117 (a)	112
(b)	New
(c)	114
118 (a)	113
(b)	129
119 (a)	129
(b)	130
(c)	130, 131
(d)	New
120 (a)	129
(b)	129, 132



Appendix C

Conduct of proceedings of committees of the House of Representatives

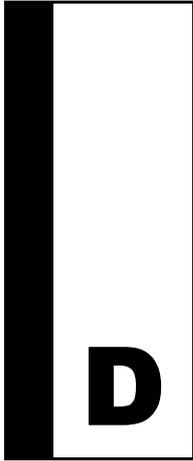
Procedures for interaction with witnesses—Proposed resolution

That, in their dealings with witnesses, committees of the House shall observe the following procedures:

- (1) A witness shall be invited to attend a committee meeting to give evidence. Whether or not a witness was previously invited to appear, a witness shall be summoned to appear only when the committee has made a decision that the circumstances warrant the issue of a summons.
- (2) When a committee desires that a witness produce documents or records relevant to the committee's inquiry, the witness shall be invited to do so. Whether or not an invitation to produce documents or records has previously been made, an order that documents or records be produced shall be made only when the committee has made a decision that the circumstances warrant such an order.
- (3) A witness shall be given notice of a meeting at which he or she is to appear, and shall be supplied with a copy of the committee's terms of reference, an indication of the matters expected to be dealt with during the appearance and a copy of this resolution or a summary of its provisions. Where appropriate, a witness may be supplied with a transcript of relevant evidence already taken in public.
- (4) A witness may be given the opportunity to make a submission in writing before appearing to give oral evidence.

- (5) A witness shall be given reasonable access to any documents or records that the witness has provided to a committee.
- (6) A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard *in camera*, and shall be invited to give reasons for any such application. The witness may give reasons *in camera*. If the application is not granted, the witness shall be notified of reasons for that decision.
- (7) Before giving any evidence *in camera* a witness shall be informed that it is within the power of the committee to publish or present to the House all or part of that evidence, and that the House has the authority to order the production and publication of undisclosed evidence. Should the committee decide to publish or present to the House all or part of the evidence taken *in camera*, the witness shall be advised in advance of the publication. A member, in a protest or dissent added to a report, shall not disclose evidence taken *in camera* unless so authorised by the committee.
- (8) The Chair of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry.
- (9) When a witness objects to answering any question put to him or her on any ground, including the grounds that it is not relevant, or that it may tend to incriminate him or her, he or she shall be invited to state the ground upon which he or she objects to answering the question. The committee may then consider, *in camera*, whether it will insist upon an answer to the question. The committee shall have regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination, and of the reasons for it, and shall be required to answer the question *in camera*, unless the committee resolves that it is essential that it be answered in public. When a witness declines to answer a question to which a committee has required an answer, the committee may report the facts to the House.
- (10) When a committee has reason to believe that evidence about to be given may reflect on a person, the committee shall give consideration to hearing that evidence *in camera*.
- (11) When a witness gives evidence which reflects upon a person, the committee may provide a reasonable opportunity for the person reflected upon to have access to that evidence and to respond to that evidence by written submission or appearance before the committee.

- (12) A witness may make application to be accompanied by counsel or an adviser or advisers and to consult counsel or the adviser(s) in the course of the meeting at which he or she appears. If such an application is not granted, the witness shall be notified of reasons for that decision. A witness accompanied by counsel or an adviser or advisers shall be given reasonable opportunity to consult with counsel or the adviser(s) during a meeting at which he or she appears.
- (13) An employee of a department or executive agency shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of him or her to a higher level manager or to the appropriate Minister.
- (14) Witnesses shall be treated with respect and dignity at all times.
- (15) Reasonable opportunity shall be afforded to witnesses to request corrections in the transcript of their evidence and to put before a committee additional written material supplementary to their evidence. Witnesses may also request the opportunity to give further oral evidence.
- (16) Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which has been or may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given or in respect of prospective evidence, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the House.
- (17) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.



Appendix D

Conduct of proceedings of committees of the House of Representatives

Guidelines for use of audio visual or audio links

Committees of the House are authorised by standing order 339 to conduct proceedings using audio visual or audio links with members of the committee or witnesses not present in one location. Under the standing order committees must decide by resolution when they wish to use this method of conducting proceedings.

The following guidelines were adopted by the House of Representatives Standing Committee on Procedure on <date> and presented to the House on <date>. They are for the guidance of committees of the House in deciding whether to conduct meetings using audio visual or audio links and should be used by each committee as it sees fit.

1. Audio visual or audio links may be used for deliberative meetings or for hearing oral evidence from witnesses or for any other proceeding described in standing order 339.
2. Audio visual or audio links should only be used to hear evidence *in camera* if the committee is satisfied that the evidence will not be overheard or recorded by any unauthorised person and that the transmission is secure.
3. The following factors should be considered by a committee in deciding whether an audio visual or audio link is suitable for use in any particular circumstance:

-
- (a) whether use of the link will confer any benefit not available using traditional meeting processes eg cost or time savings, access to evidence not otherwise obtainable;
 - (b) any benefit of traditional methods which may be lost. These may include the value of the committee being present at a location away from Canberra; the value of the public being able to observe the committee at work; or possible restrictions on the committee being able to interact freely with a witness;
 - (c) real cost comparisons of alternative means of evidence collection;
 - (d) the type of evidence to be heard. Specialist or expert evidence may be suited to hearing in this way. Audio visual or audio links may make it feasible to hear evidence from witnesses located outside Australia, however, the committee should take into account the fact that the protection afforded by parliamentary privilege would not extend beyond Australia; and
 - (e) whether evidence is likely to be contentious or a witness needs to be tested rigorously for truthfulness or there is any concern about the identification of the witness. If the committee wishes to administer an oath an authorised officer must be present with the witness to administer it.
4. Any other factors which the committee considers relevant should be taken into account and a decision made appropriate to the particular circumstances of the proceeding, inquiry or witness.

Standing order 339 does not preclude committees from using other types of electronic communication, eg fax, email, Internet chat facilities, for purposes other than conducting formal proceedings.