
Increasing Public Participation in the Work of Parliamentary Committees

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Background

The House of Representatives Standing Committee on Procedure last year undertook an inquiry into community involvement in the procedures and practices of the House of Representatives and its committees. The report of the committee entitled 'It's your House' was tabled on 22 November 1999. The inquiry covered a number of issues, including the petitioning process, the right of reply mechanism, access to proceedings and whether the procedures of the House are themselves a barrier to understanding what is happening in the House. The largest part of the inquiry and the report was concerned with the issue of community involvement in the committee inquiry process.

The inquiry was something of a departure for the Procedure Committee which is usually concerned with the detail of the standing orders and specialist questions of procedure. Certainly the report contains plenty of recommendations for amendments to the standing orders, but many of the proposals are about operating within the present rules in a more innovative and flexible way.

This paper outlines some of the reasons why the committee undertook the inquiry, what they hoped to achieve and what has actually resulted from the exercise. It describes some of the steps being taken by the staff of the House of Representatives both independently, and in response to the report. I have also proposed some questions which this inquiry raised in my own mind and which others may wish to consider.

Why do we want increased public participation in the work of committees?

Foremost among these questions is why do we want increased public participation in the work of committees? Don't our parliamentary committees already do a pretty good job of accessing the important information and views from the bureaucracy, industry and interest groups, and experts in their field? Don't they produce considered reports with valuable recommendations? Of course they do. Don't they ensure that anybody out there with a worthwhile view to express can put it to the committee? Maybe.

The committee expressed the view in the report 'that, in order for the House (and by implication its committees) 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.'¹

The push to improve interaction between the community and parliamentary committees began in the Commonwealth sphere with the members of the House's committees themselves. In 1998 committee members were surveyed to gather feedback on the services provided to support the work of committees. One of the issues which emerged as being important to members was the effective promotion of the work of committees. As a result of this a Benchmarking Study Group was established to investigate better practice in inquiry promotion. This group was operating at the departmental level at the same time that the Procedure Committee was conducting its inquiry. While the focus of the committee inquiry was not quite the same as that of the study group there was a good deal of overlap. Some of the initiatives which were in place before the committee reported were the result of the activities of the study group.

Why do Members feel so strongly about increasing the involvement of the community in committees? I believe that there are two main elements to their desire to make better connections between the community and their formal parliamentary work particularly in committees. The first is the desire to produce better inquiries and reports which encompass the views of those affected by government activity as well as those of specialist groups. The second aim is to draw people more into the practical workings of the democratic processes to help them understand the role and value of the parliamentary institutions in society.

One of the key tasks of Members of Parliament is to feed into the parliamentary processes the opinions and needs of the community they represent. Their very jobs depend on their ability to hear, understand and interpret the views of the electorate. Surely this is the special skill which they bring to their work with committees which other types of inquiry processes cannot access. Anyone can talk to the experts and the organised lobby groups but Members of Parliament are especially placed to tap into the general community.

¹ House of Representatives Standing Committee on Procedure, *It's your House: Community involvement in the procedures and practices of the House of Representatives and its committees*, October 1999, p.2.

Members feel that, in order to produce the best possible analysis and recommendations, committees need to encompass not only the views of experts but those of the wider community. This brings with it of course the complication that it can be much more difficult to distil useful conclusions and recommendations from the sometimes widely differing and poorly focussed views of individuals. And it is difficult to know how widely held are the views of the few individuals who actually make submissions.

On the other hand the general community increasingly has expressed a scepticism about the ability of Members to understand and respond to what they want. Concern about this alienation of the public from the parliamentary institution was referred to by several Members in debating the report. The Chair of the Procedure Committee, Christopher Pyne, said this when tabling the *It's your House* report.

Politics is a battle of ideas, but in that battle the only ideas that count are the ones that people can relate to. The community is not afraid to endorse new ideas when the argument for change has been clearly presented and the community has been included in the debate. But, conversely, the community is reluctant to support new ideas when they feel they have been excluded from the policy development process; they feel the idea is being pushed onto them.

In such situations the community will overwhelmingly reject these ideas. This phenomenon has lent itself to the community perception that parliament is no longer relevant to ordinary people - that parliamentarians are remote and that parliamentarians do not listen to or understand the needs of the community. ...

So how does the institution of parliament - and parliamentarians - reconnect with the community?²

And he went on to outline the measures in the report. At a later stage in the debate on the report Bob McMullan, Manager of Opposition Business in the House, and not a member of the Procedure Committee remarked:

If people's respect for these institutions is declining, it is those of us in the institutions who have to look at what we are doing. We should not say, 'Why is it that the people do not understand what a wonderful job we are doing? In a democracy, we need to respond to the concern that they are articulating.....It is important that members of the House and the parliament as a whole give serious attention to questions about the processes: their openness, their accessibility and their appropriateness to the coming 21st century and its demands and expectations.'³

These comments reflect the concerns that Members had been feeling for some time. Those concerns really were the genesis of both the results of the 1998 survey and the Procedure Committee's inquiry. Members feel it is time they did something about this

² House of Representatives Debates, 22.11.99, p. 12237.

³ House of Representatives Debates, 8.12.99, p. 1317.

apparent alienation from the community. The report of the committee is, in some respects, a grab bag of ideas and strategies to help ordinary people understand that the Parliament is there to work for them and to help them re-engage with the democratic processes. The work of committees was an already existing interface with the community and an obvious focus for the inquiry.

Where were we on the evolutionary road?

Many people think of Parliaments as conservative bodies, hamstrung by traditional practices and resistant to change. I do not believe that this is true. Most of us here could probably report on fundamental and wide ranging changes which have occurred in our respective Parliaments over recent years. However change tends to happen in an evolutionary rather than a sudden way and sometimes lags behind the changes occurring in society's expectations. The report of the Procedure Committee can be seen as one strand in a long process of attempting to improve the House of Representatives' relations with its community.

As I have said the desire to improve the interaction between parliamentary committees and the general community had been growing for some time and a number of steps had already been taken before the inquiry commenced.

The Procedure Committee itself had been responsible for the House putting in place, in 1997, procedures for committees to make use of video-conferencing and other electronic devices to hear evidence. The 1999 report reviewed these procedures and recommended considerable simplification of them.

In 1998 the committee had undertaken a review of the House of Representatives committee system.⁴ While this report focused on the structure of the committee system and detailed processes of committees, it resulted in a number of changes to give committees more flexibility in the way they operate and deal with witnesses. For example, the standing orders now recognise that committees may conduct business in ways other than formal meetings and hearings and that documentary evidence can be received in a range of forms including video, audio, images and email. These were the first steps in allowing committees to adapt their processes to suit differing circumstances and to enable people to interact with committees in ways which might suit them better than the traditional formal mechanisms.

Another outcome of that review of committees was a rewriting of the standing orders governing committees into a more logical and accessible form. An idea which the *It's your House* report has recommended be extended to the whole of the standing orders.

On the administrative side the Department of the House of Representatives included in its corporate plan, a commitment to fostering a culture of external focus. Towards this end, in July 1998, it established a small office dedicated to helping raise awareness of the House and its operations. At the time the Procedure Committee commenced its inquiry in March

1999 this new office already was conducting regular seminars and workshops and had

⁴ House of Representatives Standing Committee on Procedure, *Ten years on: A review of the House of Representatives committee system*, May 1998.

a number of publications in the pipeline aimed at providing information for the general public about the House and its committees. (The Liaison and Projects Office work is discussed below.)

What did the inquiry seek to achieve?

I don’t believe that the Procedure Committee saw its inquiry as the solution to a problem. Rather it hoped to act as a catalyst for change and a focus for ideas.

In calling for submissions the committee hoped to gather ideas from a wide range of people and stimulate thinking about communication between parliamentary committees and the community. Most of the ideas which were received have been included in the report.

The committee was disappointed to receive very few submissions from people not already connected in some way with the Parliament. It interpreted this, in part, as evidence of the ineffectiveness of the traditional inquiry advertising processes which it had used and this formed one of the issues which it considered. It was also seen as an indicator of the need to do more to stimulate interest in, and understanding of, the parliamentary processes.

On the other hand the round table discussions held with committee chairs, deputy chairs and secretaries demonstrated a high degree of enthusiasm for trying new approaches. The key message which came out of those discussions was that committees needed to become more flexible and adaptive – to adopt different strategies for the conduct of different types of inquiries. Inquiry processes should not be “one size fits all”.

Another concern which the committee identified through the discussion process was that the House of Representatives committees needed to establish their own identity separate from that of Senate committees. It is not uncommon for the media to refer to House committees as Senate or even Government committees. And while House committees might envy the media

attention which some Senate committees gain through their tackling of highly controversial issues, they felt that they would like to find a way to promote the different style of work being done by House committees. They saw one of the strengths of the House committee system being its usually constructive and bipartisan approach to issues. I think they were looking for ways to demonstrate to the world at large the workmanlike activities of House committees in contrast to the political cut and thrust of some other parliamentary activities such as question time and some Senate committee inquiries. This issue was not addressed explicitly in the report but underlay a number of the recommendations.

What were the results of the inquiry?

Responses to the recommendations contained in the report from the Government and the Speaker are still awaited but many of the proposals did not require action by the House and have already been implemented. Committee staff and committee chairs have enthusiastically taken up the cudgels and have been trying out a range of new approaches.

The main recommendations relating to committees can be grouped loosely into four categories:

- making committee processes more open;
- making committees more independent;
- encouraging committees to be more flexible and innovative and
- improving the image and understanding of committees in the general community.

I would like to highlight just a few of the recommendations contained in the report.

Recommendations aimed at making committee processes more open

The committee felt that if people were to contribute to a committee inquiry they needed to know that the process was being conducted fairly and honestly, that their contribution was being considered seriously and that the process would lead to an end result that they could see. Some of the recommendations aimed at improving the openness of inquiry processes included:

- that the House formalise procedures for interaction with witnesses by resolution setting out the rights and obligations of both witnesses and committee members.
- summary information about the procedures should be made widely available and provided as a matter of course to those giving evidence to a committee;
- that committee be empowered to authorise some or all of their members to give regular briefings to the press about progress;
- that committees be empowered to publish, with the approval of the Speaker, a summary form of report prior to the tabling of the full report in the House;
- that improved opportunities be made to debate committee reports and Government responses to them;
- that the House, through its standing orders, impose a requirement on the Government to respond to committee reports within 4 months. At present the Government has a self-imposed undertaking to respond within 3 months but this tends to be honoured more in the breach than it is adhered to; and
- that committees publish such Government responses as are tabled on their websites.

Some of these recommendations will no doubt raise a few eyebrows. All but the last requires action by the House which had not yet occurred.

Recommendations aimed at making committees more independent

Some of the proposals I have put under the openness heading entail giving committees the power to make their own decisions about appropriate levels of information to be

disclosed during the course of an inquiry.

Another key to making committees more independent is to allow them to monitor developments in their portfolio areas without a formal reference. House of Representatives general purpose standing committees are only able to inquire into matters referred to them by the House or a Minister. (Some other committees, including the Procedure Committee, are able to determine their own references.) Annual reports of government agencies and Auditor-General’s reports automatically stand referred to the relevant standing committee and some committees have used this mechanism to investigate matters of particular interest to them. The twice yearly meeting of the House Economics Committee with the Reserve Bank Governor is a good example of the successful use of the annual report mechanism to follow up issues or monitor developments.

The Procedure Committee has proposed an extension of this philosophy to allow committees to undertake activities to inform themselves on issues within their portfolio areas. These activities might include public meetings, seminars or discussions, briefings by interest groups, inspections, websites feedback or chat rooms or any other activity the committee thought reasonable. The only limitation would be that they would not be able to compel the attendance of witnesses or the production of documents and would be expected to seek a formal reference if they wanted to investigate a matter fully and make recommendations for change. There would be no requirement to report on these monitoring activities.

If this proposal were to be implemented it would mean that committees would need to consider carefully the use of resources for this expanded role. Creative thinking might be needed if committees are to manage a useful watching brief as well as pursuing specific inquiries within current budgets. However the benefits could be quite positive in terms of developing an ongoing presence within the community. Some of the benefits which the committee saw included enabling committees to :

- follow up reports or government action to obtain feedback and assess results;
- explore areas of community concern which might lead to an inquiry;
- provide a forum for discussion of core issues within the committee’s portfolio jurisdiction or
- explore areas of administrative concern.

Recommendations aimed at encouraging committees to be more innovative and flexible

The report includes a large number of suggestions for strategies which committees might try, as and when they see fit, to suit the particular nature of each inquiry. A number of the suggestions are intended to break down the formal and bureaucratic processes of committees. Many members felt that ordinary members of the public can be uncomfortable with or even intimidated by formal terminology and processes. Some of the proposals included:

- using alternatives to formal hearings, for example, public meetings or round table discussions;

- taking oral evidence without a prior written submission;
- allowing a period during the course of a public hearing for members of the public to make short statements in connection with the inquiry;
- using methods other than a meeting of the committees to gather information or opinions for an inquiry, for example, using focus or community groups, setting up telephone hotlines or Internet chat rooms, or using customised feedback forms on the committee's web page and
- using different outlets for the advertising of inquiries, for example, radio, regional television, magazines, tabloid newspapers.

Some of these ideas have been used by committees over a number of years and some obviously would require care as parliamentary privilege may not apply. Again the emphasis is on encouraging committees to be creative and adopt a "horse for courses" approach.

The committee included in its report a checklist of strategies which committees could try. It was intended that the checklist would be updated and expanded as experience grew. It was also recommended that committee chairs, deputy chairs and secretaries have a once per Parliament conference to share ideas and experiences and encourage experimentation. It was planned to hold the first of these conferences during Spring sittings in 2000.

Recommendations aimed at improving the image and understanding of committees in the general community

The basic philosophy here was the more information you put out in different places the better the chance of raising the profile and understanding of parliamentary committee work. Many of the recommendations were very simple such as:

- publishing information about public hearings on the Internet, on the House's daily program of business and through the broadcast of House proceedings;
- inviting school or community groups to attend public hearings;
- publishing a brochure specifically about committees; and
- improving coverage of House committees in educational material for schools.

A more ambitious proposal put forward by the committee was that the Speaker and committees investigate having a "fly on the wall" type of documentary made for television. It will be interesting to see whether this proves a possibility and whether both committees and staff have the courage to take the risks involved in such a project. It would certainly be a challenge to make a parliamentary committee appear as interesting as, say, sixteen people trying to survive on a tropical island.

Media strategies and the work of the Liaison and Projects Office

One of the themes running through the report is the need for committees to build better relationships with the media. Media reporting of committee work in the past has been spasmodic at best. Understandably the media tend to be more interested in

showing the clashes of politics rather than the less colourful day to day work. The committee recommended a more strategic approach to getting the media to take an interest in the work of committees. In effect it endorsed a range of approaches that were at that time just being developed by the newly established Liaison and Projects Office and which the Clerk of the House outlined to the committee in his submission to the inquiry.

The Liaison Office has placed emphasis on developing effective communication strategies for the House rather than on becoming a call centre for public queries. A key initiative was the appointment of a media and communications adviser. This adviser has established contacts with general and specialist media and has already done a great deal of work with committees in arranging interviews and media briefings on inquiries and reports. By embargoing the release of reports, together with having detailed briefings prior to tabling in the House, success has been achieved on several occasions. Through the work of the media adviser some committee chairs have appeared on major television shows to discuss their inquiries. The approach is beginning to develop its own momentum with metropolitan and regional media showing an interest in committee work.

The next step in the strategy is the conduct of media workshops for committee staff. These are commenced in August 2000.

In addition to improving relations with the media, the Liaison Office has developed its own vehicle for getting information about the House and its committees to the public.

The *About the House* magazine is a high quality colour production issued bimonthly. The magazine contains stories about committee investigations and reports, legislation before the House and the work that Members, particularly backbenchers, undertake. It is at present free of charge although this may be reviewed as it becomes more established – to date there have been four issues. In just six months circulation has doubled from 6,000 to 13,000 copies, many of which are distributed to government agencies, libraries, universities, business associations and community organisations so each copy probably reaches a number of people. Qantas now stocks the magazine in its Canberra airport business lounge.

Another plank in the process of building bridges into the community was a change to the way committee inquiries are advertised in the newspaper. Advertising is a high cost item with little evidence that it results in significant lodgement of submissions. The style of advertising used by committees had not changed for decades. It was text heavy, used parliamentary language not always understood by the general public and used traditional design features including the Commonwealth Arms as the only graphic device.

A design company was engaged to develop a new advertisement format that reflected modern design characteristics and was eye catching. The theme 'Have your say' was adopted for the advertisements which now include simpler messages in plain English.

The first trial of the new format was for a Legal Committee inquiry into human cloning. The advertisement received more than 60 responses from the public the day after it appeared and was featured in the lead story on the Channel 9 *Today on Saturday* program. The new style has now been adopted for all Houses advertising.

In addition a monthly information advertisement on page 2 of *The Australian* provides consolidated information on committee investigations and other happenings at the House. Entitled 'What's happening at your House?' it is forwarded to over 30 Members for use in their own electorate material.

Where to from here?

The inquiry and report of the Procedure Committee and the work of the Liaison and Projects Office represent a new direction for the House of Representatives and its committees. So far we have only put a toe in the water and while efforts appear to have been highly successful there are a number of issues still to be worked through, for example:

- Resources - sustaining our outreach activities will require a long term commitment of resources, perhaps most importantly, the time of both Members and staff. How can we continue to maintain the effort without jeopardising other core work of the committees? If our efforts are successful in achieving greater awareness of House committees and their work it is likely to have flow on effects on workload in terms of higher demand for reports, more submissions, more queries to be dealt with. We need to plan to deal with this.
- How do we judge the value of various new activities and approaches? Some kind of performance assessment processes need to be developed on which to base judgments and balance resource commitments. Should success be judged by simple measures directly related to the work of a committee such as number of submissions or publicity gained by an inquiry or report? Or, should we be looking for more sophisticated measures of raised awareness of, or support for, Parliament's place in society?
- How do we build a community focus into the culture of our organisation? How do we move it beyond being an extra task grafted on to existing priorities and integrate it into the everyday thinking of support staff. Without this it is unlikely that the enthusiasm for continuing the evolution can be sustained. Cultural change will take time and require sustained leadership and commitment.

In terms of next practical steps the immediate focus will be on building media skills in secretariat staffs and looking at ways to use technology better, particularly the Internet. One idea under consideration is introducing an interactive component to the *About the House* magazine website so that people can have a say on issues raised by articles in the magazine.

The report of the committee was but one small step on the road to changing the way the House and its committees operate within an ever changing environment. Perhaps the report was most valuable in highlighting the strength of feeling among Members about the need to make the Parliament more relevant to the people. Hopefully it has stimulated thinking about how this can be achieved.