

***Parliament in the Twenty-first Century:
Institutional Reform and Emerging Roles***

by John Halligan, Robin Miller and John Power

Book Launch
University of Canberra, 15 March 2007

Thank you, Vice Chancellor, and thanks to members of the University for your kind invitation to participate in this occasion. It is a great pleasure to do so. It was also a great pleasure to be associated with the authors of this significant work.

This book will not achieve sales of one million or more. It will not be in the *New York Times* list of most read books. It will not be made into a film starring Russell Crowe or Nicole Kidman. It will, however, be read and drawn upon by that intrepid band of students of parliament, and their students, who think that an assessment of parliamentary institutions and processes is important for the health of the body politic.

In reviewing another book on parliament recently, Colin Hughes said that it would deserve part of the credit "if the study of political institutions ever revives in Australian political science". This book is evidence that the revival is well under way, and it too will make a very significant contribution.

The opening passage of the book identifies the central problem: how can the legislature effectively scrutinise and control the executive when the executive exercises such a high degree of control over the legislature? In its final passage it notes that parliament remains a largely executive-dominated institution, and that domination has probably been strengthened by recent developments. In between, we have a realistic, hard-headed and empirically-based assessment of the modest revival of parliament as a check on the executive in recent decades. In discussing parliamentary reform we are talking about Dr Johnson's dancing dog: it is interesting that it has been done at all, not that it has not been done well.

The book focuses on the development of parliamentary committees, because this is the area where the greatest change has occurred. It is an analysis of what parliamentary committees do, and what they can do. It distinguishes between their policy-influencing, legislation-influencing and scrutiny roles. It provides a good history of the development of committees. There are some very good case studies of particular committees and

particular inquiries, showing what they have done and what they can do. Due attention has been given to what other people have said on the subject. Above all, the book contains a great deal of factual information, statistics and data to back up its analysis.

The authors have very wisely avoided any pretence of comprehensively or mathematically measuring the effects or effectiveness of committees. They are very well aware that the impact of committees is multifarious and highly variable. Past attempts at such measuring have not been very successful. Recently two of my colleagues in the Senate committee secretariat tried to identify the indicators which would have to be examined in order to assess the effectiveness of committees. They are up to forty indicators, and are still counting, and some of the indicators are very subjective.

The authors of this book have followed the better approach of describing and analysing the operations of committees and thereby throwing light on their impact, and providing the material for what must be the very complex and subjective task of assessing their effectiveness. When a committee scrutinises a bill, the question of whether it has made a valuable contribution to the legislative process is a very subtle exercise. Is the most important contribution flushing out the people with an interest in legislation and hearing their voices, or, at the other end of the scale, having a bill rejected or amended? Certainly the assessment cannot be performed without the kind of study and analysis this book provides.

The book also proceeded by asking members of the parliament what they do, how they do it, and what they think about what they are doing. This is also an indispensable part of any overall assessment of the institution.

The authors are not naive. The mere existence of a committee system, they are well aware, does not indicate an effective parliament. It is possible for a government in control of a legislature to maintain a sort of Potemkin village committee system, with committees following terms of reference written in ministers' offices, hearing witnesses approved by ministers' offices, and presenting reports also written in ministers' offices with recommendations screened by ministers' offices before presentation. Some committee inquiries have come dangerously close to that model. It does not constitute parliamentary government. Legislative scrutiny and control has to be to a certain extent an adversarial process. With that in mind, the authors correctly surmise that the achievement of a government majority in the Senate may be the beginning of a resurgence of executive control.

While this is realistic, let us hope that it may be unduly pessimistic, if for no other reason than that the majority may not last. Having had a taste of parliamentary government,

members may not take so long to reinstate it when the opportunity offers. There may well be further scope in the future for the development of parliamentary checks and balances.

In that regard a recent development, which may be significant, should be noted. A Senate committee recently inquired into the current system of public finance and its accountability. With a government majority and a government chair, the committee concluded that all is not entirely well with the system, and made some recommendations for major changes. It will be interesting to see if the government takes any notice. That will be the difficult part, probably taking a long time. Our authors know that parliamentary control is often an exercise of dripping on a stone, and that its effects often take years to become apparent.

The book is very up to date, recording developments right up to the eve of publication, which is an achievement in itself, but the parliamentary world is also paradoxically given to sudden and surprising changes, and the authors are also well aware of that.

Parliament and the executive is an eye-glazing subject to many people. We must remind ourselves of the vast importance of the matter. Legislative scrutiny and checking of the executive is vital to the survival of free states. The two greatest democracies in the world are in a very expensive and troublesome situation, which has been described as the worst foreign policy and defence debacle since the Second World War. In large part it is a story of inadequate legislative control of the executive. The legislature described as the greatest deliberative assembly in the world gave its executive government a series of blank cheques and did not ask enough questions. Its famous committees did not conduct the inquiries which ought to have been conducted. This happened because the majority of its members regarded themselves as supporters of their government rather than legislators and scrutineers. The Mother of Parliaments and one of her children fell into the same trap. The lesson of the necessity of parliamentary control appears now to have been learnt again in the two countries we look up to. Let us hope it will not be lost here.

On that note, let us thank the authors for their diligent and productive work, and for this significant contribution to the study of institutions, and declare the book well and truly launched.

Harry Evans