

## Outcomes of committee work

- 7.1 In assessing the effectiveness of a committee or system of committees, the focus is often placed on quantifying inquiry outcomes. This might include: whether inquiries reach completion<sup>1</sup>; whether and when a government response is received, and the nature of that response<sup>2</sup>; or the number of reports tabled<sup>3</sup>.
- 7.2 Although the Committee does not focus on inquiry outcomes in an attempt to 'rate' the effectiveness of the House committee system, the 'output' side of committee work is discussed here, with a view to improving workability. Outcomes considered in this chapter are:
- committee reports: how and when they are presented and debated; and
  - responses to committee reports, including:
    - ⇒ formal government responses that are adequate, timely and part of an ongoing dialogue;
    - ⇒ implementation of committees' recommendations; and
    - ⇒ a meaningful process of evaluating an inquiry's effectiveness.

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1 For example: L Pryor and G Ryle, 'MPs travel the world, inquiries go nowhere', *Sydney Morning Herald*, 22 June 2005, p. 12.

2 For example: D Monk, 'A statistical analysis of government responses to committee reports: Reports tabled between the 2001 and 2004 elections', *Parliamentary Studies Paper*, No. 11, Crawford School of Economics and Government, Australian National University, Canberra, 2009; G Ryle and L Pryor, 'Democracy denied', *Sydney Morning Herald*, 20 June 2005, p. 1; G Ryle and L Pryor, 'Hot topics given cold shoulder', *Sydney Morning Herald*, 21 June 2005, p. 7.

3 For example: A Walters, 'Two pays one job', *Daily Telegraph*, 8 January 2010, pp. 1, 4.

## Committee reports

- 7.3 At the conclusion of inquiries, committees produce reports that are presented in the Chamber.<sup>4</sup> These reports synthesise and assess the evidence that has been received during the course of the inquiry, and explain the committee's conclusions and recommendations for change. They inform the House of committee findings, and give the House the capacity to scrutinise the work of committees.

### Time for presentation and debate: the profile of committee work

- 7.4 Under the House's current order of business, committee reports are presented from 8.40 p.m. on Monday evenings.<sup>5</sup> Some Members – usually the Chair and/or Deputy Chair – may speak to a report when it is presented in the House. Others – including non-members of the committee – may do so when debate on a 'take note' motion relating to the report is resumed at another time, either in the Chamber or the Main Committee.
- 7.5 Following presentation to the Parliament, committees publish reports on their websites. Sometimes, report presentation is followed by media releases or press conferences, particularly when an inquiry is highly topical or affects large sections of the community.
- 7.6 Many Chairs and Deputy Chairs suggested that the presentation and discussion of committee reports be given a higher profile in the House. One submission also laments the lack of attention reports receive, both upon presentation and the priority accorded to the resumption of debate:
- ... if committee reports are to have real benefit to the community, debate on their recommendations must be allocated adequate parliamentary time ... If it is worth establishing committees it is worth ensuring the public gets maximum value for the expense and effort that is given to the work of committees.<sup>6</sup>

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4 Reports of joint committees are also presented in the Senate. Interim reports may also be presented before the committee's inquiry is completed.

5 Standing order 34.

6 The Hon. K. Rozzoli AM, *Submission No. 2*, p. 4.

- 7.7 One factor in the low profile of committee reports may be their tabling time. The Department of the House of Representatives (DHR) and the Standing Committee on Legal and Constitutional Affairs (LACA) highlight the practical difficulties involved in the current Monday evening timeslot for presentation of committee reports.<sup>7</sup> These relate to:
- the ability of witnesses and other members of the public to attend the public galleries when the report is being presented in the Chamber;<sup>8</sup>
  - difficulties with publicising the report immediately, noting that the presentation time is generally too late in the day to allow a press conference to occur; and
  - staff working extended hours to make the report available online upon presentation in the Chamber, or the report not being available electronically until the next day.
- 7.8 The DHR, LACA Committee and committee Chairs and Deputy Chairs consistently supported amending the Chamber order of business to provide for the presentation of committee reports earlier on Mondays.<sup>9</sup> The DHR proposes that committee and delegation report and private Members' business time be consolidated in the Chamber, rather than splitting this business between the Chamber and Main Committee on Monday evenings. It suggests that petitions be presented at noon, followed by committee and delegation reports, and private Members' business. To compensate for any lost time, more government business could take place in the Main Committee on Mondays.<sup>10</sup>

### Committee conclusions

- 7.9 Members, witnesses and the House dedicate significant time and other resources to committee work. The Committee has serious concerns about the current profile of committee work in the Chamber and Main Committee. A failure to allocate adequate and appropriate time to committee business in these venues could potentially undermine the importance and effectiveness of the House committee system.

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7 Department of the House of Representatives, *Submission No. 6*, pp. 9–10; House of Representatives Standing Committee on Legal and Constitutional Affairs, *Submission No. 7*, p. 2.

8 Special arrangements are necessary for members of the public to enter the building after 5 p.m.

9 Department of the House of Representatives, *Submission No. 6*, pp. 9–10; House of Representatives Standing Committee on Legal and Constitutional Affairs, *Submission No. 7*, p. 3; consultations with committee Chairs and Deputy Chairs.

10 The Department made a similar recommendation in its submission to the Committee's inquiry into the conduct of the business of the House.

- 7.10 The Committee notes with interest proposals to have committee and delegation reports presented earlier in the day.<sup>11</sup> This would ensure that private Members' business is not disrupted by deferred divisions, which may take place from 8 p.m. on Monday evenings. It would also allow for reports tabled in the Chamber, during the set period for the presentation of committee and delegation reports, to be referred to the Main Committee for debate later that day: this is currently not possible. Reports gain momentum when presented and debated on the same day, and Members also gain a great deal of professional satisfaction from this.
- 7.11 The Committee supports the period of committee and delegation reports and private Members' business taking place in the Chamber early on a sitting Monday, with the Main Committee meeting earlier as well. Reports could be briefly presented by Chairs, with or without a brief tabling statement, and be referred immediately to the Main Committee for debate. This would give more Members an opportunity to contribute to the debate almost as soon as the report is tabled, and may result in a more substantial debate on a report than may currently be possible.
- 7.12 The Committee considers that the earlier sitting of the House (10 a.m. instead of the current 12 noon) and the extra hours in the Main Committee (10.30 a.m. to approximately 1.30 p.m.) would justify a reconsideration of the adjournment time on Monday nights. On balance, it favours a 9 p.m. adjournment in the Chamber, with an adjournment debate from 8.30 p.m. The Main Committee would therefore need to adjourn at 8.30 p.m., with the grievance debate perhaps taking place from 7.30 p.m. The net result of this proposal, including the earlier adjournment time, would be a 15 minute loss of government business time in the Chamber. However, this would be more than offset by time for government business during the later meeting of the Main Committee on Mondays.

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11 Department of the House of Representatives, *Submission No. 6*, pp. 9-10; *It's your House*, recommendation 22; House of Representatives Standing Committee on Legal and Constitutional Affairs, *Submission No. 7*, p. 3; consultations with committee Chairs and Deputy Chairs.

## Recommendation 24

The Committee recommends that:

- the standing orders be amended to provide for:
  - ⇒ a period of committee and delegation business and private Members' business to be given priority in the Chamber on Mondays from 10 a.m. to 12 noon, beginning with Petitions Committee report and statement(s) for 10 minutes;
  - ⇒ the Main Committee to regularly meet on Mondays from 10.30 a.m. to 1.30 p.m., commencing with a 30 minute period of three minute constituency statements as provided by standing order 193, followed by committee and delegation reports and private Members' business being given priority;
  - ⇒ quorums and divisions called during the period of committee and delegation business and private Members' business being deferred until the conclusion of Question Time;
  - ⇒ 90 second statements to take place in the Chamber from 1.45 p.m. on Mondays, instead of in the Main Committee; and
  - ⇒ the adjournment to be proposed at 8.30 p.m. on Mondays, and the House adjourning at 9 p.m.;
- the whips:
  - ⇒ continue to recommend the order of consideration of matters and the times allocated for each item and for each Member speaking during periods of committee and delegation reports and private Members' business in the Chamber on Mondays, in line with the provisions of standing order 41A; and
  - ⇒ consider allocating time for the presentation of committee and delegation reports such that a short time be provided in the Chamber for presentation and referral of the report to the Main Committee, with statements and debate taking place as soon as practicable in the Main Committee; and
- the impact of changes be reviewed by the Procedure Committee as soon as practicable after six months of implementation.

## **Making space in the House's schedule**

- 7.13 Committee work is an integral part of a Member's duties. To give public recognition to this and to strengthen the committee system, some submissions recommend dividing parliamentary sittings into plenary sessions and committee sessions.<sup>12</sup> Committee days would then be publicly listed in the parliamentary sitting calendar, giving the public a truer picture of Members' parliamentary workload.
- 7.14 Another option discussed during consultations with Chairs and Deputy Chairs is allocating a portion of each sitting week exclusively to committee work. The Chamber and Main Committee would not operate, and this would also give Ministers an opportunity to conduct meetings without the risk of interruptions caused by divisions in the House.

## **Committee conclusions**

- 7.15 The difficulty of identifying an appropriate time of the week not already allocated to other business, and an absence of consensus, makes these options unworkable at this time. The Committee considers that its proposal for a future committee inquiry into proposals for minimising disruptions during sitting weeks<sup>13</sup> would go some way to better accommodating committee work in the House.

## **Responses to committee activities**

- 7.16 The presentation of a committee's report should not be considered the end of the inquiry process. Responses may arise – from government, from the public, and from committee members – and the effectiveness of the House committee system could be improved if they are approached more systematically. Outcomes that committees might monitor include:
- government responses;
  - implementation of recommendations; and
  - overall effectiveness.

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12 The Hon. K. Rozzoli AM, *Submission No. 2*, p. 3; Associate Professor S. Rice and Dr M. Rimmer, *Submission No. 11*, p. 6.

13 See end of Chapter 2.

## Government responses

- 7.17 Since 1978, successive governments have undertaken to respond formally to parliamentary committee reports, and in 1983 the government reduced the period for responses from the original six months to three. Although House standing orders do not contain any binding requirement for a response (or a timeframe), successive governments have agreed to comply with the convention.
- 7.18 Government responses are usually presented in the House with other government documents<sup>14</sup> and are published on the relevant committee's website. Often, but not always, Ministers will inform Chairs that a government response has been presented in the House.
- 7.19 At approximately six-monthly intervals, the Speaker presents a schedule of government responses to House and joint committee reports, as well as a list of responses that remain outstanding.<sup>15</sup> The government usually responds by informing the House – in summary form – of its progress in relation to the outstanding responses.
- 7.20 A great deal of work goes into committee inquiries, not only by Members but also by the many witnesses who make submissions and take the time to meet with the committee. Committee reports therefore represent the culmination of an often lengthy, resource-intensive and time-consuming inquiry process. Witnesses, members of the public, and committee members are understandably frustrated when there is a delay in receiving a government response to a committee report or, worse still, when a response does not eventuate at all.
- 7.21 Many Chairs and Deputy Chairs were concerned about the detrimental effect late responses could have on the standing of House committees, and the likelihood of witnesses participating in future inquiries. These potential consequences have prompted a number of witnesses to propose reforms for more timely government responses.
- 7.22 One possibility was that, where a response has not been received within a certain timeframe, standing orders would specifically enable committees to hold a hearing at which the Minister or officials from the relevant government department would be invited to attend and explain the delay.

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14 Standing order 34; this takes place every sitting day after Question Time.

15 A copy of the most recent schedule is available at Appendix G.

- 7.23 Another option, proposed by the Department of the House of Representatives (DHR), is the House establishing a mechanism similar to that for outstanding answers to questions in writing.<sup>16</sup> A Member (most likely the relevant Chair) could, perhaps after Question Time in the Chamber, raise any delay in receiving a government response and ask that the Speaker pursue this with the appropriate Minister.

#### **Committee conclusions**

- 7.24 Although the regular Speaker's schedule of outstanding government responses is one way of monitoring government compliance with the three-month timeframe, there may be some benefit in formalising the convention and in increasing the ways in which committees can hold the government to account over responses and implementation of recommendations.
- 7.25 The Committee notes that, often, committee recommendations are absorbed into government policy without a formal response being provided. However, Members are concerned that the absence of a response may appear to indicate a lack of respect for contributors to a committee inquiry.
- 7.26 The standing orders already allow a committee to invite a Minister to attend a meeting.<sup>17</sup> However, the Committee suggests that Chairs and Deputy Chairs could perhaps be better informed of this provision.
- 7.27 The Committee favours the DHR's proposal, which would require changes to the standing orders not only to enshrine the mechanism, but also to formalise the timeframe for a government response which, at present, is an informal undertaking. Acceptance of this proposal would affirm commitment to an open, accountable and sustainable committee system in the House of Representatives.

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16 Department of the House of Representatives, *Submission No. 6*, pp. 13–14.

17 Standing order 249.



## Recommendation 25

The Committee recommends that:

- the standing orders be amended to require that, within three months of a House or joint committee report being presented in the House, a government response be tabled in the House and, if no such response has been received within four months of such a report being presented in the House, to allow a permanent member of the committee, at the conclusion of Question Time, to ask the Speaker to write to the Minister concerned, seeking reasons for the delay in responding;
- Ministers inform the relevant committee Chair immediately a government response is presented in the House;
- the Speaker present his schedule of outstanding responses to committee reports at least three times a year; and
- through the Liaison Committee of Chairs and Deputy Chairs, Members be reminded of a committee's power, under standing order 249, to invite a Minister to appear before it.

## Implementation of recommendations

7.28 Even if a government response is received, and the committee's recommendations are accepted, there is no guarantee that those recommendations will necessarily be implemented. The Hon. Kevin Rozzoli suggests that, if a committee's recommendations are accepted by the government without amendment, those recommendations should be binding.<sup>18</sup> He suggests that this would make governments more accountable because they would have to take specific action to reject or amend recommendations. It would also make committees more mindful about the way they frame recommendations.

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<sup>18</sup> The Hon. K. Rozzoli, *Submission No. 2*, pp. 6–7.

### Committee conclusions

- 7.29 It is unclear how Mr Rozzoli's proposal would fit with the 'prerogatives of executive government' discussed by Professor Ian Marsh.<sup>19</sup> Furthermore, there are sometimes very good reasons for policies not being implemented: a better policy may have been identified, the policy problem being responded to might have changed, or other policies may have taken priority.
- 7.30 Another suggestion put to the Committee involves giving committees the power to initiate a review of an inquiry after a certain period of time. If committees are given the power to initiate their own inquiries, this could be done without any further change to the standing orders.
- 7.31 It is vital that committees continue to monitor the outcomes of their inquiries, through to the implementation and evaluation stages.<sup>20</sup> Such activities are essential for the ongoing effectiveness of the House committee system and, significantly, can be undertaken under existing standing orders.<sup>21</sup> Indeed, some committees already regularly monitor the implementation of their recommendations.<sup>22</sup> These less formal avenues can be just as effective as formal reviews, and the Committee encourages all House committees to establish their own mechanisms for monitoring the implementation of their recommendations.

### A time for reflection: evaluating an inquiry's effectiveness

- 7.32 In assessing effectiveness, analysts often emphasise formal outcomes of committee processes, such as committee reports and government responses. This may distract from other important, but perhaps less obvious, outcomes of inquiries:

Parliamentary committee work plays a range of important roles in politics and in policy, but few of those roles are actually revealed

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19 Professor I. Marsh, *Submission No. 13*, p. 5.

20 Professor G. J. Lindell, *Submission No. 4*, p. 1; Civil Liberties Australia, *Submission No. 9*, p. 2.

21 Professor Lindell supports select committees remaining in existence to monitor the implementation of their recommendations. The House is able to make such provisions in the resolution of appointment.

22 Some committees have a practice of inviting representatives from relevant government departments to regular (e.g. annual) briefings to brief them on current issues and to answer questions, including questions on the implementation of recommendations of committees from previous Parliaments.

through the publication of committee reports or the responses of governments to them.<sup>23</sup>

- 7.33 A former Minister has pointed out that an emphasis on formal outcomes fails to account for the way in which committees influence government policies. Then Health Minister, the Hon. Tony Abbott MP, was quoted as saying that:

... people who went to the trouble of giving evidence to committees should not think their efforts were in vain as many government policies “are subtly moderated because of the kind of evidence that parliamentary committees take”.<sup>24</sup>

- 7.34 Associate Professor Simon Rice and Dr Matthew Rimmer recommend that committees be required and resourced to periodically review and report on the progress of previous reports.<sup>25</sup> Such reviews would include the nature or absence of a government response, and could be conducted by external bodies.

### **Committee conclusions**

- 7.35 There would be significant costs associated with the conduct of external reviews of committee inquiries, which would necessitate additional funding. Also, reviews of this sort could overemphasise government responses to recommendations as the main outcomes of committee processes, neglecting less formal but nonetheless valuable outcomes.
- 7.36 Such outcomes include those discussed in Chapter 1: contributing to the formulation and evaluation of public policy; facilitating community engagement and citizens’ participation in democratic processes; educating Members and providing them with opportunities to participate that do not involve the front bench; and facilitating cooperative work across party lines.
- 7.37 Although these outcomes may not be as readily quantifiable as data relating to formal government responses, there may be merit in attempting to capture and report on them. This may provide a more accurate picture of the value of House committee work.

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23 I Holland, ‘Parliamentary committees as an arena for policy work’ in HK Colebatch (ed.), *Beyond the policy cycle – The policy process in Australia*, Allen & Unwin, Sydney, 2006, p. 66.

24 G Ryle, L Pryor and M Metherell, ‘Senate boss blasts PM’s monarchy’, *Sydney Morning Herald*, 21 June 2005, p. 1.

25 Associate Professor S. Rice OAM and Dr M. Rimmer, *Submission No. 11*, pp. 12–13.

- 7.38 Instead of external reviews, committees themselves are better placed to evaluate the relative success of their own inquiries. Such evaluations could be as formal or as informal as the committee considers appropriate. Evaluations could also be made public, if the committee wishes.
- 7.39 Such an evaluation process would provide an opportunity for the committee as a whole to reflect on an inquiry's successes, as well as strategies for improvement, and could focus on matters such as:
- the nature of the government response received;
  - the implementation of recommendations, and whether the desired effects were achieved;
  - the extent and nature (including diversity) of community engagement and the opportunity for citizens' participation in the democratic process; and
  - the opportunities for Members and the public to learn about issues of importance to the community.

**JULIE OWENS MP**

**Chair**

**3 June 2010**