

## Beauty is in the eye of the beholder

### *A framework for testing the effectiveness of parliamentary committees*

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#### *Absrtact*

*This paper argues that it is possible and valuable to quantitatively assess the performance of parliamentary committees. Most efforts to date have focussed on anecdotal reporting, which is unreliable. The few studies that collected quantitative information have been small scale and have not used sampling methods. The suggested approach is to assess the approval of committee reports by different political sectors, or relevant groups. This would include surveying voters and inquiry stakeholders, and analysing government responses. For a committee report or inquiry to be effective, at least one group must rate it as effective. The more groups that rate a report as effective, and the higher their effectiveness ratings, then the greater the effectiveness.*

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<sup>1</sup> A number of people have contributed to this paper in various ways. They include Stephen Boyd, David Clune, Richard Grant, Sonia Palmieri, Ian Thackeray, and Glenn Worthington.

## Introduction

Committees are now a large part of the business of the Parliament of the Commonwealth of Australia. In their 2006-07 annual reports, the Departments of the Senate and House of Representatives report total expenditure on committees of \$8.3 million and \$10.7 million. Of their total expenses, this represents 36.9 per cent and 43.0 per cent respectively.<sup>2</sup> Prior to the prorogation of the Parliament in 2007, the Department of the Senate supported 15 Senate committees and three joint committees. The Department of the House of Representatives supported 18 House committees and nine joint committees.<sup>3</sup> The act alone of spending \$19 million per year of taxpayers' money makes these bodies eligible for evaluation.

In parliamentary terms, this scale of activity is rather recent. A range of standing committees to cover the field of government operations did not exist for much of the twentieth century. The Senate created its suite of standing committees in 1970 and the House did so in 1987.<sup>4</sup> This rate of development is comparable to the House of Commons in the United Kingdom, which is the constitutional reference point for the Senate and House.<sup>5</sup> The House of Commons created a suite of portfolio standing committees in 1979.<sup>6</sup>

The creation of these committees has led to the development of an evaluation literature. There are three branches. One view is to examine the impact that committees have had on public policy, including the attitude of governments and the related public debate. Little or no

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<sup>2</sup> Department of the Senate, *Annual Report 2006-07*, pp. 54, 90, Department of the House of Representatives, *Annual Report 2006-07*, pp. 29, 103.

<sup>3</sup> Department of the Senate, 'Senate and other Senate-based Committees', <http://www.aph.gov.au/Senate/committee/com-list.htm> (accessed 19 November 2007), Department of the House of Representatives, 'House Committees of the 41<sup>st</sup> Parliament', [http://www.aph.gov.au/house/committee/comm\\_list.htm#standing](http://www.aph.gov.au/house/committee/comm_list.htm#standing) (accessed 19 November 2007).

<sup>4</sup> Harry Evans, ed., *Odgers' Australian Senate Practice*, 11<sup>th</sup> edition, Department of the Senate, 2004, p. 347, I.C. Harris, B.C. Wright, & P.E. Fowler, *House of Representatives Practice*, 5<sup>th</sup> edition, Department of the House of Representatives, 2005, p. 627.

<sup>5</sup> Section 49 of the Constitution states that the powers, privileges and immunities of the Senate and the House are the same as the House of Commons at the time of federation (1901).

<sup>6</sup> Geoffrey Lock, 'Resources and Operations of Select Committees: A Survey of the Statistics', in Gavin Drewry, ed., *The New Select Committees: A study of the 1979 reforms*, 2<sup>nd</sup> edition, Clarendon Press, Oxford, 1989, p. 319.

quantitative data is collected. Instead, researchers place reliance on case studies, observation and interviews with key participants, such as committee members. A key feature of this approach is the argument that government implementation of committee recommendations does not constitute an effectiveness indicator.<sup>7</sup>

The second approach is to use both information on the implementation of recommendations and the effect on debate as indicators of effectiveness. The data collected on the acceptance of recommendations tends to be limited to summary data such as averages. The reports studied are usually chosen selectively, focussing on one or two committees, rather than using a sampling methodology. Conclusions on a committee's effect on debate also tend to be based on case studies.<sup>8</sup>

The third, and smallest branch, is the group that argue for more quantitative data. They do not set out a plan for the process, but realise that there can be a significant gap between perceptions and common wisdom on one hand and reality on the other.<sup>9</sup>

This paper is based on the views of the second and third branches of the literature. Attaching numbers to parliamentary committee work may be difficult, given the flexible and unpredictable nature of what they do. However, the exercise is likely to bring additional information and insight to our understanding of committees, even if it does not capture

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<sup>7</sup> For example, see Philip Giddings, 'What Has Been Achieved?', in Gavin Drewry, ed., *The New Select Committees: A study of the 1979 reforms*, 2<sup>nd</sup> ed., Clarendon Press, Oxford, 1989, John Halligan, Robin Miller and John Power, *Parliament in the Twenty-first Century: Institutional Reform and Emerging Roles*, Melbourne University Press, Carlton, 2007, pp. 217-241, including the view of Senate committee secretaries at p. 223. A general argument against quantifying the effect of parliamentary committees is made in G.S. Reid and Martyn Forrest, *Australia's Commonwealth Parliament 1901-1988*, Melbourne University Press, Carlton, 1989, p. 387.

<sup>8</sup> For example, see Michael Rush, 'Does activity equal success? – The work of the Select Committees on Education and the Social Services', in Dilys M. Hill, ed., *Parliamentary select committees in action: A symposium*, Department of Politics, University of Strathclyde, Glasgow, 1984, Derek Hawes, *Power on the Back Benches? The growth of select committee influence*, School for Advanced Urban Studies, Bristol, 1993, F.A. Kunz, *The Modern Senate of Canada, 1925-1963: A re-appraisal*, University of Toronto Press, Toronto, pp. 263-268, New South Wales Legislative Council, *Annual Report 2001*, vol. 2, pp. 114-119.

<sup>9</sup> Malcolm Aldons, 'Problems with Parliamentary Committee Evaluation: Light at the End of the Tunnel?', *Australasian Parliamentary Review*, vol. 18, no. 1, p. 91, Peter O'Keeffe, 'The scope and function of parliamentary committees', *The Parliamentarian*, vol. 73, no. 4, p. 275.

everything that occurs. Further, it appears incongruous that several commentators argue against an analysis of committee recommendations when they are a central part of the process for many committees. The research question may instead be to ask what the data means. These ideas lead to the development of a methodology for assessing committee effectiveness.

### **Is it desirable to quantitatively measure committee performance?**

As discussed earlier, the main argument why it is worth attempting to quantitatively measure committee performance is that generally held perceptions may not match the reality. One way in which this might occur is that one or two particularly successful committee reports could be seen as validating all committee work, when these reports may only be a small minority of the total. A previous Clerk-Assistant (Committees) in the Senate has put this view and noted that a failure to measure performance may be correlated with reduced performance:

Although real and important, all of these examples of performance are anecdotal and hence in some respects unreliable. Parliaments seldom genuinely assess or evaluate themselves and their committees ....

The problem remains, however, that if Parliaments impose no regular or even periodic performance standards on committees, they may function without any real responsibility for their own performance. And without some greater degree of responsibility there may be insufficient interest in even genuinely exerting the full range of influences and pressures which committees can project.<sup>10</sup>

In 2004, the Australian National Audit Office and the Department of Finance and Administration jointly published *Better Practice Guide: Better Practice in Annual Performance Reporting*. This is the authoritative guidance for the Australian public sector on performance reporting. Although it is aimed at government agencies, many of its principles are also applicable to parliamentary committees. For example, the *Better Practice Guide* notes the importance of quantitative data. It states, ‘Without performance reports, planners would

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<sup>10</sup> Peter O’Keeffe, ‘The scope and function of parliamentary committees’, *The Parliamentarian*, vol. 73, no. 4, p. 275.

have to rely on intuition and opinions, which are likely to be less precise and more subjective than carefully designed and balanced reporting'.<sup>11</sup>

The *Better Practice Guide* also makes a number of observations that meet the arguments against collecting quantitative data for assessing the effectiveness of committees. For example, one of the major works on the 1979 reforms in the House of Commons stated:

... it is clear that while the form in which objectives have been set may have varied, the committees have in general focussed on indirect influence, information and accountability. No easy measure of their achievements or effectiveness under such heads is possible, given the imprecise nature of such objectives. We shall, therefore, look not at measures of achievement, recommendations accepted or whatever, but rather at the three directions in which such influence is directed – the House, the government, and public opinion – in order to see what effect it has had.<sup>12</sup>

In essence, this is a 'too hard' argument. Giddings has noted the difficulty of the task and chosen a non-quantitative approach instead. In their recent work on the committees in the Australian Parliament, Halligan, Miller and Power make a similar case:

There is little doubt that the outcome of such a massive evaluative exercise would be ambiguous and inconclusive, if only because there are typically too many players and interactions in most policy processes for the distinctive contributions of individual players, such as a parliamentary committee, to be evaluated in a quantitative sense.<sup>13</sup>

The *Better Practice Guide* puts the response as follows:

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<sup>11</sup> Australian National Audit Office and Department of Finance and Administration, *Better Practice Guide: Better Practice in Annual Performance Reporting*, 2004, p. 4.

<sup>12</sup> Philip Giddings, 'What Has Been Achieved?', in Gavin Drewry, ed., *The New Select Committees: A study of the 1979 reforms*, 2<sup>nd</sup> ed., Clarendon Press, Oxford, 1989, p. 369.

<sup>13</sup> John Halligan, Robin Miller and John Power, *Parliament in the Twenty-first Century: Institutional Reform and Emerging Roles*, Melbourne University Press, Carlton, 2007, p. 222.

Good performance reporting does not come easily or quickly. It involves focusing everyone in the agency on capturing accurately the essence of what success means for an agency and presenting it in context for all users. It entails review and refinement over time in consultation with both internal and external stakeholders.<sup>14</sup>

This is a ‘try and try again’ argument. It accepts the difficulty of the task and suggests that repeated attempts, combined with learning from each stage, will produce a useful result. The *Better Practice Guide* also states that it may be difficult to find an indicator that exactly matches the conduct in question. In this case, it suggests using an approximate indicator along with an explanation why it was used.<sup>15</sup> The idea is to accept that there may be weaknesses in the data, but it is better to use less than perfect data if the problems are clearly explained. This is a preferable approach because it leads to a better-informed debate. If no-one produces quantitative information, then no-one can determine whether it adds value or not. The arguments against numerical data will be much stronger if there is some data to argue against.

When examining public sector performance, there are a number of indicators available. The first is inputs, which measures the resources used by an agency. This is usually measured through staff hours or money spent. The next measure is outputs. This is what the agency did and its measurement depends on what the agency’s role is. A health department might measure this through the number of surgical operations and the number of patient consultations. A parliamentary committee might list the number of reports produced and the number of submissions authorised for publication. Dividing outputs by inputs gives an efficiency result, which shows how much outputs were produced with a single dollar, or whatever unit of resources is used.

The final measure, and often the most important, is effectiveness. The *Better Practice Guide* defines this as, ‘the essence of what success means for an agency’.<sup>16</sup> For a health department

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<sup>14</sup> Australian National Audit Office and Department of Finance and Administration, *Better Practice Guide: Better Practice in Annual Performance Reporting*, 2004, p 5.

<sup>15</sup> *Id.*, p. 13.

<sup>16</sup> *Id.*, p. 5.

this could be a reduction in disease rates or longer life expectancy. As noted earlier, a number of researchers have defined effectiveness for a parliamentary committee as influencing the government and the general debate.

It is important to differentiate between outputs and effectiveness. As the *Better Practice Guide* states, ‘Better practice performance reporting involves agencies going beyond *what they did* to explain *what happened next*’.<sup>17</sup> For example, in their study of committees in the Parliament of the Commonwealth of Australia, Halligan, Miller and Power establish four categories of committee report (review, legislation, investigation and scrutiny). They then note that Senate committees are involved in all four categories, whereas House and joint committees tend to focus on review and scrutiny inquiries respectively. Their conclusion is that, ‘the Senate performs fairly strongly across all four roles’.<sup>18</sup> In terms of effectiveness, the real question is not what types of report a committee does, but whether they have the appropriate influence on government and the general debate.

## **Committees are political**

In assessing committee effectiveness, many researchers have used the ‘impact test’. This involves assessing a committee’s effect on one or more of the following: the government, the general debate, administration and experts. Committees generally use their status and transparency to either make the case for change or better inform the political and general communities. The impact test is aimed at these results and is a reasonable approach. This is especially so where the people observing the impact are clearly identified and their particular perspective is acknowledged.<sup>19</sup>

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<sup>17</sup> Id., p. 38.

<sup>18</sup> Halligan, op. cit., pp. 70-71.

<sup>19</sup> The best example is Derek Hawes, *Power on the Back Benches? The growth of select committee influence*, School for Advanced Urban Studies, Bristol, 1993, pp.143-168. The results of a survey of committee members are presented in John Halligan, Robin Miller and John Power, *Parliament in the Twenty-first Century: Institutional Reform and Emerging Roles*, Melbourne University Press, Carlton, 2007, p. 223-227.

One way in which the impact test could be improved is to recognise the political dimensions of committees. As a former Clerk-Assistant (Committees) in the Senate stated, 'Parliamentary committees are made up of politicians, behaving politically'.<sup>20</sup> Skene provides more detail on how political considerations affect how members approach committee work:

Bargains can be struck in small groups which would not be considered in open debate; repetitious partisan clashes can be short-circuited by covert committee manoeuvring; as governments see fit [where governments control a chamber], contentious policy proposals can be worked over with interest groups or quietly buried away from the public's gaze; MPs can engage in oversight activity, advertise their concern for constituents, or seek advancement through the astute management of important issues.<sup>21</sup>

Similarly, the participants in committee inquiries such as government departments, peak bodies, businesses and individuals also have political aims. One way of improving the impact test would be for it to better reflect the participants' political self interest and subjectivity.

These elements of subjectivity and diversity of views in the activities of parliamentary committees is recognised in some of the literature. Professor Paul Thomas from University of Manitoba has written:

Effectiveness of parliamentary committees is largely in the eye of the beholder. Various observers will emphasise diverse and often conflicting criteria to appraise the performance of committees.<sup>22</sup>

Senator Bruce Childs has put it more bluntly, stating, 'Everyone in the political process has an angle'.<sup>23</sup> Dr Rodney Smith of the University of Sydney has noted that this diversity and

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<sup>20</sup> Peter O'Keefe, 'The scope and function of parliamentary committees', *The Parliamentarian*, vol. 73, no. 4, p. 271.

<sup>21</sup> Geoff Skene, *New Zealand Parliamentary Committees: An Analysis*, Institute of Policy Studies, Wellington, 1990, p. 2 (unbound).

<sup>22</sup> Paul Thomas, 'Effectiveness of Parliamentary Committees', *Parliamentary Government*, no. 44, p. 10.

subjectivity has some implications for how various groups view committees. Firstly, committees are unlikely to please all stakeholders all the time. Secondly, if they do please all stakeholders at any one point in time, it is likely to be for differing reasons.<sup>24</sup> To date, the impact test has not overtly recognised this subjectivity.

An alternative method would be to accept the political nature of committees and make this the basis for assessment. If individuals and groups are competing to push their political views through committees, then their individual, subjective perceptions of a committee's inquiry or report are the indicators of its effectiveness. In other words, the objective measure of committee effectiveness is the subjective views of participants and stakeholders.

Jaqi Nixon proposed this approach for the evaluation of parliamentary committees in the United Kingdom in 1986:

This approach adopts a pluralistic view and thus takes account of the value positions of multiple audiences on concerns or issues relating to the programme or entity being evaluated i.e. the 'evaluand'. Responsive evaluation, therefore, is not so much concerned with pre-ordained objectives of the evaluand as with its actual effects in relation to the interests of 'relevant publics'.<sup>25</sup>

Who are these relevant publics, or relevant groups? Nixon quoted a book by Guba and Lincoln on evaluation which suggested that anyone who is affected by an education program (the topic of their book) should be consulted. It is reasonable to extend this to all public sector entities. They defined relevant groups as:

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<sup>23</sup> Senator Bruce Childs, 'The Truth About Parliamentary Committees', *Papers on Parliament*, vol. 18, p. 37.

<sup>24</sup> Dr Rodney Smith, 'New South Wales Parliamentary Committees and Integrity Oversight: Comparing Public Sector Agency, News Media and NGO Perspectives', Australasian Study of Parliament Group Conference on Parliament and Accountability in the 21<sup>st</sup> Century: The Role of Parliamentary Oversight Committees, 6-8 October 2005, p. 4.

<sup>25</sup> Jaqi Nixon, 'Evaluating Select Committees and Proposals for an Alternative Perspective', *Policy and Politics*, vol. 14, no. 4, p. 423.

... groups of persons having some common characteristics (e.g. as administrators, clients, professional groups, politicians) that has some stake in the performance (or outcome or impact) of the evaluand, that is, is somehow involved in or affected by the entity being evaluatees. By virtue of holding a stake, an audience has a right to be consulted.<sup>26</sup>

Most committee processes use the format of collecting evidence from stakeholders and government and reporting back to either or both chambers with recommendations directed to the chambers or the government. This suggests that the relevant groups will be the stakeholders, the chambers and the government. Further, any parliamentary process has the potential to affect the general community, so the electorate is another relevant group.<sup>27</sup>

There are a number of observers of the political process who are well placed to comment on committee inquiries and often do so. However, they do not meet the definition of a relevant public. These are the media, academics and parliamentary staff. Individuals in these groups do not have a formal stake in committee work, although they may have their views on policy and how committees should operate. If they were subject to a committee inquiry (for example an inquiry into the media) then their group would become stakeholders. If they participated in an inquiry through making a submission or being a witness, then they would individually become stakeholders. This paper will now examine the perspectives of the four relevant groups and suggest some methods for measuring their satisfaction with committee work.

## **The views of government**

### **Analysing the acceptance of recommendations**

Where report recommendations are aimed at the government, the usual way in which the government gives its view of the report is through a government response tabled in the

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<sup>26</sup> Ibid, quoting Guba F. and Lincoln Y., *Effective evaluation*, Jossey-Bass, San Francisco, 1981, p. 304.

<sup>27</sup> If one were to accept the arguments by some scholars in the United States that the judiciary act politically, then conceivably the judiciary would be a fifth relevant group. For instance, see Terri Jennings Peretti, *In Defense of a Political Court*, Princeton University Press, Princeton, 2001. The High Court occasionally cites committee reports: Professor Geoffrey Lindell, 'Introduction', in G. Lindell and R. Bennett, eds, *Parliament: The Vision in Hindsight*, The Federation Press, Annandale, 2001, p. xxviii.

relevant chambers. The response is the formal government view of the report and states what the government has done, or plans to do, following the report. It generally also gives reasons why the government does not wish to implement a recommendation.

One approach would be to calculate the proportion of recommendations that the government accepts in its response. The advantage of this approach is that the responses are official government statements. Further, a reasonable number of committee reports that require the government to take new action receive a response. A sample of 76 reports tabled between 2001 and 2004 showed that 71.1 per cent of reports received a government response.<sup>28</sup>

The weakness of this approach is that the response (or lack thereof) may not accurately reflect the government's actions. For instance, the government may start responding to an issue while a committee inquiry is under way, before the committee completes its report.<sup>29</sup> Hawes demonstrated this effect of 'bureaucratic anticipation' numerically in the case of the environment committee in the House of Commons and its inquiry into toxic waste. Prior to the inquiry, the government's policy document output averaged one per year. During the inquiry, it average one per month.<sup>30</sup>

Further, the government need not implement its commitments in the response or it may only promise to implement minor recommendations.<sup>31</sup> Alternatively, the government may only accept one recommendation amongst many, but that recommendation may be the most

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<sup>28</sup> David Monk, 'A statistical analysis of government responses to committee reports', in this volume.

<sup>29</sup> See the comments of the Hon. Tony Abbott MP in Gerard Ryle, Lisa Pryor and Mark Metherell, 'Senate boss blasts PM's monarchy', *Sydney Morning Herald*, 21 June 2005, p. 1 and Brenton Holmes, 'Both Bark and Bite: The effectiveness of Senate committees', 36<sup>th</sup> Conference of Presiding Officers and Clerks, Samoa, July 2005, p. 12.

<sup>30</sup> Derek Hawes, *Power on the Back Benches? The growth of select committee influence*, School for Advanced Urban Studies, Bristol, 1993, p. 175.

<sup>31</sup> Bob Charles MP, Chair of the Joint Committee on Public Accounts and Audit, quoted in 'Straight Shooter', *About the House*, March 2004, p. 26.

important in the report.<sup>32</sup> Finally, the government can implement a report without acknowledging a committee's influence. This sometimes occurs in the phenomenon known as the 'delayed drop'. A committee report can change the political climate, leading to reform later on.<sup>33</sup> All these nuances are lost in a single statistic such as an acceptance rate.

There are three responses to these criticisms. The first is to acknowledge that the acceptance rate is not a perfect indicator of the government's views of a report, but that it is the closest approximation (or 'proxy') that is available. The *Better Practice Guide* states that this is a reasonable approach provided the weaknesses in the data are explained and acknowledged.<sup>34</sup>

The second response is to have a range of effectiveness indicators and explain how they fit together. The *Better Practice Guide* states that one indicator is not enough. This requirement is met in this analysis because the government is not the only relevant group which would be 'consulted' about a committee report. The views of the chambers, the citizenry and stakeholders must also be considered.

Thirdly, the *Better Practice Guide* states that benchmarks must be researched and realistic.<sup>35</sup> Clearly, a committee can prepare a good report that may not be accepted by the government. The delayed drop is an example of this. Therefore, it would be unreasonable to state that, if the government does not accept the recommendations in a report, then the committee has been ineffective. Further, some committees do not publish reports with recommendations but influence the government through avenues outside the Parliament. An example of this is the Senate Standing Committee on Regulations and Ordinances. This committee ensures that legislative instruments meet basic requirements such as being in accordance with the statute

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<sup>32</sup> Malcolm Aldons, 'Rating the effectiveness of committee reports: some examples', *Australasian Parliamentary Review*, vol. 16, no. 1, p. 52.

<sup>33</sup> Derek Hawes, *Power on the Back Benches? The growth of select committee influence*, School for Advanced Urban Studies, Bristol, 1993, p. 170.

<sup>34</sup> Australian National Audit Office and Department of Finance and Administration, *Better Practice Guide: Better Practice in Annual Performance Reporting*, 2004, p. 13.

<sup>35</sup> *Id.*, p. 31.

and not unduly trespassing on rights and liberties.<sup>36</sup> If the committee has concerns about a proposed legislative instrument, it usually resolves this with the minister directly. This committee is very prestigious.<sup>37</sup> It would not make sense to argue that it needs to have government responses tabled in the Senate to be effective.

The other perspective is that, if the government accepts a large number of the recommendations in a report, then it has most likely been effective. If most committee reports include recommendations directed to the government, and they are listed at the front for easy reference, it is illogical to say that the government's acceptance of them is not relevant to committee effectiveness. Committees and committee members themselves agree that implementing recommendations is a valuable outcome. For instance, Senator Murray stated during a Senate debate on one of the reports on children in institutional care:

Whatever our starting point, what we learned and experienced as senators and as the committee secretariat has drawn us to common conclusions and unanimous recommendations. There is a difficult message right there: how are we going to persuade the politicians and bureaucrats who have not been through our experience of the absolute necessity of responding strongly and positively to our reports and recommendations? I do fear that only from confronting the humanity of individuals face to face, of hearing their stories and of being immersed and deeply involved in such inquiries can one really 'get it'.<sup>38</sup>

Other parliamentarians have made similar comments.<sup>39</sup> This is also consistent with the author's experience working for joint and House committees. Committees discuss any

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<sup>36</sup> Senate Standing Committee on Regulations and Ordinances, 'Guidelines on the Committee's application of its Principles', [http://www.aph.gov.au/Senate/committee/regord\\_ctte/guidelines.htm](http://www.aph.gov.au/Senate/committee/regord_ctte/guidelines.htm) (accessed 30 November 2007).

<sup>37</sup> John Uhr, 'Issues Confronting Parliaments', *Australasian Parliamentary Review*, vol. 17, no. 1, p. 126, Harry Evans, ed., Odgers' Australian Senate Practice, 11<sup>th</sup> edition, Department of the Senate, 2004, pp. 336-337, 356-357.

<sup>38</sup> Senator Murray, *Senate: Official Hansard*, 17 March 2005, p. 26.

<sup>39</sup> Senator Bruce Childs, 'The Truth about Parliamentary Committees', *Papers on Parliament*, vol. 18, p. 42, Bob Charles MP in 'Straight Shooter', *About the House*, March 2004, p. 26, various House of Commons committee members in Derek Hawes, *Power on the Back Benches? The growth of select committee influence*, School for Advanced Urban Studies, Bristol, 1993, p. 146, the Hon. Bronwyn Bishop MP in 'Beyond the Headlines' *About the House*, March 2007, p. 47.

perceived delay in a government response and then discuss the response once they receive it. Further, the House of Commons Select Committee on Procedure has stated that, although it need not be the main goal of a committee, directly influencing government policy is a sign of effectiveness:

Although, as most witnesses agreed, it would be misguided for the departmentally-related Committees to seek their main achievements in the degree of direct influence they have exerted over policy decisions, they need not, in our view, feel unduly modest on this score ... *At the risk of invidiousness* [emphasis added], we would repeat the examples of the Home Affairs Committee in relation to the abolition of the 'Sus' laws ... ; the Foreign Affairs Committee's Report on the future of Hong Kong; and the Treasury and Civil Service's Committee's recommendations on the publication of annual departmental reports.<sup>40</sup>

This extract is consistent with the earlier discussion. There is a concern that using acceptance rates as the only measure of committee effectiveness will under estimate committee performance. Hence, that House of Commons committee was not prepared to argue that committees should aim to directly influence government decisions, but recognised such influence as a sign of envied success. This confirms that a government response that accepts some recommendations is a sufficient condition for demonstrating effectiveness, but a not a necessary one.

### **Setting a benchmark**

The next question is whether there should be a particular minimum acceptance rate to show that a committee is effective. As noted earlier, benchmarks should be researched and realistic. The data on government responses for committee reports in the companion article to this paper provides some guidance. For a sample of 76 reports, each recommendation was classified by whether or not it was accepted by the government. From this, an 'acceptance rate' for each report was generated. The data also enabled the calculation of how many reports had at least one recommendation accepted. The results are summarised in table one.

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<sup>40</sup> House of Commons Select Committee on Procedure, *The Working of the Select Committee System*, Second Report, HC 19 (1990), Session 1989-90, vol. 1, p. lxxix.

**Table one: Acceptance of recommendations in selected committee reports, 2001-2004**

Committee type	Average acceptance rate (%)	Reports with at least one acceptance (%)
Joint	54.0	84.8
Senate References	13.6	40.0
Senate Legislation <sup>41</sup>	30.5	38.5
House	22.4	70.0
Total	35.2	64.0

Source: David Monk, ‘A statistical analysis of government responses to committee reports’, in this volume.

Malcolm Aldons has argued that the benchmark for the acceptance of committee reports should either be 50 per cent or the acceptance of a major recommendation.<sup>42</sup> Compared with table one, 50 per cent is too high. Only joint committees would meet this benchmark on a regular basis. An alternative would be a lower rate, such as 25 per cent. However, the problem with this is that it appears arbitrary. For instance, why would 25 per cent be chosen over 10 per cent, 20 per cent, or 30 per cent? A more clear-cut approach would be to accept that a committee demonstrates a minimum level of effectiveness by having the government accept at least one recommendation. This is realistic but will also differentiate between reports. While this benchmark is a good starting point, it is probably still a matter for further debate.

**The literature on acceptance rates**

There is a range of views in the literature over whether an analysis of government responses is useful. The analysis above, however, is consistent with many observations in the literature

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<sup>41</sup> For bills inquiries the government does not table a response. The decision rule here is that the government indicates its acceptance of a recommendation by a minister acknowledging a committee’s contribution to an amendment to a bill in Hansard.

<sup>42</sup> Malcolm Aldons, ‘Rating the effectiveness of committee reports: Some examples’, *Legislative Studies*, vol. 16, no. 1, p. 52.

and meets the arguments of the critics. For example, Professor Kunz reviewed the work of Canadian Senate committees in 1965. He concluded that committees could be effective in two ways, namely when the government implemented their recommendations or when they informed and influenced debate.<sup>43</sup> Nixon described analysing government responses as, ‘a useful starting point for any evaluation of select committee work’.<sup>44</sup> Rush stated that analysing government responses gives, ‘a partial and somewhat simplistic picture’, of committee effectiveness.<sup>45</sup> While at first glance this may be a criticism of analysing government responses, it is in fact consistent with this paper. The analysis agrees that a government acceptance rate should not be the only measure of committee effectiveness. Other relevant groups also need to be considered. The picture that an acceptance rate paints is simplistic, but it is currently the best proxy for the government view of a report.

Halligan, Miller and Power have argued against analysing government responses and state that it is ‘not a fruitful exercise’.<sup>46</sup> They list a number of arguments in favour of their conclusion. The first is bureaucratic anticipation, discussed earlier. Another is that soft recommendations, to which the government can easily agree, inflate the effectiveness of some committees. One way of avoiding this is to set a higher benchmark for a committee recommendation to qualify as being accepted. In the study of government responses to reports tabled between 2001 and 2004, a recommendation is only accepted if the government promises to take new action or is still examining a recommendation. Soft recommendations, for example where the government states that it agrees with a committee and then lists what it is already doing, are considered rejected.

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<sup>43</sup> F.A. Kunz, *The Modern Senate of Canada, 1925-1963: A re-appraisal*, University of Toronto Press, Toronto, p. 263.

<sup>44</sup> Jaqi Nixon, ‘Evaluating Select Committees and Proposals for an Alternative Perspective’, *Policy and Politics*, vol. 14, no. 4, p. 421.

<sup>45</sup> Michael Rush, ‘Does activity equal success? – The work of the Select Committees on Education and the Social Services’, in Dilys M. Hill, ed., *Parliamentary select committees in action: A symposium*, Department of Politics, University of Strathclyde, Glasgow, 1984, p. 164.

<sup>46</sup> John Halligan, Robin Miller and John Power, *Parliament in the Twenty-first Century: Institutional Reform and Emerging Roles*, Melbourne University Press, Carlton, 2007, p. 223.

Halligan, Miller and Power make a number of other arguments. For example, they suggest that there are too many players and interactions in the political system to be able to extract the effect of parliamentary committees. They also state that there are a very low number of cases where committees have unambiguously had major policy impacts. The counter argument to this is that the government response is only one of four possible indicators of effectiveness, and not a necessary one. Further, as Rush argues:

A cynic might argue that at best the committee must have been pushing at an open door or at worst the government had already made up its mind, but wished the committee to think it had had some influence. Such may be the case in some instances, but it is just as much an assumption to assume that it is always thus. The development of policy and the decision-making process can be labyrinthine and governments are under no obligation to acknowledge who influenced them over what or disclose how a particular decision was reached. Nonetheless, if only because they publish evidence and issue reports, at very least committees can normally claim to be part of the policy input.<sup>47</sup>

In other words, for the government to state that it will do something new as a result of a committee's report is a significant statement. A committee can consider that it has done valuable work under these circumstances.

Halligan, Miller and Power's penultimate comment is that it is difficult to determine if implementing a committee recommendation 'improves' the policies in question. However, committees and governments operate in a political environment and the main criterion for policy success is political, that is general support in the community for the policy. Policies that have an objective, technical basis, and which might be considered improvements in some parts of the community, will only be adopted if they have significant political support. Therefore, this paper argues that the main criterion for committee effectiveness should be the political views of the four relevant groups. Raising doubts over whether a committee-induced policy change is an improvement could also be done for any other policy change.

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<sup>47</sup> Michael Rush, 'Does activity equal success? – The work of the Select Committees on Education and the Social Services', in Dilys M. Hill, ed., *Parliamentary select committees in action: A symposium*, Department of Politics, University of Strathclyde, Glasgow, 1984, p. 164.

The final point raised by Halligan, Miller and Power is related to their survey of committee members. They asked parliamentarians what were their more important inquiries, why they were important, and why they were successful. The authors noted that committee members tended to note the successful reports by their impact on the relevant policy community and experts.<sup>48</sup> By implication, this is another argument in favour of their conclusion that government responses should not be analysed. However, in their questionnaire, Halligan, Miller and Power did not expressly ask committee members for their observations about government responses.<sup>49</sup> This raises doubt about whether this is a robust argument against examining government responses. If asked directly, committee members in Australia might respond in a similar way to their counterparts in the House of Commons. That is, an overall positive response from government on a report is a sign of success, but there are other ways in which a committee can be successful as well. Professor Kunz stated as much in 1965.<sup>50</sup>

## **The views of the legislature**

The legislature is an important relevant group in committee work because the chambers establish the committees and give them terms of reference.<sup>51</sup> This occurs through the standing orders, by separate resolution, or through legislation. Legislatures occasionally examine ways in which their committees might be more effective and often conclude that their committees are effective.<sup>52</sup> What these inquiries do less often is to seriously debate the rationale for

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<sup>48</sup> John Halligan, Robin Miller and John Power, *Parliament in the Twenty-first Century: Institutional Reform and Emerging Roles*, Melbourne University Press, Carlton, 2007, pp. 226-227.

<sup>49</sup> *Id.*, pp. 265-266.

<sup>50</sup> F.A. Kunz, *The Modern Senate of Canada, 1925-1963: A re-appraisal*, University of Toronto Press, Toronto, p.263.

<sup>51</sup> References for House committees often come from ministers. Senate committees almost exclusively receive their references from the chamber.

<sup>52</sup> For example, House of Representatives Standing Committee on Procedure, *Ten years on: A review of the House of Representatives Committee System*, 1998 and House of Commons Select Committee on the Modernisation of the House of Commons, *Select Committees*, First Report, HC 224 (2002), Session 2001-02.

committee work and, by extension, the ways in which they demonstrate effectiveness.<sup>53</sup> None of these inquiries set quantitative performance benchmarks.<sup>54</sup>

In discussing committee effectiveness, the unique feature of the legislature is that committee members are drawn from the legislature. Therefore, views expressed by the legislature about a committee may well overlap with the views of the committee itself about its work. Research conducted by the Hon. Ken Coghill (previously a Speaker in the Victorian Parliament) and Professor Colleen Lewis demonstrates that committee members generally find their committee work very satisfying.<sup>55</sup> Therefore, any performance information that drew on the opinions of committee members in relation to their own work may be biased upwards. The *Better Practice Guide* recognises this and states that the most credible performance information comes from outside the agency in question.<sup>56</sup> The testing of opinions within the Parliament about a committee report would need to exclude the opinions of the committee members themselves.

In determining the views of the legislature about committee reports, the most robust approach would be to give a sample of Senators and Members a list of a sample of recent committee reports. They would then rate the reports on a numerical scale. Any who sat on a particular committee would be excluded from commenting on their own reports. This questionnaire approach, however, is not always practical and a proxy may be required. Such a proxy could be to check Hansard to determine whether any parliamentarians positively referred to a committee report in debate. Once again, any one who was a committee member for a

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<sup>53</sup> Two inquiries that considered how committees demonstrate effectiveness are: House of Commons Select Committee on Procedure, *The Working of the Select Committee System*, Second Report, HC 19 (1990), Session 1989-90, vol. 1, and Liaison Committee, 'Report of the Liaison Committee on Committee Effectiveness: Summary of Conclusions and Recommendations', *Parliamentary Government*, no. 43, pp. 3-27.

<sup>54</sup> In an annual report, the Legislative Council in New South Wales assessed but did not adopt the benchmark of the government acceptance of committee recommendations: New South Wales Legislative Council, *Annual Report 2001*, vol. 2, pp. 114-119.

<sup>55</sup> Dr the Hon. Ken Coghill, Prof. Colleen Lewis, 'Reforms to protect Parliament's reputation', *The Parliamentarian*, vol. 85, no. 4, p. 354.

<sup>56</sup> Australian National Audit Office and Department of Finance and Administration, *Better Practice Guide: Better Practice in Annual Performance Reporting*, 2004, p. 31.

particular report would be excluded from this analysis. Indeed, it is routine for members of House committees to support their reports in ‘take note’ debates in the House. What sets a report apart from the rest is when parliamentarians outside the committee use the report in their speeches.

In setting the benchmarks, one approach could be to state that the legislature has found a report or inquiry to demonstrate a minimum level of effectiveness once a member of the legislature has positively referred to it in Hansard. Similar to the approach with government responses, a lack of a positive indication does not mean that the committee has been ineffective. Other relevant groups may have found the report effective. If members of the legislature criticise a report, then it may be prudent to take this into account. A simple system of cancelling each positive reference for each negative reference may address this. Therefore, if the number of parliamentarians making negative references to a report outweighs the number making positive references, then the committee will not have demonstrated effectiveness from the perspective of the legislature. However, these benchmarks are preliminary. They will depend on the data and further debate.

### **The views of stakeholders**

Stakeholders comprise the various interest groups, businesses and individuals who lobby for political outcomes favourable to them or their views. In the context of committee effectiveness, they are possibly the most important group. They are well versed in the issues in an inquiry. Further, many of them are detached from the party political conflicts that may influence effectiveness measures involving the government and the legislature. Of the four groups, they are probably closest to the ideal of an impartial, informed observer.

The value of obtaining the views of stakeholders is reflected in the literature. In their survey of committee members, Halligan, Miller and Power found that parliamentarians judged a

committee inquiry to be successful through its impact on the policy community and experts.<sup>57</sup> In 2001, the New South Wales Legislative Council analysed committee performance through examining the government acceptance of committee recommendations. Following this analysis, the Legislative Council suggested that surveying stakeholders was, ‘Perhaps a more important measure of effectiveness’.<sup>58</sup>

There has been some research into stakeholder perceptions of committee inquiries, but this has not included sampling and quantitative techniques. In his book on committees in the United Kingdom, Hawes interviewed stakeholders about their views on committee effectiveness. The responses ranged from positive to negative.<sup>59</sup> Marsh conducted quantitative surveys of participants in Senate committees about their experiences with inquiries generally, rather than focussing on effectiveness. Overall, they were positive about the process and how it affected them.<sup>60</sup>

One approach to determining stakeholder views of committee reports would be to select a sample of reports and then send surveys to each individual or group who made a submission to the inquiry or gave evidence. The survey could have quantitative values assigned to various responses. It would be necessary to construct a different sample for committee work that does not use a normal submission process, such as Senate Estimates and the Senate Standing Committee on Regulations and Ordinances. Once again, it would be necessary to adjust the benchmarks taking into account the data. As previously, a lack of support from this group would not, of itself, render a committee report ineffective.

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<sup>57</sup> John Halligan, Robin Miller and John Power, *Parliament in the Twenty-first Century: Institutional Reform and Emerging Roles*, Melbourne University Press, Carlton, 2007, pp. 226-227.

<sup>58</sup> New South Wales Legislative Council, *Annual Report 2001*, vol. 2, p. 119.

<sup>59</sup> Derek Hawes, *Power on the Back Benches? The growth of select committee influence*, School for Advanced Urban Studies, Bristol, 1993, pp. 161-167.

<sup>60</sup> Ian Marsh, ‘Can Senate Committees Contribute to “Social Learning”?’ *Papers on Parliament*, no. 45, pp. 61-68.

**The views of voters**

The electorate is a significant group because voters make the ultimate judgment about the legislature and the government through the ballot box. They are the final authority in the political system. Unfortunately, much committee work goes unreported in the media. Table two gives information on newspaper coverage for committee reports tabled between the 2001 and 2004 elections.

**Table two: Average bipartisanship and newspaper scores for committee reports, 2001-2004**

Committee type	Newspaper coverage (zero to 10)	Bipartisanship (%)
Joint	0.83	93.1
Senate References	3.09	68.3
Senate Legislation	0.55	73.1
House	0.96	99.0
Total	1.39	83.9

Source: David Monk, ‘A statistical analysis of government responses to committee reports’, in this volume. Bipartisanship score represents the number of committee members who agree with the majority report. Newspaper coverage ranges from zero (none) to 10 (a page one article in all papers).

To illustrate the index, House committees average a score of one, which is equivalent to an article in 20 per cent of newspapers towards the end of the news section (for example, page 10). Senate References committees averaged a score of three, which is equivalent to an article in 60 per cent of newspapers towards the end of the news section. Judi Moylan MP has suggested that the media concentrates on conflict, leading to low coverage of much committee work. The data corroborates this view. In terms of media, Senate References committees score highly, but they have the lowest rates of bipartisanship, which is a proxy for conflict.

Bob Charles MP expressed concern in 2004 that the public is generally unaware of constructive, bipartisan committee work.<sup>61</sup>

With low levels of media coverage, it is unlikely that committee work generally is going to be perceived as effective by voters. This view is reflected in one of the few surveys conducted about voter perceptions of parliamentary committees.<sup>62</sup> In 2005, Coghill and Lewis published an overview of research undertaken on behalf of the Victorian Parliament of community perceptions of their state legislature. The general reaction to committees was ‘dismissive’.<sup>63</sup> Nixon notes that some commentators in the United Kingdom argue that being in the news is equivalent to success for parliamentary committees.<sup>64</sup> It is difficult to accept this view. Being in the media is only a prerequisite for community support. Voters still have to make a judgment on whether they approve of the committee work that the media presents to them.

Similar to the approach with stakeholders, it should be possible to survey a structured sample of voters to determine their views on committee work.<sup>65</sup> Because most individuals are unlikely to have a general knowledge about committees, the survey would need to help them. For instance, instead of asking them whether they thought a committee report was effective, it may be more productive to ask whether they knew about a particular issue, whether they knew that a committee was involved, and then finally whether the committee was effective. The format could include excerpts of committee hearings on a portable DVD player, such as Senate Estimates and Reserve Bank hearings. Interviewers could then ask respondents whether they have seen something like this before and whether they approve. The same

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<sup>61</sup> ‘Straight Shooter’, *About the House*, March 2004, p. 27.

<sup>62</sup> There is little knowledge of voters’ perceptions of parliaments as significant public institutions. See John Uhr, ‘Issues Confronting Parliaments’, *Australasian Parliamentary Review*, vol. 17, no. 1, p. 124.

<sup>63</sup> Dr the Hon. Ken Coghill, Prof. Colleen Lewis, ‘Reforms to protect Parliament’s reputation’, *The Parliamentarian*, vol. 85, no. 4, p. 354.

<sup>64</sup> Jaqi Nixon, ‘Evaluating Select Committees and Proposals for an Alternative Perspective’, *Policy and Politics*, vol. 14, no. 4, pp. 422-423.

<sup>65</sup> For example, a sample of 100 people that matches the census in terms of age, gender, employment, the proportion of the population in regional and city electorates, and in government and opposition electorates.

comments on setting benchmarks and indicators of effectiveness for other relevant groups would apply here as well.

## Conclusion

This paper has set out a framework for evaluating committee effectiveness. Recognising that committees are political bodies, the framework seeks to collect the subjective responses to committee work of the four relevant political groups. If one of these groups states that a piece of committee work is effective, then the committee in question can argue that it has demonstrated a minimum level of effectiveness. The more groups that find a committee to have been effective, and the higher these individual scores, then the committee can claim a higher level of effectiveness. The process becomes objective through sampling methods and using proxies to measure subjective, political responses to reports and inquiries. The political nature of committees means this is a valid approach.

The study of each relevant group is a research project in its own right. However, it would also be valuable to construct a combined project where the same committee reports and inquiries were analysed for each relevant group. This would then permit a comparison across relevant groups to see whether there are patterns of committee effectiveness. It may be possible to elaborate on the current theory that committees are effective through either implementing recommendations or informing the debate. Alternatively, one relevant group may become a 'litmus test' in that no other group is likely to find a committee report effective unless the 'litmus test' group does.

Quantitative work in political science is uncommon in Australia. It is more popular in the United States.<sup>66</sup> The best way to determine whether quantitative work adds to our

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<sup>66</sup> For an overview of statistical work on the decisions of Supreme Court justices in the United States, see chapter four in Terri Jennings Peretti, *In Defense of a Political Court*, Princeton University Press, Princeton, 2001. There is a statistical analysis of the factors involved in the creation and dissolution of independent government bodies in the United States in David E. Lewis, *Presidents and the Politics of Agency Design: Political Insulation in the United States Government Bureaucracy, 1946-1997*, Stanford University Press, Stanford, California, 2003. For an overview of how statistics are supplementing traditional expertise more generally, see Ian Ayres, *Super Crunchers: How Anything Can be Predicted*, John Murray, London, 2007.

understanding of our political institutions is to conduct this work, interpret it and evaluate it. Even if the projects proposed in this paper do not become reliable indicators of committee effectiveness, they are likely to give us some information about the behaviour of these political agents and enhance our understanding of the political system. Of itself, this will be a valuable outcome.