How Well Do Parliamentary Committees Connect With the Public?

 Abstract

Most political scientists regard parliamentary committees as one of the most successful aspects of parliamentary business, where MPs of all persuasions come together to analyse and investigate issues of public policy and governance. Whilst their recommendations are not always implemented, they do play a major role in informing parliamentary debates. Amongst the public however, the work of parliamentary committees remains unrecognised and underappreciated. Utilising a pilot study of Western Australian parliamentary committees, this paper looks at how these committees go about seeking public input into their inquiries, and whether they plan to broaden their methods of communicating with the public in the future. This analysis is placed in the context of evidence at the Commonwealth level in Australia, along with ideas from other jurisdictions internationally.

Background: Parliament's poor standing with the public

This paper was produced with the ASPG theme of "modernising parliament" in mind. Its origin derives from a disconnect between the public perception of parliament and the perception of its value held by those who intersect with parliamentary proceedings regularly, particularly those who take an interest in its operation beyond the public spectacle of Question Time.

It is frequently held that the public has a low opinion of parliament, and members of parliament in particular, and this has been demonstrated by polling conducted in a variety of ways. For instance, the Roy Morgan Image of Professions survey surveyed 598 people in 2015, asking them to rate people who worked in various professions on the issue of *ethical standards* and *honesty*. Out of 30 occupations State MPs came 23rd and Federal MPs 25th. Just 14% and 13% of respondents rated them as high or very high in those categories (Roy Morgan 2015). Similarly in 2013 when the Scanlon Foundation surveyed Australians and asked them to rank nine institutions and organisations in terms of trust and confidence, the bottom two spots were occupied by Political Parties and Federal parliament. Interestingly the same survey found that those who were born here or moved here prior to 2000 had the lowest level of trust and confidence in these two institutions (Markus 2014).

A common sentiment expressed by those who are familiar with the workings of parliament, particularly those are elected to sit in it, or those who are employed to support its functions, is that the public don't get to see parliament at its best. Its best work goes unrecognised. The public see parliament through the theatrical performances that characterise Question Time, where the combatants wrestle for advantage, often by ridiculing the personalities and policies of their opponents. This process, and others like it, such as parliamentary motions seeking to censure the government or opposition, are natural segments of what is by nature a competitive institution. Yet they serve to mask the more substantive contributions to public policy and public debate that parliament makes.

The aspect of parliamentary work which best exemplifies this more substantive contribution is the role played by parliamentary committees. In many ways parliamentary committees represent parliament at its best. They can debunk many of the worst assumptions which the public may make about parliament, such as the following:

- Parliament is always adversarial
- Parliament is inherently tribal, with members of opposing parties disliking one another and rarely working together
- Parliament focuses on political point scoring and not policy
- The processes are parliament are poor and don't stand up to serious scrutiny

Its not that all these assumptions are completely wrong, but rather that they only represent part of the story. The other part of the story is that much of the time spent during parliamentary sittings, and committee sittings in particular, is spent on enacting legislation and raising issues of importance to members.

Parliamentary committees tell us a good story about parliament. Serious policy issues are discussed. The executive can be held to account. Parliamentarians of all stripes do work together. In the light of recent controversies, they demonstrate that travel entitlements can be used effectively, to examine real policy issues!

This is not an attempt to eulogise parliamentary committees. They are not perfect. Sometimes the same issues are examined time and again without action. Sometimes partisanship very much exists, and occasionally political leaders do play politics around parliamentary inquiries, and their findings in particular can be questioned along party lines. Majority and minority reports though, provide useful outlets for managing such disagreements.

Parliamentary committees play a major role in scrutinising the policy settings and expenditure of government, the applicability of legislation, and the general examination of issues and controversies in the community. Central to their function however, is the notion of "taking parliament to the people", which is reiterated in the official literature surrounding its role (cf. Harris 2005; Evans and Laing 2012). Briefing papers and information sheets issued by parliament emphasise this tenet of their work. Despite this, few "outsiders", people not usually connected to parliamentary processes, or not usually close followers of politics, have even heard of parliamentary committees, much less the actual work they do, the submissions they receive, or the reports they produce. This is symptomatic of the disconnect outlined above.

If there is a lack of understanding or appreciation of the role of parliamentary committees amongst the public, it is natural to look at the relationship between the two. Just how much contact do our parliamentary committees have with the public? What kind of processes are in place to include public input when identifying the need for inquiries, and when gathering information during inquiries? What efforts are made to communicate the findings to the public?

Parliamentary Committees have themselves been aware for some time of the need for the public to understand what they do, and to engage in their deliberations. A 1999 report by the House of Representatives Standing Committee on Procedure found that the Standing Orders for committees needed to be "more logical, intelligible and readable" (HORSCP 1999: 29). It also recommended the introduction of live broadcasts of proceedings, and better access to committee work through the Parliament's webpage (HORSCP 1999: 38). Importantly, there was a recommendation that committee chairs, deputy chairs and secretaries meet at least once each in each term of Parliament to strategise how to promote committee work better (HORSCP 1999: 44). Other recommendations

seem rather prescient in hindsight, such as developing effective feedback mechanisms for parliament's online sites (HORSCP 1999: 48).

Further impetus for research into the relationship between parliamentary committees and the public comes from a report produced at the Commonwealth level in Australia in 2010 by the House of Representatives Standing Committee on Procedure. It was entitled *Building a Modern committee system: an inquiry into the effectiveness of the House committee system* and provided an interesting insight into the issue. There was an acknowledgement that the current Commonwealth committee system was established in the 1980s when print and radio were king. This was why written submissions, and either public hearings or private briefings were used, with printed reports produced at the conclusions (HORSCOP 2010: 43). The report recognised that committees needed to communicate with the public more effectively, and that the changing media landscape offered new ways of gathering evidence, including better use of emerging information technology, both in the conduct of inquiries and the Committee's private deliberations (HORSCOP 2010: 42). Suggestions in the report included teleconferencing, videoconferencing and online surveys. The report regarded the committee system as "the interface between the Parliament and the public" and suggested better use of resourcing to enable more extensive consultation processes.

It is worthwhile considering whether much has changed since 2010, or indeed 1999. For this reason all parliamentary committees active in the current term of the Western Australian parliament were invited to participate in a survey focussing on their engagement with the public. 12 of the 15 committees participated in the survey. One further committee, the Select Committee on Aboriginal Constitutional Recognition, no longer sits but has published details about its methods of public consultation in its final report. The final results can be said to provide fairly comprehensive coverage of what parliamentary committees in Western Australia do in this space. Note that the data sample is still small, and is in no way designed to draw quantitative conclusions. A similar survey of the Commonwealth parliamentary committee approach and perhaps other Australian jurisdictions, time and resource permitting, would be desirable.

The survey asked the following questions:

- How many enquiries with public input did the Committee conduct during this term of parliament?
- How does the Committee go about communicating its intention to hold inquiries?
- What methods did the committee use to obtain information from the public during these inquiries?
- Does the Committee intend to broaden methods of public consultation in the future?
- Do committees have the resources they need?
- Do committees believe their work is sufficiently recognised in the public arena?

The findings of the survey not only have something to say about the current level of public interaction, but illuminate both the challenges and opportunities which the future may hold.

Number of Inquiries

Identifying the number of inquiries being undertaken is useful because there is a direct link between the level of public interaction one can expect from a committee, and the number of public enquiries

it holds. The number of inquiries seeking public input varied considerably, from zero to eleven. Several Committees, most notably those relating to matters of privilege, pointed out that seeking public input would not actually be appropriate for the types of inquiries they run. Neither of the two privileges committees had public inquiries. On the other end of the scale, several committees which scrutinised legislation had a large number of inquiries, and more opportunities for public input. In the middle were policy-based committees, such as Community Development and Justice, Economics and Industry, and the Environment. Unsurprisingly those who had more public inquiries were most concerned about the issue of public input and how to broaden it.

Notification of opening committee inquiries

This was an especially important area of response, given that potential contributors needed to be aware that an enquiry was being held if they were to respond and participate. Of particular interest is the extent to which those people who are affected most by a given issue are informed about its investigation. The committees tended to use similar processes. Typically these included advertising, especially in print media, and media releases. Most committees sent letters directly to stakeholders whom they knew would be interested. There was usually information available on the committee website. Several committees reported a limited use of Twitter and Facebook.

The processes reported by the Committees exemplify the problem. All of these processes were good at reaching people who routinely participate in parliamentary inquiries, but not so useful in reaching different demographics, especially those who might be prepared to contribute for the first time. If an individual or organisation was already prominent in a given field they would be likely to be contacted, but if not they may not even know that an inquiry was on. Whilst the move to use Twitter and Facebook is a step in the right direction, a quick search on the relevant Twitter accounts shows that the Legislative Assembly and Legislative Council of WA have approximately 1000 followers each, many of whom overlap. Clearly these accounts are yet to reach a broader audience. More work needs to be done in this space.

Methods to obtain information during inquiries (incl. from the public)

A second vital consideration was the methods through which the public is able to contribute to an inquiry. The breadth of consultation methods available is essential to accessibility, and the ability of those consulting to receive information from a diverse range of sources. Every committee which held public inquires used written submissions and public hearings as methods of receiving information from the public. This appeared to be the main forms of public contribution which the Committees consistently relied on. This reliance on public hearings and written submissions has both strengths and weaknesses. Written submissions afford interested stakeholders with an opportunity to make a detailed and considered contribution to an inquiry. Often detailed data is provided which can support the various arguments advanced. Public hearings offer the opportunity for a dialogue, and the transparency involved allows observers to hold both the committee members and contributor to account for the things they say. Often the lively encounters they generate are the source of media reports, which serve to highlight the issues under discussion. On the other hand though, both these processes tend to be dominated by professional articulate voices, those who have the resources, training and confidence to use that forum to participate. Often a single

contributor will participate in both processes. The challenge is to preserve the strengths of this approach whilst also incorporating the views of those who are less frequently heard during policy debates, and who may well be profoundly impacted by the issue. This might include the low-skilled worker made redundant by changing economic parameters, or the low income earner unable to access services due to changes in government policies.

It is important to acknowledge that there were other methods used by the Committees, including briefings from departments, conferences, and research by parliamentary staff. Interestingly, half of the committees had engaged in site visits during public inquiries. Only one committee mentioned the use of specialist external consultants. In addition there was an online survey tried by one committee (they reported low take-up) and another committee used skype sessions, as did the Select Committee on Aboriginal Constitutional Recognition.

Whilst these methods are all legitimate and add to the staple diet of submission and hearings, it is worth noting that no committee reported holding public meetings or forums on any issue they were investigating. Such a method, whilst expensive and time-consuming, might broaden the input received, allowing less professional members of the public a voice. It might also facilitate contributions from those affected by a given proposal.

Intention to broaden public communication in the future

A further aspect of interest is thinking within parliamentary committees about the need to communicate with the public differently. Three of the ten Committees who have held public inquiries (excluding privilege committees) expressed an interest in broadening methods of public communication in the future. Some of the suggestions here included using Twitter, liaising with committees here or in other jurisdictions who have held similar inquiries, and perhaps undertaking public forums. The remaining respondents said they were not considering new methods.

The challenges of seeking consultation from those most affected by the work of a committee were highlighted recently in the final report from the Select Committee on Aboriginal Constitutional Recognition (JSCACR 2015). The report admitted in Finding 2 that the Committee's level of consultation was limited. Expanding on this it argued:

> The Committee … has attempted to undertake a broad consultation throughout its Inquiry. However, it has found that the Inquiry timeframe—itself limited—has coincided with the period in which Aboriginal communities and stakeholders are limited in their availability due to other obligations, including the South West native title settlement negotiations, school holidays, law business, and weather. (JSCACR 2015: 29)

In this instance, the problem was not as dire as it might have been because the Committee acknowledged that there had already been a broad level of consultation on the issue ahead of the introduction of the *Constitution Amendment (Recognition of Aboriginal People) Bill 2014* by the Member for Kimberley Ms Josie Farrer. Therefore the Committee was able to focus on potential legal issues around recognition and what had occurred in other Australian states. Nevertheless this

example demonstrates the challenges of consultation in a state like Western Australia, especially when seeking comment from people living in remote communities.

Another challenge in broadening methods of public consultation lies in its incorporation into the Committee's deliberations. The survey response from the Chair of the Committee of Economics and Industry demonstrates this:

> *Ensuring a broad range of stakeholder representation for each Inquiry is important, yet, in some cases more than others, can be difficult. The development of social media and new forms of communication can provide a new source of public input. However, there are difficulties associated with using this as 'evidence'.*

Most evidence received through current methods is collected and published online. It is usually afforded parliamentary privilege, enabling contributors to speak freely. Public hearings are generally conducted using set processes which facilitate the examination of topics and allow for orderly transmission of information. How would the use of non-traditional evidence affect such processes? As stated above, the use of public forums in particular, would appear to have merit, and could facilitate a more diverse range of public participation. Committees would not be able to maintain the same standards though, when it comes to sorting through evidence. A transcript of every word spoken may not be possible, the dissemination of such a transcript to all contributors might be impossible, and having contributors clarify their statements might prove rather difficult. Another aspect implicit in all this is the credibility of the parliamentary process and how it could be affected by the use of non-traditional means of evidence. Online contributions for instance, can be anonymous or submitted under false identities, thus removing conventional aspects of transparency and accountability. In addition some committees such as the committee overseeing the Corruption and Crime Commission, would need to careful about its public communication, and cautious about the types of evidence it accepted in its deliberations. If we are serious though, about increasing public engagement with the committee process, and about taking input from a more diverse range of stakeholders, some risks will have to be taken.

Do Committees have enough resources?

Broad public communication takes significant resources. The 2010 report by the House of Representatives Standing Committee on Procedure made a number of recommendations about better resourcing (especially resource sharing) because it saw resourcing as a potentially limiting factor on the ability of committees to engage in a more sustained, meaningful manner. All parliamentary committees in the survey stated that their committee had the resources it needed to obtain information from additional sources. They may well have responded in this way, because they have the ability to apply for more resources should they need them. What remains unclear is whether there are any financial barriers to undertaking more comprehensive forms of public interaction, whether this included commissioning research, conducting surveys, hosting public forums, or other activities. Whilst parliament could expand such activity, there might be limits. Commissioning research for instance, might be expensive depending on the size of the research project. Another factor in effective consultation is how localised it is; constant trips around a state

the size of Western Australia would result in a large travel bill, in a climate where such travel is frequently questioned in the media and elsewhere.

Is the work of Committees sufficiently recognised in the public arena?

One of the central tenets of this paper is that the work of parliamentary committees is not fully understood in the public arena. The Committee responses however, were mixed, with three respondents suggesting that it was, and others responding with "yes and no", depending on the nature of the inquiry. Several respondents suggested that if the inquiry related to matters which were sufficiently controversial, there was more interest in the media, with some outlets reporting on the committee processes and findings when this was the case. Such responses are understandable; there can be no doubt that prominent clashes during committee hearings can receive public exposure, and reports from Committees do receive a lot of attention at certain times.

Even when the media does cover Committee proceedings though, the real work of the Committee in investigating the issues thoroughly isn't sufficiently recognised, since the focus is on the juicy or politically damaging areas, rather than on the underlying issues that are so frequently exposed through the committee process. A substantive appreciation or understanding of the work of committees involves an awareness of the extent of research undertaken, the full suite of public opinions canvassed, and the details which were uncovered. For instance, a recent parliamentary committee in Western Australia covered the response of police to an incident involving former WA Treasurer Troy Buswell. There was considerable media interest in the committee's deliberations, and the findings of that committee were the subject of intense political debate. In one way, its processes and findings were heavily reported at the time. But the key issue which emerged from that inquiry, the extent to which public officials in the bureaucracy should or shouldn't be made to co-operate with a parliamentary enquiry, was not really explored. Some months on, it hasn't been resolved.

As one response pointed out, the impact of a Committee's report partly lies in the response of government to its recommendations. If the Government response takes months, the newsworthiness of the issue may have passed. If it is buried during a busy news time or consumed by broader political considerations, it may not get the attention it otherwise would. There may be few opportunities to debate the policy issues underpinning the report. All this suggests that reliance on traditional media outlets to report on Committee work presents problems. While the media will always remain an important conduit to broader awareness of parliamentary committees, other avenues must be pursued. Several respondents, when lamenting the lack of exposure afforded to committee work, questioned the role of the media, given that it is central to the information the public gets about parliament, its processes and its outcomes. The media, they argued, focuses on conflict and controversy, and is less interested in the instances when parliamentarians work collaboratively to achieve good outcomes. Such progress is not seen as newsworthy. Such concerns are natural, and contain some truth. However there is more to public engagement than media exposure

Education

One of the themes which emerged in the survey respondents, was the need for people to be educated about what the functions of parliamentary committees. It stands to reason that members of the public need an understanding of what committees do and why their work is important, if we are to get more of them to participate. The public needs to understand what committees can and can't realistically achieve, and how they intersect with government and the rest of parliament's processes. Expectations around findings need to be realistic, so that participants continue to contribute. An easy pitfall here, is to assume that the value of committees lies entirely, or even principally, in the findings they make. In reality the exposure they give to an issue, and the chance they give to give expression to different voices, is critical to their value.

The original 1999 report referred to above, focussed heavily on education. Among its recommendations were the creation of brochures of House of Representatives committees, with the information provided in simple terms for the purpose of informing the public (HORSCP 1999: 46). This has been undertaken for some years now, and it is clear that these brochures play a very useful role in educating students who are studying parliament at secondary and tertiary level. Whether there is sufficient uptake by the general public is another matter. Other recommendations focussed around creating audio-visual tools for schools and other groups, as well as a "fly on the wall" type of documentary for television screening (HORSCP 1999: 45, 47). Making people aware of Committee work is just one of many benefits of teaching civics within the school system.

What does it take to engage people with the work of Committees?

From the case study of the Western Australian parliament, it is clear that more work needs to be done to raise awareness of the role of parliamentary committees and the value of the work they do. Parliamentarians have to take the lead on this, as this lack of knowledge amongst the public feeds popular misconceptions about our elected representatives in general. It is in part responsible for the sorts of survey results outlined above.

Central to raising awareness is increasing participation in committee processes. When people are involved in a consultation process they take an interest in the outcomes associated with it, regardless of the media coverage. That is, if someone writes a submission relating to a parliamentary inquiry they will take a much stronger interest in what happens next. They will be interested in its findings. Even if those findings are not to their complete liking, they will be much more aware of what committees do, and how they operate.

The biggest challenge remains in getting the people most affected by a policy to participate in the discussion. This includes people with poor health outcomes participating in an inquiry on public health, people with low education levels participating in a conversation about improving our education system, people who are homeless participating in an inquiry on homelessness. Another classic case is incorporating the voice of victims when it comes to law and order issues.

Committees need to be better at telling the public that they are holding an inquiry, and they need to create more accessible ways of contributing to an inquiry. Such processes can no longer be restricted to those who are articulate, who are educated, and who are confident. They cannot be stacked towards insiders, or those who are familiar with them, such as lobbyists. It is not the intention of this

paper to target lobbyists; such people or groups do have the potential to (at times) facilitate the contribution for those who cannot contribute themselves. In short, Committees need to find ways to listen to voices not usually heard.

It is a common assumption is that the public is apathetic. This may be true to some extent, but there is evidence that the public is more than willing to participate in other opinion forums, especially online. Social media is an example of this, even if such willingness to participate may not be uniform across all demographics.

Ideas from other jurisdictions

Very few good ideas have never been tried elsewhere and it is wise to look to other jurisdictions to see what can be achieved.

- *Online consultations (Commonwealth)*. These offer opportunities to seek input from a wider variety of people, particularly those who cannot physically access public hearings. There are also opportunities to provide input in less formal ways. The challenges identified include an inability to always verify and locate participants. There was also the challenge of maintaining parliamentary privilege. The House of Commons (UK) has been conducting online consultation for some years (since 2002), and has refined its rules according to the inquiry being conducted. They have developed a strict online registration process which discourages individuals from using multiple online identities. Paradoxically though, such a process may prevent those "rarely heard" voices from contributing.
- *Public hearings in regional locations (Commonwealth)*. This is already happening in some WA parliamentary committees, but is limited. This is particularly important in Western Australia, given the broad distances involved, and the consequent inability of some community members to travel to Perth.
- *Simple summaries of committee reports online (Scotland, United Kingdom)*. The Scottish parliament distributes a short summary of reports in plain language, which is designed to accompany longer findings. Such summaries also make it clear that committee views are only recommendations <u>to</u> government, and are separate to actions of the executive. These summaries are designed to be more accessible to the public.
- *Websites targeting specific demographics (British Columbia, Canada)*. In British Columbia's Legislative Assembly one committee developed a website targeting local youth during an inquiry into childhood obesity. Rather than listing terms of reference, it posed a series of questions to be answered by participants.
- *Ex-officio committee positions (Canada)*. This proposal is somewhat problematic, but it is worth mentioning since moved were made in the Canadian parliament to facilitate it. It involves appointing individuals via a parliamentary motion to participate in the deliberations of committees for a set period of time, on specific issues. The most obvious example would be within a select committee set up to examine a specific issue for a limited period of time. Such appointments may not be necessary as the same outcomes could be achieved by the following idea.

- *Employing outside assistance in an advisory capacity*. Given the theme in this paper, engaging specialist advice, particularly for the purpose of engaging non-traditional voices could be useful. One obvious example would be a translator for those who wish to participate but have a poor grasp of English. But more broadly, individuals with specific skills-sets could be employed to help address issues where such expertise is invaluable. In the Australian context it is widely held that the current research assistance to committees is excellent, but there are still gaps which could be filled on a short term basis, for the purpose of a specific inquiry. At the very least, committees should be open to the idea
- *Peer education (Scotland, United Kingdom).* This involves getting young people to educate other young people. Groups of young people act as ambassadors for parliament, conducting various information sessions, going into schools, and running social media commentary on parliamentary proceedings.

Findings

A summary of these different approaches reveals some common principles. Firstly, they involve making parliament in general more accessible, not merely the work of committees. Secondly they focus on targeting specific groups which are currently somewhat disengaged, such as regional citizens and young people. Thirdly they focus on bringing in different types of human resources to assist in the process, whether this is in an advisory or deliberative capacity. Lack of understanding about what parliament does is a longstanding and challenging problem. While none of these principles will in themselves solve this problem overnight, they can provide a basis for positive change. At the very least, they would represent a step in the right direction.

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