

News and Notes from your editor

Overview of the 2005 Conference on Parliament and Accountability in the 21st Century: the Role of Parliamentary Oversight Committees.

At last year's Annual Conference the vast bulk of which is reproduced in this edition, there had been a commitment that as of 2006 there would be proper note takers and summarisers so that when the Conference edition of APR comes out it could include a section of recommendations and reflections drawn out of the proceedings.

For 2005 a number of us tried to be the summarisers and reporters on various sections of the Conference. Alas I have not received any of these for the current edition, have been a bad editor and not chased.

However I was the reporter for one section, so by way of a little compensation, and drawing on notes that are now six months old I thought I would report in at least some of the 'overview' thoughts from the Conference that looked at the Role of Parliamentary Oversight Committees and the issues of accountability.

The first finding was that there are huge variations between jurisdictions in terms of numbers and types of committees and what they are used for.

The question was asked as to which way was best to establish a committee: statute or parliamentary resolution by the Houses.

Some oversight committees seem to require a Statute in order to make explicit their special powers, provide base line funding and give them a real legitimacy. Generally it seemed that ongoing oversight and monitoring committees need Statutory bases, for example the ICAC and the CJC.

The problem seen with such committees was that their statutory existence involves risks of litigation. Moreover such committees tend to take on a life of their own with a resulting loss of overall control by parliament, especially if the choice of membership is made by the premier or prime minister.

On the other hand, committees set up by resolution cease with the proroguing of the parliament. Such an haphazard existence would endanger the functions of organs such as the ICAC.

However Governments (that is, Executives) can decide not to fund statutory- based committees or gradually reduce their funding and staffing, making them non-functioning by stealth.

It was thought that the Acts setting up oversight committees should allow statutory oversight committees to review and recommend to Estimates their resourcing needs. That would thwart the possibility of the Executive unilaterally decreasing their funding for partisan political reasons

There are differences between Upper House and Lower House committees, especially in the degree to which the government dominates them. That appears especially true for Lower House committees though more so in some jurisdictions such as Western Australia, than in others.

Upper House committees are less government dominated, and are sometimes used to look at sensitive, politically 'touchy' issues on which neither Government nor Opposition parties want to be seen taking a position. These committees can be formed by resolution of a single house, that is, they are not dependent on government approval. Such power is not trivial as it sends at least symbolic signals as to who is in control and allows the House concerned to control the membership of the committee. However the general rule appears to be that Upper House committees get starved for funds. In NSW the Upper House generally is starved for funds and it is remarkable the degree to which its committees are effective despite impossible circumstances.

Joint committees of the Houses are common and are, by and large, standing committees rather than ad hoc committees.

The jurisdictional variations mentioned above include:

In Victoria all committees fall under a single Act of the parliament setting a single standard and then specifying the terms of reference for each committee. That structure was a result of the 1982 examination of committee and their overhaul. All committees in Victoria have their own working budget.

Western Australia has only one standing committee — an oversight committee.

In Queensland there are seven ongoing committees set up under the Parliament of Queensland Act.

In NSW there are six statutory committees concerned with oversight. They are all joint committees of both houses: Health Care Complaints, ICAC Committee,

Legislation Review, Ombudsman and Police Integrity Commission, Public Accounts, and the Valuer-General. In addition there are two Legislative Assembly Standing Committees of relevance: parliamentary privilege and Ethics; and the Public Bodies Review; and two Legislative Council Standing committees with oversight functions: privileges and procedures. Finally there is a joint ad hoc select committee at the moment doing serious oversight over the Sydney Cross City Tunnel.

Generally select committees raise issues that the Executive is not keen on; issues of general public interest rather than issues raised purely to play power games between the parties.

In the ACT it was reported that the single chamber parliament has 16 committees established by resolution, with the Public Accounts Committee and the Legislative Affairs Committee chaired by the Opposition.

A general conclusion was that the way various types of committees are established and evolve depends very much on the individual parliament and the State concerned. There are no general rules as to appropriate 'horses for courses'.

Another overall conclusion was that committees should nominate a single spokesman who would deal with the media as well as lead the discussion in a coherent and informed way in parliament. Of course when a report is presented to parliament, all the committee members should be present and speak on the report. That should enhance its prospects of being taken seriously. Ideally it was felt a mechanism should exist to require the appropriate minister or ministers to respond within a set time and then for members to respond. In some parliaments that mechanism exists; in others it does not.

It was also thought that opposing opinions have more power if included in the main report rather than in a minority report which is more easily ignored.

Other suggestions included the idea that public service courses should include responsibilities to parliament and its committees; that committees should look to modern technology for example targeting through an on-line forum. In the UK such a forum produced one thousand responses by women; 90% of whom had never used on-line before.

Committees are seen as effective: they can name and shame; they can raise issues independently of government; they can engage with the community, empowering people; they can bring it to public notice if the government does not respond on important issues; they can inform debate and even in highly partisan environments they can be very productive, that is, partisanship does not automatically preclude effectiveness.

Finally because effective committee oversight is a professional activity there needs to be trained staff with formal induction programs, including videos, written material, role playing and even professional trainers, experts to teach the history and context of the committees and to take new members of parliament though what the committee is about. The chairs of committees need training as chairs.

Because of these needs it was suggested that a group of the ASPG put together a research proposal for an ARC grant for induction programs for members of parliament.

I hope this will be raised seriously at the AGM in 2006.

I again encourage members and researchers to submit articles to this journal for without them we cannot exist. There is quick turnaround for articles with publication usually in the next edition, or at worst the following one.

I also encourage readers to submit book notes and reviews on material they have read of relevance to those concerned with parliament, elections and democracy. ▲