

Problems with Parliamentary Committee Evaluation: Light at the End of the Tunnel?

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For a long time many scholars advocated the establishment of a comprehensive system of parliamentary committees as the principal means of institutional revival. Have the hopes of the reformers been realised? This article, a development of the author's earlier research on committees, finds Australian academic research to be wanting and outlines a methodology for evaluating committee performance based on the functions of Parliament, and application of techniques of program evaluation and scientific method. The article especially questions the validity of critical assessments of committees of the House of Representatives.

Why evaluate the performance of parliamentary committees? Parliamentary committees are now permanent, specialised and institutionalised (Longley and Davidson, 1998). In the Australian Commonwealth Parliament there are more than 40 committees of scrutiny (Parliament of Australia, www.aph.gov.au), defined as those that scrutinise the work of the Executive Government and its administration. Committees cost more than \$15 million a year to operate (annual reports and portfolio budget statements 2002–2003) and scarce financial resources have other uses. Therefore, periodic studies of committees are necessary to find out how well or how poorly committees are travelling. Such studies can be used by decision-makers to enhance committee performance. These studies can also add to

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knowledge. Whatever their purpose, a basic requirement for such research is an explicitly stated, clearly articulated and robust methodology.

What I find lacking from my research on and familiarity with parliamentary committees in the past two decades is the general absence of sound methodology. The Australian academic evaluation cupboard is bare. Further, there appears to be a general willingness to criticise the House of Representatives and belittle its committees. In the process academic comment contains contradiction, error, conclusions not supported by fact or analysis, poor research and researcher bias.

The purposes of this article are, then, twofold. The first and more important purpose is to develop the outline of a methodology that researchers could use to measure or assess committee performance. The methodology could also be used to test the quality of comprehensive studies of committee effectiveness. The second, subsidiary and related purpose is to document and discuss some of the shortcomings of Australian academic research while at the same time recognising some of the useful contributions.

Given the need for clarity I believe that researchers should describe and define certain words and concepts they use. These include 'accountable government', 'core roles', 'committee systems', 'evaluation', 'functions', 'governance', 'politicisation' and 'systemic reviews'. Indeed, it would be helpful if someone developed a glossary of terms used in committee evaluation.

Where does one start? Given that evaluation is a comparison of purpose with results, it would appear that the purpose of committees should be an appropriate starting point. However, because the institutional environment affects the operation of committees, a discussion of this environment should come first. The next part of this article uses the academic literature to discuss the relationship between the legislature and the Executive Government and, in particular, the extent to which political parties and adversarial party politics determine legislative behaviour and control legislative decision-making.

Committees are subordinate bodies appointed by and answerable to the parent body. Therefore, the purpose of committees should be tied to what the parent body does, that is, the functions of Parliament. The second part of this article discusses functions. But every scholar has a different list of functions. This raises several questions on whether different approaches to different functions produce different conclusions on committee effectiveness. Included in this is the question whether Senate committees are so different to House and joint committees that they require special treatment.

Evaluation of effectiveness based on functions may not be the only approach. The third part of the article discusses some of these approaches including my three-part division of 'power', 'influence' and contributions to open and accountable government. One needs to give functions an operational meaning in order to

evaluate performance. The fourth part discusses this, and the question of whether the techniques of program evaluation can be adapted to assess committee performance.

I believe that scientific method should be used in evaluation. The fifth part discusses the importance of scientific method and documents some instances where application is defective. Finally, in the conclusions, I do a stock-take of the analysis and expand on some of the salient points made in the preceding sections.

The institutional framework

Placing parliamentary committees in their institutional context can assist in determining what they can and cannot achieve. There are three features of this context that are relevant for this article that I have distilled from the literature, particularly from the work of Philip Norton who is one of the leading authorities on legislatures.¹ The first feature is the type of legislature, which includes the power of the legislature *vis-à-vis* the Executive Government. Norton concentrates on the policy-influencing legislature, which can modify or reject measures brought forward by government but cannot substitute or formulate policies of its own. He says that most of the legislatures of the European Union are of the policy-influencing type (Norton, 1994: 18) and I would add Australia to this list.

The second feature of the institutional context and the biggest constraint on legislatures is the party system. Norton concludes that 'Party . . . is especially important in explaining the limited viscosity of legislatures in parliamentary systems of government' (Norton, 1998: 192 and 193). The third feature is the different modes of executive-legislative relations based on the party system and the work of Anthony King. Three of these modes identified by Thomas Saalfeld and Norton are of interest. The first is the *opposition mode* characterised by adversarial party politics, which exists in the United Kingdom and Australia. The second is the *intra-party mode* that embodies the influence of government backbenchers through party committees and is, I believe, a feature of strong party systems. The third is the *non-party or private members' mode* made more relevant by the development of the 1979 select committee system in the House of Commons (Norton, 1988; Saalfeld 1988: 21, 44 and 45).

Application of this institutional knowledge to Australia will show that the Australian parliament is essentially a policy-influencing legislature. This is mainly but not only because of the Senate. Two questions require answers. The first is whether and the extent to which the opposition mode is replacing the non-party mode in committees from the 1990s and particularly in Senate committees. Put another way, has the Australian Senate lost its corporate character? A second and related question is, given this shift, has it adversely affected the effectiveness of

¹ Throughout this article the words 'legislature' and 'parliament' are interchanged.

committee performance? The application of a sound methodology should assist in answering these questions.

The functions of Parliament

The question — what are committees for? — is a necessary starting point for this section. Committees are not an end in themselves but a means for achieving certain ends. Because of their relatively small size committees allow a house to conduct more business than would otherwise be the case. In short, parliamentary committees are meant to assist the Parliament, or the House of Representatives or the Senate, to discharge their functions more effectively.

About 25 years ago Malcolm Shaw said that there is no general agreement among scholars on what are the functions of legislatures and that the literature contained a number of assertions on the matter (Shaw, 1979: 364). The Hansard Society Commission report says that most analysts tend to start with Walter Bagehot's 1867 definition. The task of codifying functions starting with Bagehot and ending in the 21st century would be very time consuming and onerous. Its major value would be to link changes in emphasis of functions to changes in the size and importance of government. But the lack of a strict definition and the evolving nature of Parliament has led to the conclusion that Parliament should be defined by what it does (Hansard Society Commission Report, 2001: 114). Accepting this approach, I define a function of Parliament as a task performed by the House or the Senate or by both houses acting together where there are identified procedures to discharge these tasks. One of these procedures is inquiry by committee. But some functions can be performed through other procedures and, more importantly, elsewhere in the political system (Shaw, 1979: 365).

Lack of agreement on functions exists even today. The Norton list (1993: 203) is different to that of Robert Hazell (Aldons, 2001: 30) which is different to that of the Hansard report. John Uhr and John Wanna detail core roles, related functions and accountabilities (Keating, Weller and Wanna, 2000: 13). My own contribution is specific to Australia. It recognises that certain functions are common to both houses (otherwise how can there be joint committees?) and that most of the others are Senate-specific (Aldons, 2001(a): 37). This last comment is relevant because it raises the question of whether the effectiveness of Senate committees should be evaluated against Senate-specific functions or common functions or both.

This lack of agreement on functions extends into important or key functions. Norton emphasises the functions of manifest and latent legitimation and the recruitment and training of ministers (Norton, 1993: 203). He says that 'Legislatures have one core defining function: that of giving assent to measures that, by virtue of that assent, are to be binding on society' (Norton, 1988: xi). Related to this is the view in a House of Representatives publication that the 'central function of the Parliament is to consider proposed legislation and make laws' (1998). Former House of Commons

Speaker Boothroyd has a different view. She says that ‘the function of Parliament is to hold the Executive to account’ and this is the ‘core task of Members’ (Boothroyd, 2001). The Hansard report accepts and develops this view but implies that what has to be determined is how this can be achieved (Hansard report: 1).

Functions can also be classified into ‘decisional’ and ‘non-decisional’ functions. Shaw places emphasis on the ability of official committees in legislatures to influence or determine the outputs of legislatures or the polity. According to him (and Kaare Strom) strong committees have this ability whereas weaker committees do not and are more likely to perform the non-decisional functions such as legitimation and the recruitment and training of ministers (Shaw, 1979: 384 and 385 and Strom, 1998: 47). Once again there are questions to be answered. The first is whether this classification into stronger and weaker committees is accurate and relevant for Australia. The second is whether only Senate committees, either all or some, can be termed strong committees. The third is whether evaluation of effectiveness is sensitive to the emphasis placed on particular functions. And fourth and, perhaps, most important, is whether only the decisional functions lend themselves to quantitative analysis and evaluation.

Other approaches to evaluation

The use of the functions of Parliament is not the only approach to the evaluation of committee performance. John Halligan, John Power and Robin Miller classify committee reports into four types and one of these is the ‘prospective’ or strategic type (Halligan, Power and Miller, 1997: 228). Uhr has a different set of types. He says that ‘every type of committee serves a distinctive purpose, and each impacts in different ways . . .’ (Uhr, 1993(a): 13, 14 and 3). Given the application of a sound methodology, further research could provide useful insights into the value of these and other typologies, particularly reports that cover strategic issues. Until this is done, however, it will not be possible to know whether these approaches complement or are substitutes for the approach to evaluation based on the functions of Parliament.

My preference is to classify committees according to whether they have ‘power’ or ‘influence’ or neither, but nevertheless make a contribution to open and accountable government. This classification complements the functions approach, is related to the division of functions into decisional and non-decisional, and the view that only strong committees perform the decisional functions. ‘Power’ means the ability of a committee to constrain the Executive Government and this in turn requires the support of the chamber to which the committee reports. Committees that have power also have influence and contribute to open government. ‘Influence’ means having an impact on government decisions but without the power to bring about the changes the committee recommends. Committees with influence also contribute to open government. Some committees and reports of many committees have neither power nor influence but nevertheless contribute to open government.

The two tables below apply this classification to Senate, House and joint committees, and then to specific Senate committees. The Yes/No entries in the different boxes are not the final ones. These entries may have to be qualified after research is completed. For example, there could be qualifications on the work of Senate legislation committees and Senate select committees where the main focus of the latter could be on accountability with no tangible influence because the major or all the recommendations are rejected by government.

Table 1
The Power, Influence and Open Government Features of Senate, House and Joint Committees

	Power			Influence			Open Government		
	S	R	J	S	R	J	S	R	J
Legislation	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Non-legislative policy	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Finance & public administration	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Accountability	Not relevant								
Manifest legitimisation	Not relevant								
Latent legitimisation	Not relevant								
Training ministers	Not relevant								

Table 2
The Power, Influence and Open Government Features of Specific Senate Committees

	Power	Influence	Open Government
Regs & Ordinances	Yes	Yes	Yes
Legislation	Yes	Yes	Yes
References	No	Yes	Yes
Scrutiny of bills	Not relevant	Yes	Yes
Select	No	Yes	Yes

Of the three types of classifications discussed above, 'influence', the extent to which committees influence government decision-making, is the hardest to pin down. This is partly because of the difficulty of combining quantitative and qualitative data analysis. Raymond Holzheimer uses government responses to committee reports to assess the effectiveness of committees of the Commonwealth Parliament (1970–78). He was one of the first to point out that it was government action on recommendations, legislative or administrative, that was important rather than the mere acceptance of recommendations (Holzheimer, 1980: particularly 341 and 352). Derek Hawes takes quantitative analysis a step further. His quantification

divides government responses (Westminster) into five categories — positive accept and action, general agreement, accepted for consideration, neutral comment and reject. Although there is some analysis of the data Hawes says that numbers should be accompanied by qualitative data analysis. His conclusion is that ‘committee influence is far more subtle a phenomenon than any quantitative count of recommendations would imply’ (Hawes, 1993: 115–25 and 182).

If researchers are preaching to the converted there is no need to explain any significant deviations between the results of quantitative and qualitative data analysis. However, I for one fail to see how this subtle influence can exist when the key recommendations of a report are rejected unless there is compelling evidence to the contrary. My work on the value and use of quantitative data to measure committee effectiveness is a more recent addition to the literature (Aldons, 2000). I have no doubt that committees have influence — that is, they have some impact (Aldons, 2001(b): 52–60). The key question is this: are they influential? — that is, are they major players? Once again we need to construct a sound methodology and, as part of this, need to enlist the services of area specialists. Now we can test whether committees are influential by checking (a) whether there is consistent selection of ‘important’ inquiry topics; (b) whether the reports examine the major issues and make appropriate recommendations; and (c) whether governments accept and implement key recommendations. If they do not, there needs to be a solid body of evidence to show that the reports did have an impact.

The basics of evaluation

Researchers of Parliament and its committees use the term ‘evaluation’ frequently. Evaluation may be defined as an assessment of the value or usefulness of doing or continuing to do something. Now, whether one calls this an ‘evaluation’ or a ‘review’ or an ‘audit’ or something else, the basic aim should be the same: to compare results against purpose. This section discusses the approach to the evaluation of committee performance. A lot of this is uncharted territory. But I emphasise I am not evaluating performance. I am discussing how that performance should be evaluated. Because the performance of parliamentary committees should be evaluated against functions they should be given an operational meaning. In other words, functions should be described or defined so that one can find out, by measurement or qualitative assessment or both, the extent to which the functions are fulfilled.

Is there something in the literature of program evaluation that can be used or adapted for evaluation of committee performance? The earlier view of effectiveness evaluation said that it was an assessment of the extent to which the objectives are met (Department of Finance, 1994: 10). Thus, evaluation was a comparison between what was achieved and what was intended to be achieved. The terminology has changed. Now the comparison is between planned outcomes (the results or impacts on the community or the environment that the government intends to

achieve) and actual results (Department of Finance and Administration, 2004). For the purposes of this article I will use the objectives-outcomes approach because I am more familiar with it.

Over the last 15 years governments have 'reformed' the public sector by, for example, introducing changes aimed at increasing effectiveness and efficiency and improving accountability. Why cannot the Australian Parliament or the House of Representatives or the Senate do likewise and, incidentally, follow the lead of Westminster, and specify objectives for committees and tie them to the functions of parliament? The Hansard Commission report wanted core duties and functions of committees to be defined and their objectives to be agreed. Two Commons committees took up this recommendation with the result that the Commons voted to adopt what its committees had asked for.²

One way of testing the objectives-outcomes approach is to show how, or the extent to which, it can be used in respect of specific functions. The legislation function is an important one and the Senate as a house of review can accept, reject or amend bills sent to it by the House of Representatives. How does one know whether committees that assist the Senate in discharging the legislation function are effective? This depends on the objectives one specifies and, particularly, if there are key objectives. If one of the objectives, in the context of the 1990 changes, is to examine a significant number of bills, it will be necessary to collect statistics that should with interpretation show whether this objective has been met. If another objective is to examine bills in detail that was not possible in the Committee of the Whole, then the time spent, submissions received and other information could show whether this objective has been met. If another objective is to allow voices that have not been heard by the government to be heard, then the relevant information could test whether this objective has been met. However, there could be problems with the process (Paxman, 1998). But what if we go further and say that given that the Senate has the power to constrain the executive the primary objective of Senate legislation committees should be to report their considered views — accept, reject or amend with specifics — on a particular bill for consideration by the Senate. Now if committees do not report in this way, or if they make recommendations, particularly key ones that are not accepted by the Senate, is there any alternative to concluding that these committees are not effective?

How effective is another Senate committee of legislative scrutiny, the Standing Committee on Regulations and Ordinances? Senate standing order 23(3) sets out the tasks of the committee but is this sufficient as a set of objectives for evaluation? Uhr puts forward his 'own list of institutional factors that might explain the Senate committee as an example of effective scrutiny'. He says that 'Senate support for the committee's disallowance motions is one important piece of evidence of this institutional support' (Uhr, 2001: 13 and 14). If the objective of this committee is to examine administrative actions and report deficiencies with appropriate

² Based on correspondence with the Hansard Society Commission.

recommendations to the Senate, this institutional support is an excellent outcome for this committee. This in turn gives credence to the view in *Odgers* that the committee 'has established an effective system for the parliamentary scrutiny and control of delegated legislation' (*Odgers*, 2001: 362). Rodney Smith says that part of the answer as to why this committee is powerful is that the committee has convinced itself and the political parties of the 'fiction' that it deals with only 'technical' issues (Smith, 1994: 128 and 129). Now whether this comment is fact or fiction is beside the point. The question is whether this committee, and perhaps some others, are typical.

How do we know whether committees that undertake the other scrutiny functions of non-legislative policy and finance and public administration are effective? I associate effectiveness with influence, which was discussed in the preceding section. One can measure influence by examining government responses to committee reports. It may be necessary to consider qualitative factors such as osmosis of subtle and indirect influence. There could be problems when the quantitative and qualitative analysis leads in different directions (Aldons 2000: 29).

How do we know whether committees have been effective in assisting the Parliament to discharge the accountability function? Constructing objectives that can be compared with outcomes can do this. The objectives can cover the familiar who-what-how questions given a new interpretation by Richard Mulgan with his who-to whom-for what-how-how effective questions (Mulgan, 2003: 24–30).

But the objectives-outcomes approach may not be able to handle everything, particularly the non-decisional functions. How do we know whether committees are effective in the recruitment and training of ministers? This may require a questionnaire and interview approach, which if done regularly might indicate the relevance of the function over time.

Evaluation and scientific research

Legislative studies incorporate a variety of approaches and methods. These include comment and conclusions based on observation, questionnaires and related interviews, *a priori* reasoning and the application of criteria. I have no quarrel with these methods. My concern is with the testability of the assumptions, analysis and conclusions. When conclusions that should be based on a method that others could test are not so based, then this is a matter for some concern because all we have now are interesting stories of unknown accuracy or veracity. The requirement, then, is for scientific method whenever possible. Herbert Doring says that for something to be scientific it should be capable of being empirically refutable (1995: Introduction). For something to be to be refuted, or accepted, the method should be stated explicitly and should also be capable of replication. Mathew Miles and Michael Huberman say that '*replication* . . . is the bedrock of science' (1984: 239).

Therefore, in respect of the evaluation of the performance of committees one cannot talk about the success of reviews of ‘low administration’ as against ‘high policy’ (Uhr, 1993: 368) unless this conclusion is based on a method that is explicit and can be empirically tested. This requires the terms to be defined, a period to be selected and for the number of observations (committee reports and government responses) chosen to be based on a valid statistical method (for example, a random sample). If this is done then the method can be replicated and the conclusions tested. If these things are not done then what is said remains a story of questionable validity however experienced the person might be who makes the comments. Similarly, one should not refer to ‘illustrative cases which exemplify trends’ or to ‘a useful test case’ (Uhr, 1993: 347 and 2001: 6) unless these comments are based on scientific method. For the test case to be so called it has to be representative of the others. This requires proof not assertion.

The research of Halligan *et al* also contains weaknesses that are the product of inadequate method. Their view is that Senate committees gather evidence from a wider variety of sources than House committees, which have a dependency relationship with the Executive Government. According to Halligan, Power and Miller, the ‘typical Senate committee looks to’ a variety of bodies whereas the ‘typical House committee looks first and foremost to the executive — more usually the bureaucracy but possibly the political executive’ (1997: 225). This conclusion is based on the earlier research by Power (1994). The Power methodology has two serious flaws and each invalidates the dependency relationship of House committees with the Executive. First, the reports/inquiries selected should be representative of all House committees. They are not. The comment and conclusions are based on three reports from the House of Representatives Standing Committee on Employment, Education & Training and three from the Senate counterpart. The choice of these reports is arbitrary but even if this was not the case the conclusion should have been based on a sample of all House committee reports. Therefore, Power is not in a position to say anything about the ‘typical’ House committee.

The second flaw is that the conclusion on dependency is based on comparisons of the number of submissions/witness appearances from government and non-government. Referring to a House report of 1991, Power says that ‘governments and public bodies (especially schools) figured prominently in the making of these inputs, with the unsurprising result that the recommendations of the . . . report were warmly received by the Commonwealth Government’ (Power, 1994: 6). This statement is a *non sequitur*. It just does not follow that the preponderance of one type of input (government submissions) determines the output (recommendations in committee reports) or any favourable outcomes — government acceptance of recommendations.

My concerns about weaknesses in academic research extend to the matters I referred to earlier. The contradiction is in respect of the House of Representatives expenditure committee, in my opinion the most maligned committee of the

Commonwealth Parliament. Gordon Reid and Martyn Forrest conclude that the two elected houses of the Parliament 'have, together, made a substantial contribution to parliamentary control through committee work'. They include the expenditure committee in their earlier conclusion that all the standing committees of the House have made important contributions to this control. Yet, on the next page, Reid and Forrest contradict themselves when they say that on balance the expenditure committee 'provided only a token contribution to parliamentary control' (Reid and Forrest, 1988: 378, 376 and 377).

On three separate occasions, Halligan, Power and Miller say that the House estimates and expenditure committee 'were soon abandoned' (1995: 371; 1997: 226 and 2001: 163). Insofar as the expenditure committee is concerned, these statements are not accurate. That committee was appointed in 1976 and continued for eleven years (1976–87). Along with the standing committees on environment and conservation and transport safety it was subsumed into the new 1987 'committee system' of the House of Representatives. But Halligan *et al* do not describe this change with neutral language. They single out the expenditure committee for special mention, referring to its 'demise' (2001: 6). Academic appraisals of this committee are thus marked by contradiction and error and contain little attempt to evaluate performance.

One of the committees whose performance Uhr discusses in his chapter, 'Parliamentary measures: Evaluating parliament's policy role', in a book edited by Ian Marsh, is the House finance and administration committee (1987–92). He compliments that committee's work in examination of efficiency audit reports of the Auditor-General but does not find anything complimentary to say about the 'major inquiry into the policy of public administration' — the *Not Dollars Alone* report that examined the Financial Management Improvement Program. Uhr says that although the report was generally supportive of the management reforms of the Hawke Government, the report 'attracted a spirited response from the Finance Minister who was quite critical of the parliamentary push for supplements to the traditional forms of ministerial accountability'. Uhr calls this a 'dispute' between the committee and the Government (1993: 364 and 365).

The Uhr criticism was based on the government response and was in respect of a relatively minor recommendation. Overall, the response complimented the committee. The Government said that the report 'represents a valuable and timely contribution by Parliament . . . to the further development of the program' and that the report 'had marked a trail for others to follow' (1991: 4 and 7). Uhr's failure to use the response to assess the influence of the report and his singling out of a minor recommendation amounts to selective criticism. It is making mountains out of molehills to call the response, or even a part of it, 'spirited', or the criticism a 'dispute'. To put the record straight, the Minister for Finance did not make a statement to the House. The Leader of the House presented the government response and obtained leave of the House for the response to be incorporated in the Hansard (House of Representatives Debates [16.05.91] 3926).

There should be zero tolerance in any branch of knowledge for statements that contain conclusions without any supporting facts, arguments or reasons, particularly when these conclusions are critical. Therefore, there should be zero tolerance for the following opinions, which coincidentally are critical of House committees:

- The committee system is ‘relatively effective in the Senate and generally ineffective in the House’ (Indyk, 1980: 94)
- ‘Indeed, there is a general tendency for House of Representatives committees to develop cosy relations with the bureaucracy . . .’ (Halligan *et al*, 1997: 231)
- ‘The House system was the most heavily orientated to the more “pork-barrel” policy issues, those concerned with delivery of services to local communities’ (Halligan *et al*, 2001: 165).

The discerning reader would have noticed by now that I am critical of academics who under-rate the work of the scrutiny committees of the House of Representatives, with little or no evidence to support their opinions. Their criticisms not only place House committees in the worst possible light. They also have a cumulative effect. One wonders whether they believe there is any need for their views to be supported by facts or analysis because their peers would generally accept these views. If this is the case, their work contains too much of the politics of research and too little of the scientific research of politics.

Conclusions

This final section picks up and develops further some of the more salient points discussed in the earlier sections of the article. Our understanding of the purposes of committees would be enhanced by a comprehensive study of committee growth from 1901 to the present. Such a study should incorporate the findings of the pioneering work of Marsh (1995) who examined the operations of committees in the period 1901–09. A key feature of the historical study should be to document whether and to what extent changes in executive-legislative relations have impacted on the work of parliamentary committees. Were committees appointed to assist the executive or to check the executive? What are the reasons for this significant increase in committees from the 1970s? What are the views of Members/Senators on Executive Government-committee relations and have these views changed over time? A central issue is the politicisation of parliamentary committees defined as a significant increase in the Opposition mode at the expense of the non-party mode. Has executive control increased through restrictions on the selection of references and the appointment of chairs? During the 1970s (1976–83) the government party members acting independently appointed chairs. When Labor was in office (1983–96) the chairs were distributed among the factions. Today, that is from 1996 (38th Parliament) onwards, it is the Prime Minister who appoints government chairs and

deputy chairs.³ What we need to find out is whether these appointments are a clear indication of government control so that government chairs are implicitly required to protect the interests of the Government. Earlier I asked the question whether politicisation, assuming it exists, had adversely affected committee effectiveness. The available evidence is cause for concern. The lament of Anne Lynch (1999) is that Senate committees that are asked to examine legislation do everything but examine that legislation.

I believe a necessary requirement of a sound methodology is the assessment of committee performance against the functions of Parliament. Given the lack of agreement on functions, including the key or important functions, I also believe that the conclusions drawn on performance are sensitive to the functions chosen or the emphasis placed on particular functions. Campbell Sharman refers to the 'ineffectiveness of lower house committees in reviewing legislation'. His conclusion rests on the premise that unless a house has the power (and the will) to constrain the Executive, then what committees of an executive-controlled lower house do in respect of legislation is of little or no consequence (1999: 157). This is indeed a harsh judgment. It does not concede the value of influence without power or acknowledge the legitimisation value of Lower House activity. Besides, if Lower House (and joint) committees are ineffective because they lack power, and Senate committees are ineffective because they lack support or do not do their job properly, has the system broken down completely? All this calls for empirical studies based on clearly articulated objectives.

It has been said, particularly when a government has a very big majority in the House of Representatives, that committees are a means of keeping the government backbench occupied. This may be correct but if it has anything to do with assessment of committee performance we might as well throw away the evaluation handbook and refer the matter of efficient use of public monies to the taxpayer for inquiry and report.

The crux of evaluation is to know what it means and what it entails. Therefore, evaluation should not be used as a buzzword that automatically anoints research with respectability. The use of functions as the basis for performance evaluation requires development of operational meanings for these functions. This in turn poses a challenge for the Australian Parliament. Will it follow in the footsteps of Westminster and specify the objectives of scrutiny committees and tie these to the functions of parliament? As an addition to the functions approach, I have developed a classification of committees and reports according to whether there is 'power' or 'influence' or neither but there are contributions to open and accountable government. This classification is a useful tool for answering that hardy perennial question — are Senate committees more effective than committees of the House of Representatives? — particularly because it also answers the effective in-doing-what question. The classification can also be used to test how committees perform in

³ Based on personal knowledge.

respect of the decisional and non-decisional functions and also to test whether the only 'strong' committees of the Australian Parliament are Senate committees.

Crucial to much of the foregoing is how to handle the matter of influence. This in turn raises difficult questions on the use and value of quantitative data analysis versus qualitative data analysis. Quantitative data analysis measures the success or otherwise of committee reports in influencing government decision-making based on government acceptance of recommendations. It is a method that can be empirically tested. Qualitative data cannot be tested. It is based in part at least on views and opinions of others. The argument here is that committee influence is pervasive and greater than any quantitative count of recommendations accepted and that indirect influence and long-term effects should not be ignored. The difficulty is in reconciling differences between conclusions reached using both quantitative and qualitative methods. The qualitative method can be placed in a wider context because other groups and organisations that have direct dealings with government can also have indirect influence. The more powerful the group, the greater the influence it wields.

This takes me back to my starting point, the institutional context. The party system and adversarial party politics place strict limits on committee influence. This point was made by Holzheimer (1980: 332) and Ann Robinson who said that the most the Commons (Westminster) could expect was to be one influence among many (1978: 159 and 160). This raises the question whether the justification for committees should be based primarily on them helping the Parliament to discharge the holistic functions of manifest and latent legitimation and accountability. The polity is therefore stronger because of parliamentary committees, which are part of the process of legitimising Australian parliamentary democracy. In this sense the words of the Canadian Royal Commission into Financial Administration and Accountability (Chair: Allen T. Lambert) (1979: 372) are as relevant today as they were a quarter century ago:

The process of scrutiny, surveillance, public exposure, and debate helps to legitimise the actions of government to the public . . . (Any) failure on the part of Parliament to "legitimise" government exacts a price in public trust . . . which ultimately we all pay. ▲

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