

Report from Workshop 4: A Framework for Discussion: Parliaments Executives and Integrity Agencies: How can the independence of Parliament from the Executive be enhanced?¹

The workshop group initially considered some of the structural factors that can make it difficult for a Parliament to function independently and effectively in terms of bringing Executives to account.

Some of the issues raised included: the strong tendency for parliaments to operate like a pendulum reflecting the balance of political power and, therefore, not challenging those in authority. The complications arising from the Parliament being both a setting for a partisan, political contest between parties and an instrument to achieve Executive accountability to the Legislature. The disincentives that can inhibit an Opposition's desire for seeking government accountability emanating from an awareness that they are likely to be in power one day and do not wish to establish too many undesirable precedents or expectations. And the additional difficulties of small parliaments in achieving independence from the Executive due to more limited research services, fewer Members to participate in committee work, etc.

In no particular order, the Workshop Group identified the following as possible means of enhancing Parliament's independence and capacity to keep governments accountable:

¹ Report from Australasian Study of Parliament Group, 28th Annual Conference, Wellington, New Zealand, 28–30 September 2006, Parliamentary Control of the Executive: the People and the Money, Rapporteur: Dr Stephen Reddenbach, Department of the Legislative Council, Parliament of Victoria.

Education:

Members of Parliament, particularly after being first elected, need to be better informed and reminded of their role as parliamentarians rather than solely being politicians. The longer this educational aspect is delayed, the more probable it is that the parties will shape their new Members' attitudes in a manner that decreases their respect for the institution of Parliament. One way of educating Members would be via new Members' induction seminars.

Media:

The media places pressure on governments; in a sense, it does this partly on Parliament's behalf. In this way, the media can be an instrument which can alter the balance of power between the Legislature and the Executive. Unfortunately, the media's tendency to focus on sensationalism and short term issues reduces its capacity to influence sometimes weightier but less high profile matters.

Parliamentary Committees:

The Workshop Group considered committees were a very important means of enhancing Parliament's independence and influence. At their most effective, they can achieve far more consensus than is normally exhibited in the legislative chamber and can impose far greater real scrutiny of the Government. An example is when governments are required to table a response to committee recommendations within a set period, which was the case in several of the jurisdictions with representatives in the Group. However, the effectiveness of parliamentary committees can be affected adversely by factors over which the Executive has considerable influence. Such factors include the need for high quality, and sufficient numbers of, committee staff; the general level of funding for committee operations; the amount of time with which committees are provided to conduct reviews and report their findings; gaining access to government papers and other papers sought by committees; and committees being permitted to interview, and take evidence from, government advisers.

Library Research Services:

Parliamentary libraries are a major provider of research services to Opposition frontbenchers, backbenchers, Independent Members and committees. It is vital that they are adequately resourced in order to provide the sort of services that Members require to effectively scrutinise legislation and the Executive's performance.

Independent Members:

Obviously, when one is considering ways of enhancing Parliament's independence, Independent parliamentarians themselves can make a significant contribution free of the constraints of party allegiances and with the capacity to review issues from an individual perspective.

Public Finance Acts:

Effective legislation of this sort spells out which matters have to be reported on, examined etc. Legislative requirements place enforceable obligations on governments.

Auditor-General and Ombudsman:

These officers need to be under parliamentary control and financed under the Parliament's budget not the Executive's.

Upper House:

This was cited as another means of enhancing parliamentary independence, provided that the government did not enjoy a majority in both Houses. A Tasmanian member of the Workshop Group noted that the Upper House in his State had had an Independent majority since 1825.

An Upper House with a non-government majority has the additional advantage, aside from the potential in the Chamber to reject or amend Bills, of being able to establish Select Committees in addition to the investigatory committees that already exist. ▲