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Committees in a unicameral parliament: impact of a majority government on the ACT Legislative Assembly committee system*

Grace Concannon

Introduction

Parliamentary committees are a common feature of the westminster system of government and over recent decades have taken on more wide ranging roles in the conduct of parliamentary business. According to *House of Representatives Practice*, ‘the principal purpose of parliamentary committees is to perform functions which the Houses themselves are not well fitted to perform, that is, finding out the facts of a case, examining witnesses, sifting evidence, and drawing up reasoned conclusions’.¹ This description does not include the enhanced scrutiny and oversight role of committees in a unicameral parliament. In a comparative study of six unicameral legislatures, committees were identified as a prominent feature and it was argued that a comprehensive committee system can ‘take care of the second chamber review function’.² The Legislative Assembly for the ACT (Assembly) was established in 1989 under the *Australian Capital Territory (Self Government) Act 1998* (Commonwealth) as a unicameral legislature of 17 members. Members of the Legislative Assembly (MLAs) are elected by the Hare-Clark proportional representation system (also known as the ‘single transferable vote’). The ACT is a young legislature, and of the eight assemblies to date, seven have been controlled by a minority government.³ The government of the day is responsible for both ‘state’ and ‘local government’ functions. In the absence of an upper house, participation on parliamentary committees of the Assembly provides non-executive MLAs the opportunity to scrutinise and oversee the actions of the executive. Participation on committees also provides non-executive MLAs opportunities to contribute to the governance of the territory through the conduct of inquiries and

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making recommendations to government. This paper will provide an overview of the ACT Legislative Assembly committee system, explore the enhanced role of committees in a unicameral legislature and consider the methodologies used to evaluate committee work. The article will also examine government responses to ACT parliamentary committee reports under a minority and majority government to discern any differences in government behaviour across the two assemblies. It will also determine whether there is any evidence to suggest that ACT committees are less effective under a majority government. Statistical analysis is undertaken of both the response rate to committee reports and the rate of acceptance of committee recommendations for the standing committee reports of two successive labor governments of the fifth assembly (2001–2004) and the sixth assembly (2004–08). Both governments were led by Chief Minister, Jon Stanhope. The difference in membership and makeup of the standing committees across these two assemblies provides an interesting opportunity for comparative study.

The ACT committee system

There are two types of committees in the ACT, standing and select. Standing committees are established by resolution at the commencement of each Assembly for its duration. The number and structure of standing committees varies between assemblies, but generally covers the functional areas of responsibility (i.e. health, community services, education, planning and environment, legal affairs and public accounts). Select committees are established by a motion in the Assembly to inquire into matters that fall outside the remit of standing committees or are matters of significant importance that warrant a specific committee. They are established with specific terms of reference and a set reporting date and are commonly utilised by the Assembly to examine the annual expenditure proposals in appropriation bills and in matters of privilege.⁴ The role of committees is to:

- scrutinise (and oversee) the actions of the executive through annual reports and estimates inquiry processes;⁵
- conduct evaluative inquiries into administrative and policy matters;
- make recommendations to the government of the day;
- gather evidence through the receipt of submissions, public hearings and other means;
- facilitate public engagement in parliamentary processes;
- promote public debate;
- perform a range of statutory functions such as consideration of statutory appointments, examination of draft variations to the Territory Plan or reviewing Auditor-General's reports; and
- provide opportunities for non-executive MLAs to work together across parties.

Committee powers

The Self Government Act provides the Assembly with the power to establish committees which share its powers and privileges. Inquiry topics for standing committees are established through referral from the Assembly or by self-referral.

The power to self-refer was conferred on the ACT Legislative Assembly standing committees in December 2004 and the provision in the Standing Orders (SO) was strengthened in March 2008 (SO216). This is an important power, particularly for committees in a unicameral legislature, and is extensively used by ACT committees. The chair and deputy chair are elected by committee members at the first meeting of a committee (SO225). The chair of the committee has no special powers and, like all members, only holds a deliberative vote (SO 228). The chair is responsible for the preparation of a draft report for the committee's consideration (SO 247). Standing order 249 allows for a member, other than the chair, to submit a draft report for the Committee's consideration. In such an instance the Committee is required to decide on which report it will consider. There are no examples where this standing order has been utilised. Standing order 251 allows members to present a dissenting report or additional comments to be added to the final report agreed to by the committee.⁶ Standing orders also allow for non-committee members to participate and question witnesses during public hearings. This occurs most often during estimates and annual reports inquiries, and became increasingly popular during the Seventh Assembly (2008–2012) for all committee inquiries.

Level of committee activity

The Legislative Assembly has an extremely active committee system. For example, the period 1 July 2010 to 30 June 2011, standing and select committees met on 267 occasions; held 57 public hearings and heard from 595 witnesses; tabled 40 reports; and received 208 submissions. The level of committee activity in the ACT also extends to the chamber when reports are tabled. Final reports are usually presented to the Assembly by the committee chair who is allowed 15 minutes to make a tabling speech. Other committee members are then afforded 10 minutes each to make their comments. Non-committee members are also able to comment on the report during the tabling or move that the debate be adjourned to another day. It is common for committee members to comment when reports are tabled. It is also common for committee reports to be referred to in the chamber well after tabling.

Scrutiny of legislation

One of the most important functions of a parliament is to make laws for the good governance of the people. Without adequate checks and balances on the passage of proposed legislation, majority governments would be free to make laws as they saw fit. In a bicameral system, the upper house will usually have a review function on legislation passed in the lower house, such as in the Australian Senate. Without an upper house, the ability of committees in a unicameral parliament to scrutinise legislation is considered an important feature.⁷ In New Zealand all proposed legislation stands referred to committees who have the power to conduct full inquiries. Committee recommendations are drafted directly into the bill, and unanimous changes are adopted automatically by the house. This method of scrutinising proposed legislation has been described as one of the features of the New Zealand committee system.⁸

The automatic referral of bills to ACT Legislative Assembly committees does not occur, and would be impractical given the large number of bills and the relatively small size of the committee system. Any bill before the Assembly can be referred to a committee by motion of the Assembly, pursuant to standing order 174 (*Reference to select or standing committee*) that allows a member to move that a bill be referred to a select or standing committee after the presentation of a bill 'including immediately after a bill has been agreed to in principle but not after the completion of the detail stage'. Despite this provision, very few bills are referred to Assembly committees, other than the standard referral to the Scrutiny of Bills Committee, established by resolution to examine, within specific parameters, all proposed laws. For example, of the 370 bills presented during the Sixth Assembly only seven were referred to committees and of the 256 bills presented during the Fifth Assembly 14 were referred to committees. Appropriation bills are routinely referred to select committees on estimates or the public accounts committee. The lack of referral of bills to committees could be regarded as a weakness in the ACT committee system. While committees have the power to make recommendations to the government on bills referred for inquiry, it is then up to government to accept or reject each recommendation. Despite this, all bills must pass through the chamber, which in the absence of a majority government, are robustly debated and often extensively amended, not always to the satisfaction of the executive.⁹

Analysing government responses

While the analysis of government responses to committee reports and recommendations has been used to evaluate committee performance, a purely statistical approach is not without its criticisms. For example David Monk notes that, 'attaching numbers to parliamentary committee work is difficult given its flexible and unpredictable nature'. Despite this, he does go on to say that statistical data 'is likely to bring additional information to light and increase our understanding of committees, even if it does not capture everything of importance'.¹⁰ Another legislative scholar, John Halligan, regards the acceptance and implementation of recommendations by government as an 'obvious' measure of committee performance, but considers it to be 'difficult to determine in practice except on a limited case study basis; and the interpretation of such statistics can be complicated by the politics of formulating committee recommendations and anticipation of recommendations by the bureaucracy.'¹¹ Malcolm Aldons, a former committee secretary from the House of Representatives, developed a comprehensive methodology for rating committee performance based on government responses to committee recommendations. Rather than using a purely statistical analysis of government acceptance rates, which he argues can give rise to seemingly impressive results while ignoring the importance of key recommendations and giving unnecessary weight to soft recommendations¹², his methodology uses a series of steps designed to define and separate the types of recommendations and the responses they elicit. He sets the benchmark for success at either 50 per cent of recommendations accepted or the acceptance of a major recommendation.¹³ David

Monk, on the other hand, considers that setting a figure for the benchmark of acceptance of recommendations is an ‘arbitrary’ measure and that ‘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’.¹⁴

A further problem identified with adding up the ‘strike rate’ of recommendations accepted as a measure of success, is that it does not take into account other constructive outcomes of committee work and the views of relevant stakeholders. For example, Aldons concedes that his methodology does not take account of important qualitative considerations such as the raising of awareness about issues, the ‘deterrent effect’ of detailed scrutiny and the ‘discharge of parliamentary functions not associated with decision making’.¹⁵ David Monk also considers that the acceptance rate of committee recommendations should not be used to measure committee performance in isolation of the views of relevant stakeholders to a committee inquiry.¹⁶ Despite his view, that using the government acceptance rate may be an ‘overly simplistic’ measure, he states that ‘it is currently, the best proxy we have for the government view of a report’.¹⁷

For the purposes of this article, a statistical analysis of government responses to committee reports and recommendations is used based on the government’s stated response to committee recommendations and does not attempt to define the types of recommendations or analyse their implementation. This would be a further study in itself. The objective of this article is to assess the impact of a majority government on the operation of committees in the ACT by using the statistical data to discern any differences in government behaviour across a minority and majority government. The data will not measure the performance of individual committees, but examine the performance of the government in its response to committee reports and recommendations. Despite the limitations of a purely statistical analysis, I believe it provides a useful benchmark for further analysis and evaluation of parliamentary committee performance in the ACT Assembly.

Fifth and sixth assemblies — what does the data show?

The fifth assembly was controlled by a minority labor government comprising eight party members, seven Liberal Party members (with one member becoming independent), and one member from each of the ACT Greens and the Australian Democrats. Four out of the six standing committees were chaired by a non-government member and there were no government majority committees.¹⁸

The sixth assembly was a majority labor government with party members; seven Liberal Party members (one becoming independent joining the Canberra Party), and one ACT Green. In contrast with the fifth assembly, only two of the five standing committees were chaired by non-government members and there were three standing committees with a government majority.¹⁹ In the ACT, the Public Accounts Committee and the Legal Affairs Committee are traditionally chaired by non-government members. Table 1 provides a list of the committees and their membership.

Table 1: Standing committees of the Fifth and Sixth Assemblies

Sixth Assembly	Committee membership	Fifth Assembly	Committee membership
Public Accounts Committee	Three members Non-government chair Three party representation	Public Accounts Committee	Three members Non-government chair Three party representation
Planning and Environment	Three members Government chair Government majority	Planning and Environment	Three members Non-government chair Three party representation
Legal Affairs	Three members Non-government chair Three party representation	Legal Affairs	Three members Non-government chair Three party representation
Education, Training and Young People	Three members Government chair Government majority	Education	Three members Government chair Three party representation
Health and Disability	Three members Government chair Government majority	Health	Three members Non-government chair Three party representation
		Community Services and Social Equity	Three members Government chair Three party representation

Given the government dominance of committees of the sixth assembly, one might expect to see a higher rate of acceptance of committee recommendations, due in part to the inclusion of ‘soft recommendations’, referred to by Malcolm Aldons, that have no potential to influence government policy, or recommendations that maintain the current arrangements and are easy for the government to agree to.²⁰ While it is agreed that government acceptance of a committee recommendation does not necessarily lead to the implementation of new policies or procedures,²¹ a high acceptance rate can reflect well on a government in that the government is seen to be listening and responding to committees. The response rate to committee reports is another area where one might expect to see fluctuations between a minority and majority government.

Government responses to committee reports

The practice of governments responding to parliamentary committee reports has been adopted by successive governments at the national, state and territory levels and is an important part of the inquiry process. Without a formal government response, it could be argued that there would be little point in committees making recommendations to government. Community members expend considerable resources to provide submissions and/or oral evidence to a committee inquiry. While there are many other facets of work undertaken by committees, and valuable contributions that committees make, committee reports and the government responses are tangible outcomes that resonate with inquiry participants. A recent inquiry into the House of Representatives committees stated that it was disrespectful to the inquiry participants for a government to not provide a response to a committee report.²² John Uhr also questions why community groups should

‘bother to put their views to parliamentary committees if governments never bother to listen to the committees’.²³

Committee inquiries in the ACT receive significant community input, and committee reports and government responses are significant factors for participants in the inquiry process. The community has also increasingly come to expect timely government responses to committee reports. For example, 80 per cent of respondents to a recent survey conducted by the ACT Legislative Assembly Committee Office said they used the committee website to read the committee report and 40 per cent said they used the committee website to read government responses to committee reports.²⁴ The ACT government does respond to committee reports. As of November 2010, of the reports requiring a government response, there were four outstanding responses to the reports of the fifth assembly (80 of 84) and four outstanding responses to reports of the sixth assembly (78 of 82), representing a 95 per cent response rate across both assemblies. To address the overdue responses, committee chairs of the seventh assembly agreed that the relevant committee should review the reports and recommendations made, and if deemed to still be relevant, to pursue the government for a response. ACT government responses are tabled in the Assembly by the relevant minister. On tabling, the Assembly may resolve to note the government’s response or may adjourn debate to another time. Government responses are subject to cabinet consideration and consist of a tabling statement and a written response. The tabling statement outlines the government’s position on the report, especially in relation to key recommendations. The written response sets out the government’s position on each recommendation, with supporting information.²⁵

Timeframe for government responses

While committees have operated in the Australian parliament since 1901, and to a lesser degree in state parliaments, it was not until 1973 that the Senate agreed to a resolution declaring its opinion that governments should respond to committee reports within three months after being presented.²⁶ With no formal requirement through standing orders for governments to respond to committee reports, most governments set their own agendas for providing responses. In 1998 the House of Representatives Standing Committee on Procedure recommended that standing orders be amended to include government responses to committee reports. The government of the day rejected the recommendation on the grounds that the government considered its response rate to committee reports to be ‘perfectly adequate’ despite a high number of committee reports not responded to.²⁷ Like the Australian government, successive governments in the ACT have taken upon themselves the responsibility to respond to committee reports within three months of the report being tabled. The Parliamentary Agreement between the ACT Greens and ACT labor party for the seventh assembly formalised the requirement for the government to respond to committee reports within three months. While there is no standing order directing a government response, a temporary standing order (254A) adopted by the Assembly on 9 December 2008 (*Request for explanation concerning government response to committee*) provides an avenue of recourse for the chair of

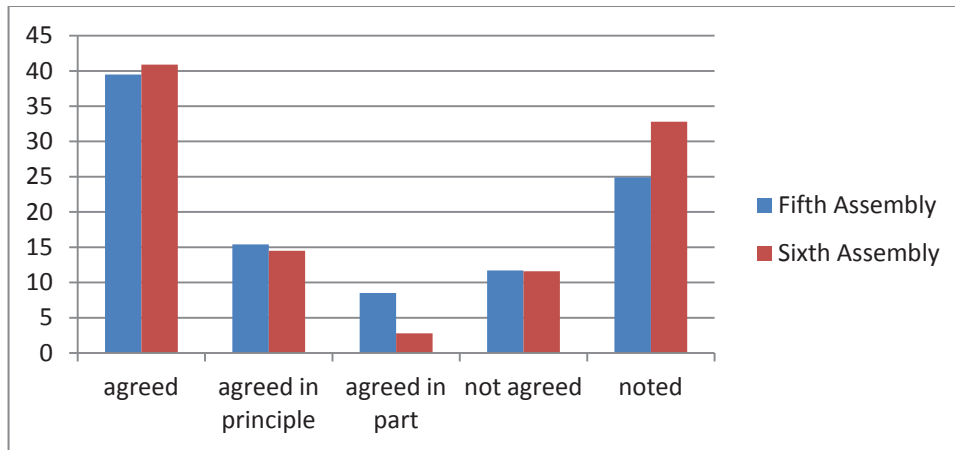
a committee should a response not be received within the given timeframe.²⁸ Although there is no further action the Assembly can pursue in relation to outstanding responses, this standing order enables the chair of a committee to place the lack of response on the public record. The temporary standing order has only been used twice, despite only 24 per cent of government responses (at the time of writing) being received within the three month timeframe.²⁹ Of the 95 per cent of government responses to the fifth assembly reports, 56 per cent were received within three months, 31 per cent were received within six months, and 13 per cent took longer than six months. Of the 95 per cent of government responses to the sixth assembly, 40 per cent were received within three months, 26 per cent within six months, and 34 per cent took longer than six months. Without a cross jurisdiction comparison it is hard to assess the response rate of the ACT government to committee reports. It would seem fair, anecdotally, to say that given the response rate of 95 per cent, committee members and other participants to inquiries can, at the least, be relatively confident that a response to a committee report will be received in a reasonable timeframe.³⁰ It is interesting to note that the majority government took longer than six months to respond, almost three times as many as the minority government (34 per cent to 13 per cent). However, this is still not a guarantee that recommendations will be implemented or that change will occur, but it does show some level of respect for the committee process in the ACT.

Government responses to committee recommendations

As discussed earlier, the ACT Government response to committee recommendations sets out the government's position on each recommendation, with supporting information. This position is usually characterised as: agreed; agreed-in-principle; agreed-in-part; not agreed; and noted. Despite these qualifiers and the supporting information, it is not always clear what new action the government may be considering. For example 'noted' or 'agreeing in principle' might mean that the government considers it is already addressing the recommendation through an existing action or simply that the government does not disagree, but does not intend to implement the recommendation. The government's rejection of a recommendation is less ambiguous. While the outright rejection of recommendations is low, the government usually provides clear reasons for its decision.

The data used in this article is based on 47 standing committee reports of the fifth assembly containing 514 recommendations and 48 reports of the sixth assembly containing 543 recommendations.³¹ Of the 514 recommendations made to government in the fifth assembly, the government agreed to 203 (39.5 per cent); agreed in principle to 79 (15.4 per cent); agreed in part to 44 (8.5 per cent); noted 128 (24.9 per cent); and did not agree with 60 (11.7 per cent). Of the 543 recommendations made to government in the sixth assembly, the government agreed to 222 (40.9 per cent); agreed in principle to 79 (14.5 per cent); agreed in part to 15 (2.8 per cent); noted 164 (32.8 per cent); and did not agree with 63 (11.6 per cent). The following graph shows a comparison of government responses across both assemblies.

Figure 1: Percentage of government responses to committee recommendations of the fifth and sixth Assemblies



While one might have expected to see a greater acceptance rate across the majority government, the overall response rate shows little variance across both Assemblies with agreement sitting at around 40 per cent and non-agreement sitting at around 11 per cent. When combining the agreed, agreed in principle and agreed in part, the acceptance rate of committee recommendations increases to 63.5 per cent for the fifth assembly compared with 54.9 per cent for the Sixth Assembly showing greater acceptance of recommendations from the minority government.

Annual reports inquiries: annual and financial reports are tabled each year by government directorates and agencies and, on tabling, are referred to the corresponding port-portfolio based standing committees as per a schedule included in the resolution as determined by the speaker. On receipt of the referral committees are free to determine their own inquiry process. The process in recent years has been for each individual committee to conduct a full inquiry which usually involves public hearings with the relevant minister and departmental officials and a report being prepared. The fifth assembly saw 10 inquiries into annual and financial reports resulting in 85 recommendations. Of those, the government agreed to 45 (52.94 per cent); agreed in principle to seven (8.2 per cent); agreed in part to four (4.7 per cent); noted 21 (24.7 per cent); and did not agree with eight (9.4 per cent). During the sixth assembly, 16 inquiries were conducted, resulting in 95 recommendations to government. Of those, the government agreed to 50 (52.63 per cent); agreed in principle to 11 (11.57 per cent); agreed in part to two (2.1 per cent); noted 21 (22.1 per cent); and did not agree with 11 (11.57 per cent). The acceptance rate across both Assemblies is higher than the overall average of 40 per cent to just over 50 per cent. Recommendations not agreed to have remained stable at around 11.5 per cent with a slight dip in the Fifth Assembly (minority Government) to below 10 per cent.

Public accounts committee: the Standing Committee on Public Accounts (PAC) is recognised as the key scrutiny committee due to its oversight of the government's

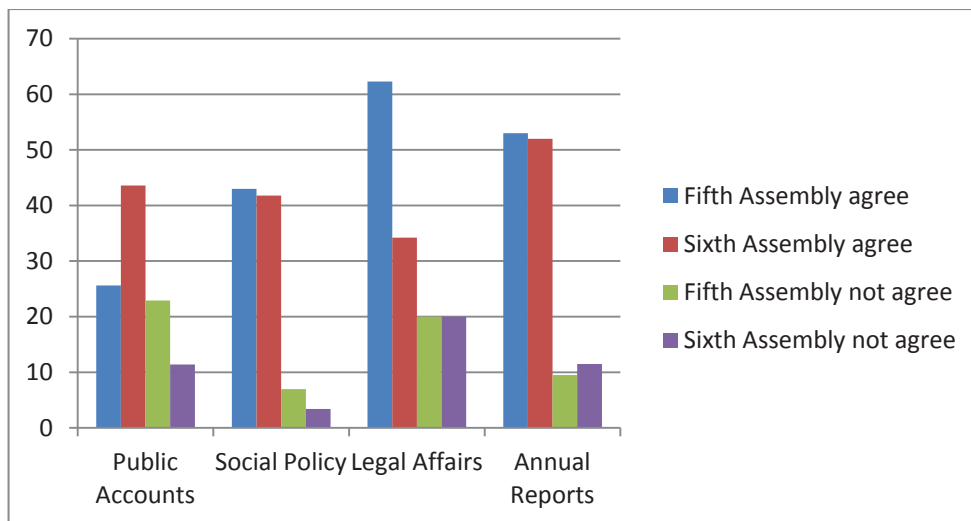
budget and compliance with audit. Audit reports are referred to PAC as a matter of course and PAC usually seeks briefings from the Auditor-General on these reports. Auditor-Generals tend to use PAC as their communication point with the Legislative Assembly and PAC has a role in protecting the Auditor-General from unjustified attacks. The PAC inquiries into audit reports allow it to inquire into areas that may normally fall to another committee, for example in the sixth assembly PAC completed reports into waiting lists for elective surgery and medical treatment and development application and approval processes for planning. The fifth assembly PAC conducted 14 inquiries and made 74 recommendations to government. Of those, the government agreed to 19 (25.6 per cent); agreed in principle to eight (10.8 per cent); agreed in part to nine (12.1 per cent); noted 21 (28.3 per cent); and did not agree with 17 (22.9 per cent). The sixth assembly PAC also conducted 14 inquiries and made 149 recommendations to government. Of those, the government agreed to 65 (43.6 per cent); agreed in principle to 16 (10.73 per cent); agreed in part to three (2 per cent); noted 14 (32.2 per cent); and did not agree with 17 (11.4 per cent). The PAC shows the greatest variance across the two assemblies. While the sixth assembly corresponds with the average agreement rate of around 40 per cent, the agreement rate for the fifth assembly is much lower at 25 per cent and a higher than average rejection rate at 22.7 per cent.

Legal Affairs: membership of the legal affairs committee was mirrored across both assemblies i.e. three members, a non-government chair and three party representation. The fifth assembly committee made 45 recommendations to government. Of those, the government agreed to 28 (62.3 per cent); agreed in principle to seven (15.5 per cent); noted one (2.2 per cent); and did not agree to nine (20 per cent). The sixth assembly committee made 76 recommendations to government across eight reports. Of those, the government agreed to 26 (34.2 per cent); agreed in principle to eight (10.5 per cent); agreed in part to six (7.9 per cent); and noted 16 (21 per cent). The fifth assembly committee had the highest rate of agreement with just over 60 per cent. When combining the agreed and agreed in principle the rate increases further to 78 per cent (35 of 45). However, the outright rejection of recommendations was higher than the average across both assemblies, recording a rejection rate of 20 and 26 per cent respectively (corresponding with the fifth assembly PAC).

Social policy committees: the fifth assembly had three social policy committees which reduced to two committees in the sixth assembly. The three fifth assembly committees made 316 recommendations to government. Of those, the government agreed to 136 (43 per cent); agreed in principle to 52 (16 per cent); agreed in part to 18 (5.6 per cent); noted 88 (27.84); and did not agree to 22 (6.96 per cent). The two sixth assembly committees made 146 recommendations to government. Of those, the government agreed to 61 (41.78 per cent); agreed in principle to 30 (20.54 per cent); agreed in part to two (1.36 per cent); noted 48 (32.87 per cent); and did not agree with five (3.4 per cent). With the government dominating the two committees of the sixth assembly, a higher response rate may have been expected. While this is not the case, the telling figure is the low rejection rate at only 3.4 per cent.

Overall comment: the results of the analysis of the government response to committee recommendations show a consistently high acceptance rate across both assemblies. The annual reports inquiry across both assemblies had the highest rate of acceptance at just over 50 per cent. Surprisingly the scrutiny committees (PAC and Legal Affairs) in the majority government also recorded high acceptance rates. While it could be argued that the high acceptance rate of committee recommendations, (or the batting average referred to by Aldons) is nothing more than the government paying ‘lip service’ to committees, the quality and impact of the recommendations agreed to is an inquiry for another day. What I have been concerned with here is to identify any discerning differences across a majority and minority government. Bearing that in mind, the government has afforded the committee process a degree of respectability and a sign that the government does take the work of standing committees seriously as demonstrated in the figure below.

Figure 2: Percentage of recommendations agreed to and not agreed to for the fifth and sixth ACT Legislative Assemblies



Follow up on committee recommendations

The government response is often considered the final stage in an inquiry process resulting in limited follow-up on the implementation of recommendations agreed to by government and other inquiry outcomes. In a submission to the House of Representative Standing Committee on Procedure a recommendation was made to ‘require and resource committees to periodically review and report on the progress of previous reports’.³² The Committee concluded that outsourcing such reviews would necessitate additional funding and considered that committees themselves would be better placed to evaluate the success of their own inquiries.³³ In the ACT, committees are free to evaluate their own inquiries should they wish to do so, but this is seldom done formally, and may be done informally through private

committee deliberations, or periodically raised by a member in the Assembly. However, a continuing resolution, Implementation of Committee Recommendations in annual reports, adopted by the Assembly in 2002 calls on the Chief Minister to require government directorates and agencies to report progress on the implementation of committee recommendations agreed to by the government of the day, in their annual reports. This practice is unique to the ACT and places the onus on the government to provide annual updates on the implementation of recommendations it has agreed to. If agencies do not report to the satisfaction of committees they are then free to pursue government comment during the annual reports inquiries. An example of this occurred in the 2008-2009 annual reports inquiry when a number of committees observed that government directorates were not adequately reporting on committee recommendations agreed to by government, as required, resulting in a recommendation that agencies 'provide more accurate reporting on relevant inquiries by assembly committees concerning the operation of the agency, and information on the implementation of Assembly committee recommendations that have been accepted by the government of the day'.³⁴ The government agreed to the recommendation and subsequent annual reports have provided the required information.

Conclusion

The ACT Assembly committee system has a number of features to assist in its scrutiny role. These include: portfolio based committees; the power to self-refer inquiries; the use of non-government chairs on major scrutiny committees such as the public accounts, legal affairs, and select committees on estimates; and a high degree of responsibility in monitoring and reviewing the actions of the executive through the well-established annual estimates inquiry process and inquiries into ACT government agency annual and financial reports including oversight of statutory authorities and appointments. The volume of work conducted by committees in a legislature the size of the ACT, performing both state and local government functions, demonstrates the commitment of non-executive MLAs to their scrutiny role. This is enhanced through the opportunities available to non-committee members to participate in all committee inquiries and the amount of time devoted to tabling and debating of committee reports. The lack of scrutiny of bills by committees could be regarded as a weakness in the committee system, but the nature of a minority government allows for robust debate in the chamber not always resulting in a win for the executive. The government response rate to committee reports is high, with over 95 per cent of reports receiving a government response in the fifth and sixth assemblies, albeit not within the self-imposed three month timeframe. This does, at least, demonstrate a respect for the committee process in the ACT. The continuing resolution, adopted by successive governments since 2002, calling upon the chief minister to require government agencies to report on the implementation of committee recommendations in their annual reports is unique to the ACT and an important provision in monitoring the implementation of committee recommendations agreed to by the government of the day.

While the limitations of this article are acknowledged, the findings do provide useful data and a solid background for a more in-depth analysis of government responses to committee recommendations. Further study may consider a comparison of government responses to committee reports across jurisdictions; government responses to select committee reports and dissenting reports; and an in-depth analysis of the implementation of committee recommendations. What has been demonstrated is that the government response rate to committee recommendations across a majority and minority labor government has remained consistent. The high percentage of responses to committee reports, no discerning differences across the assemblies to the agreement rate of individual recommendations, and indeed a higher rate of agreement with non-government chaired/majority committees, demonstrate at the very least the government's willingness to engage with the committee processes established by the ACT Legislative Assembly to ensure accountability and transparency in a unicameral legislature. ▲

Endnotes

- ¹ IC Harris (ed.), *House of Representatives Practice*, 5th edn, AGPS, Canberra, 2001, p. 621.
- ² The Constitution Unit, *Checks and Balances in Single Chamber Parliaments: a Comparative Study*, School of Public Policy, London, 1998
- ³ The ACT Legislative Assembly has four year fixed terms for government. The Eighth Assembly was elected on 20 October 2012.
- ⁴ Data from select committee recommendations has not been used in this paper.
- ⁵ The principal scrutiny opportunities present through the annual estimates inquiry process conducted by a select committee on estimates and inquiries into annual and financial reports conducted by standing committees. Both of these inquiries have become major events on the Assembly calendar.
- ⁶ Recommendations made in dissenting reports have not been considered for the purpose of this paper.
- ⁷ A review of six unicameral parliaments conducted by the Constitution Unit of the School of Public Policy in 1998 identified the power to initiate inquiries and the ability to review bills as key features of committees performing an effective role (p 33). The Constitution Unit, *Checks and Balances in Single Chamber Parliaments: a Comparative Study*, School of Public Policy, London, 1998.
- ⁸ M Ganley, *Select Committees and their role in Keeping Parliament Relevant: Do New Zealand Select Committees Make a Difference?*, ASPG Parliament 2000 — Towards a Modern Committee System, 2001.
- ⁹ A comparative analysis of the number of bills passed and the number of amendments made during the fifth and sixth assemblies would be an interesting study for another time. Bills and the number of amendments are available on the Legislative Assembly website.
- ¹⁰ D Monk, 2009, 'In the Eye of the Beholder? A Framework for Testing the Effectiveness of Parliamentary Committees', Parliamentary Studies Paper 10, Crawford School of Economics and Government, Australian National University, Canberra, pp. 1–2
- ¹¹ J Halligan, 'Parliamentary Committee Roles in Facilitating Public Policy at the Commonwealth Level', *Australasian Parliamentary Review*, Spring 2008, Vol. 23(2), pp. 138–139
- ¹² M Aldons, 'Rating the Effectiveness of Parliamentary Committee Report: the Methodology', *Legislative Studies*, Vol. 15, No. 1, Spring 2000, p. 26

- ¹³ M Aldons, 'p. 22-32
- ¹⁴ Monk, 2009, p.
- ¹⁵ Aldons, p. 26
- ¹⁶ Monk, 2009, p. 6
- ¹⁷ Monk, 2009, p. 6
- ¹⁸ In the Seventh Assembly only one out of seven standing committees is chaired by a government member. Detailed information on committee membership for all assemblies is available in the Business of Committees document on the Legislative Assembly website at www.parliament.act.gov.au.
- ¹⁹ These figures do not include the Administration and Procedures Committee, chaired by the speaker.
- ²⁰ Aldons, p. 26.
- ²¹ For example see Aldons, p. 26, or *Building a modern committee system*, p. 131.
- ²² House of Representatives Standing Committee on Procedure, *Building a modern committee system An inquiry into the effectiveness of the House committee system*, Parliament of the Commonwealth of Australia, June 2010, p. 129.
- ²³ J Uhr, cited in C James, *Government Responses to Parliamentary Committee Inquiries*, paper presented at the Seminar on the Twentieth Anniversary of the Establishment of the House of Representatives Committee System, Canberra, 15 February 2008, p. 163.
- ²⁴ Survey, Participating in Committee Inquires, ACT Legislative Assembly Committee Office, 2010
- ²⁵ Handbook for ACT Government Officials on Participation in Assembly and Other Inquiries, Cabinet Office, Chief Minister's Department, June 2004, p 22
- ²⁶ The Senate, *Standing Orders and other orders of the Senate*, February 2006, continuing resolution 37, p 134
- ²⁷ House of Representatives Debates, 3.12.98, p 1302 (the Hon. Peter Reith MP)
- ²⁸ Parliamentary Agreement For the Seventh Legislative Assembly for the ACT, 31 October 2008, 3.14, p 9 <<http://act.greens.org.au/sites/greens.org.au/files/alp-greens-agreement.pdf>>
- ²⁹ Legislative Assembly for the ACT, Schedule of Government Responses to Committee Reports in the Seventh Assembly, <http://www.parliament.act.gov.au/downloads/committee-business/Responses.pdf>
- ³⁰ The Parliamentary Agreement for the House of Representatives 43rd Parliament extended the timeframe for government responses to six months, a more achievable goal. Perhaps the time has come for all legislatures to review the expected timeframe for a government response.
- ³¹ This excludes reports of the Administration and Procedures Committee and reports of the Legal Affairs Committee operating in its role as Scrutiny of Bills. Reports on draft variations to the territory plan conducted by the Planning and Environment Committee are also excluded from this study, due to the high volume of these reports and the legislative requirement and specific nature of the inquiries conducted. A case study examining the direct influence of these reports on government planning policy should be considered in a further study.
- ³² S Rice OAM and M Rimmer, Submission to the House of Representative Standing Committee on Procedure, no 11, pp. 12–13
- ³³ *Building a modern committee system*, pp. 133–134
- ³⁴ Standing Committee on Health, Community and Social Services, *Report on Annual and Financial Reports*, Legislative Assembly for the ACT, March 2012, p. 32–34