

# *Evidence gathering processes and emerging technologies*

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Changes in technology have enabled members of the community to interact with parliaments in ways that were previously either not possible or impractical. Online campaigning or 'clicktivism', direct communication and rapid publication through social media, and online questionnaire platforms have all proliferated over the last 10 years. And they all, to varying degrees, have the potential to affect the way parliamentary committees carry out their work.

This paper commences with a brief discussion of the roles and purposes of parliamentary committees, some of the changes to inquiry processes over time, and some trends in emerging technologies. It then examines some contemporary technologies and highlights examples that have arisen in the work of parliamentary committees in recent times. It outlines some of the benefits and challenges associated with these technologies with respect to committee work, and considers how these technologies and changing expectations intersect with the existing practices and procedures of committees.

First, however, some notes regarding the scope of this paper. It should be noted that this paper focuses on the work of House of Representatives and joint committees of the Australian Parliament, and references to 'parliamentary committees' throughout this paper are made in this context. Other legislatures would have different experiences to those outlined in this paper and there would be benefit in exploring how these issues have arisen and been resolved in other jurisdictions. Secondly, although committee work involves a range of processes, the evidence gathering processes are some of the key publicly-facing areas in which emerging technologies have interacted with and tested the boundaries of traditional practices and procedures. The focus of this paper is therefore restricted to the processes committees use to gather written and oral evidence for their inquiries. Finally, this paper draws exclusively on information in the public domain, however it is important to

acknowledge that parliamentarians and parliamentary practitioners will have a range of experiences to draw on beyond those described here.

## The various roles of parliamentary committees

Parliamentary committees have existed in the Australian Parliament, in one form or another, since the 1920s.<sup>1</sup> In the House of Representatives, the modern system of standing committees was formed in 1987 and augmented the existing system of joint, ad hoc, and domestic committees.

Over the course of this long history, committees have fulfilled a range of roles. These are summarised in procedural texts, most notably in the House's case, in *House of Representatives Practice*.<sup>2</sup> These roles are also explored further in reports such as that of the House Procedure Committee in 2010<sup>3</sup> and are discussed briefly below.

### *Scrutinising the government*

Firstly, the scrutiny function of parliamentary committees reinforces the separation of powers under the Australian Constitution. Committees made up of legislators (including members of the governing and opposition parties) examine government policies and administration and scrutinise government decisions and the expenditure of public funds. Joint committees have an important role to play in this regard, with scrutiny making up a substantial proportion of the work program of committees including the Joint Committee of Public Accounts and Audit<sup>4</sup>, Parliamentary Standing Committee on Public Works<sup>5</sup>, and the Parliamentary Joint Committee on Intelligence and Security<sup>6</sup>, to name a few. In addition, the House's general purpose standing committees have a role in scrutinising government expenditure, administration and policies, through their power under Standing Order 215(c) to inquire into the annual reports of government departments and agencies, as well as relevant reports of the Auditor-General.<sup>7</sup>

### *Investigating matters of public policy*

The House's general purpose standing committees do a great deal of work examining matters of public policy. This might be through improving existing government programs, or by looking into an emerging area of need to help shape public policy.<sup>8</sup> Committees have the power to gather evidence, including calling for witnesses to attend and for documents to be produced.<sup>9</sup> In practice, the key sources of evidence for a committee are written submissions and oral testimony given in public and private hearings.

As noted by the Procedure Committee, through policy inquiries, considerable committee time and resources are devoted to gathering evidence, encouraging public discourse on matters of public policy, and assisting the government of the day in setting and re-evaluating policy priorities.<sup>10</sup>

### *Bridging the divide between Parliament and the people*

Unlike the plenum, House committees can and regularly do travel beyond the physical confines of the parliamentary precinct. This ability to travel and 'take the parliament to the people' helps educate the community about parliamentary processes and matters of public policy, while also allowing the committee to hear directly from a broader range of expert witnesses and members of the community. The availability of audio and video recordings of committee hearings also makes committee work more accessible to the public.

### *Additional benefits*

Committee inquiries are an opportunity for legislators to delve more deeply into a particular policy issue than their work in the Chamber or in their electorate might otherwise allow. Committee inquiries give members of the backbench access to expert evidence from government and non-government bodies, academics, and industry groups. Furthermore,

House committees in particular offer the opportunity for members to work across party lines, enhancing understanding and respect between members of opposing parties.

## The changing nature of stakeholder engagement

Recent changes in electronic technology and online behaviour has seen the parameters of committees' evidence gathering and stakeholder consultation processes shift.

Traditionally, committees have gathered evidence by inviting written submissions, receiving oral testimony through public or in camera hearings, private briefings, and roundtable discussions, and undertaking site visits and other such activities. Committees have also been known to host conferences and seminars.

Many years ago, engaging with a committee inquiry required an interested person to either be directly invited to contribute, or to scour regular advertisements in national and regional newspapers. Our concerned citizen might dutifully prepare a written submission – typed or handwritten – and travel to the local post office to send their submission to the committee. Days later, the submission would be received by the committee secretariat, which would process the submission, record the submitter's details, and check that the contents of the document complied with the relevant rules for submissions. Possibly weeks or even months later, the committee would see the submission for the first time, and would consider and formally accept the submission as evidence to the inquiry and authorise publication. At the end of the inquiry, once the committee's report was presented in parliament, the submission would be made widely available to the public through bound volumes distributed to major libraries. In the meantime, the submission would be used to inform the committee's deliberations and would form part of the evidence base for the inquiry.

While parliamentary committees continue to use traditional methods to gather evidence, there are two marked differences:

Firstly, the experience for stakeholders is now quite different. Today, interested members of the community can ‘track’ an inquiry or a committee through the parliament’s website.<sup>11</sup> They can be notified immediately there is a change in the status of an inquiry. Furthermore, if they follow the social media accounts of the parliament or a parliamentarian active on social media, they might find out about an inquiry as soon as it is launched. Through these same channels, they might be kept apprised of an inquiry’s progress.

Through increasingly sophisticated committee web pages, stakeholders are able to access written submissions, transcripts of public hearings, and sometimes the audio or video recordings from such hearings, all while the inquiry is still in progress. Stakeholders might also see when and where the next hearings are scheduled to take place, and might schedule time to listen to the webcast, follow the conversation on social media, or even make arrangements to attend in person.

Secondly, technology has made possible new and more immediate ways of making information available to committees. Submitters can now immediately lodge their contributions electronically, via an online portal. The process for considering and formally receiving submissions, however, remains the same.<sup>12</sup> Two additional technological changes – electronic campaigns and online questionnaires – are discussed below.

## Emerging trends in technology

Concurrently with the evolution of stakeholders’ experience of committee processes, there have been changes in technology which have the potential to affect the evidence gathering processes of committees. Some of these technologies are discussed in subsequent sections, focusing on the processes for gathering written and oral evidence. In this section, however, recent changes in technology are considered in connection with committee work.

The rise of social media has enabled many more people to communicate directly and much more quickly with each other and with institutions. Parliaments have not been immune to these developments. Many parliamentary bodies now also have social media accounts, and use these accounts to inform the public of the parliament's work.<sup>13</sup> Most parliamentarians now have social media accounts.<sup>14</sup> Indeed, in some jurisdictions there has been evidence of an 'exponential' increase in the workload of members' offices due to the increase in electronic communication, including via social media.<sup>15</sup> In addition to workload considerations, evolving community expectations about responsiveness to electronic communication can have resource implications.

Advances in electronic communication have also given rise to online campaigning. Platforms such as GetUp! and change.org allow support to be rallied around various causes, essentially at the click of a button.<sup>16</sup> The growth of these petition-based campaigning platforms has also coincided with parliaments themselves seeking to make their petitioning processes more accessible.<sup>17</sup> At the same time, community and cause-based organisations have adapted traditional 'letter-writing campaigns' for the electronic era, encouraging supporters to make their views known to decision-makers by email. Organisations might provide template emails or refer supporters to web forms which generate and send standard or customisable emails to targets.

Social media has also facilitated discussion of committee proceedings in real time, to potentially extensive audiences. A member of a public gallery in a committee hearing – or somebody listening to or watching the live webcast – might comment on proceedings through Facebook or Twitter, prompting immediate discussion about the evidence the committee is receiving, the questions members are asking, or the perceived appropriateness of proceedings. In addition, the ubiquity of cameras on mobile devices combined with the

ability of social media to publish material quickly and widely, means that now, in essence, anyone can potentially be a 'broadcaster'.

## Written evidence

Some of the emerging technologies above potentially have implications for the traditional practices and procedures of parliamentary committees in gathering written evidence to their inquiries. In this paper, we focus on electronic campaigns and online questionnaires.

### *Electronic campaigns*

The last 10 years or so have seen the rise of online activism platforms which purport to empower ordinary people 'starting campaigns, mobilising supporters, and working with decision makers to drive solutions.'<sup>18</sup> In the parliamentary context, these platforms can be used to make community views known to parliamentarians – or groups of parliamentarians, as in the case of committees. Through their interactions with parliamentary committees, online campaigning technologies have brought some benefits while presenting a range of challenges and posing questions about how these technologies intersect with established practice and procedure.

There have been several electronic campaigns directed at committee inquiries in recent years. Some examples include the Joint Treaties Committee's inquiry into the Trans-Pacific Partnership,<sup>19</sup> the Health and Ageing Committee's inquiry into tobacco plain packaging,<sup>20</sup> and several Senate and House committee inquiries into legislation relating to marriage equality.<sup>21</sup> The key example drawn on in this paper is the House Environment Committee's experience with its inquiry into the Register of Environmental Organisations (REO) during 2015–16.<sup>22</sup>



The REO inquiry sought to examine the conditions relating to the tax-deductible status of donations to environmental organisations. In addition to 685 substantial submissions, the committee received over 10,000 form letters through 21 different email campaigns, all expressing support for environmental organisations and opposing any change to the tax-deductible status of donations to these groups.<sup>23</sup> Many of these campaigns used web-based forms to generate emails which were emailed directly to the committee. The committee also received over 800 contributions generated through a web form and forwarded to the committee.<sup>24</sup> Most but not all emails purported to be submissions.<sup>25</sup> Indeed, based on anecdotal evidence, some of the web pages for these campaigns claimed that the web form would generate a 'submission' to the inquiry. Similarly, visitors to the web page were told that 'numbers matter' and were urged to contribute.<sup>26</sup>

These sorts of campaigns raise several questions, including what the defining features of a submission are or should be, what constitutes evidence to an inquiry, and what contribution email campaigns can make to parliamentary committee inquiries.

According to *House of Representatives Practice*, the distinguishing features of a submission are that it is:

- prepared for the purposes of presentation to a committee;
- prepared solely for the purposes of the inquiry;
- relevant to the inquiry's terms of reference;
- sent to the committee; and
- formally received by the committee.<sup>27</sup>

In relation to email campaigns, questions may arise in respect of the first, second, third and last features listed above. For example, a form letter might be prepared for the purposes of sending to a range of decision-makers. Relevance to the terms of reference can vary; some

templates may specifically respond to terms of reference, while others might provide more general comments on a policy area. Contributions generated through web forms have become increasingly sophisticated over time. Many now provide an option for contributors to add some comments in their own words; some even advise contributors that their submission is more likely to be accepted by the committee if they include a message in their own words.<sup>28</sup> Anecdotally, some campaigns are now setting up web forms that generate the content of emails in a random order, making it more challenging for secretariats to determine whether an email is part of an email campaign or a stand-alone contribution — particularly when thousands of emails flood in over the course of a day.

Questions may arise about whether an email is prepared for the purposes of presentation to a committee; due to the way contributions are gathered, it may not be clear whether contributors intend to make a formal submission, or seek the protections of parliamentary privilege, or have their contribution published on the web and attributed to them.

Consideration of the contributor's intent might be considered academic. However, the protection of parliamentary privilege applies to the content and preparation of submissions. It might therefore be reasonable to expect that committees would wish to exercise care in extending these protections.

In addition, submitters are encouraged to provide 'a contact postal address.'<sup>29</sup> Given that some campaign platforms do not include the name or contact details of contributors, it would be almost impossible for committees to contact contributors to clarify their intent, even if the time or resources were available to do so.

In relation to the requirement for a submission to be formally received, this is a matter left to the discretion of each committee. In reaching a decision, consideration might be given to the contribution of mass email campaigns, particularly in light of the purposes of committees.

For example, in the case of the REO inquiry, the Environment Committee commented in its final report:

*The Committee acknowledges that form letters reflect genuine public interest in the inquiry. However, the Committee also notes that, in this instance, the form letters received had limited evidentiary value and imposed a disproportionate administrative burden, detracting from the work of the Committee.<sup>30</sup>*

The value of submissions can be considered as deriving from two key sources: evidentiary value; and expression of community sentiment. If the value of email campaigns lies in the factual evidence provided, perhaps there is no need for all copies or versions of this information to be formally acknowledged and incorporated into the inquiry's evidence base. If, on the other hand, the number of such responses is of most relevance, perhaps it is not necessary for these to be treated as submissions at all. If the purpose of email campaigns is to convey to members the strength and direction of public sentiment, perhaps public acknowledgement by the committee would suffice. Although committees have a role in taking parliament to the people and making public sentiment known to parliamentarians, the contribution of mass email campaigns needs to be seen in the appropriate context. For example, social media now gives the community a way to quickly and easily communicate directly with parliamentarians, which would not have been a reasonable possibility in the early days of committees. While email campaigns might enable members of the public to record their support for a particular view on a policy issue, this may be more analogous to the process of petitioning than making a formal submission to a committee inquiry.

Of course, within the broad confines of the standing orders and practices of the legislature, it is open to each committee to determine its own approach to handling such campaigns. Some committees have treated all form letters as individual submissions.<sup>31</sup> Others have taken one example of a form letter as a submission and indicated how many similar letters had been

received, either with or without listing contributors by name.<sup>32</sup> Yet others have collated many responses and published them together.<sup>33</sup> In the case of the REO inquiry, the committee chose a range of approaches. For some campaigns, one example of each form letter was taken as a submission and the number of similar responses indicated.<sup>34</sup> For others, all responses generated by a campaign were together taken as a single submission and published.<sup>35</sup> In addition, it would be open to a committee to take these sorts of contributions as correspondence, which would simply be noted by the committee, kept with the records of the inquiry, and not published or considered formal evidence.

### *Online questionnaires*

Emerging technologies and a growing openness to sharing information online have increasingly enabled committees to gather written input to their inquiries through online questionnaires. There are many low-cost tools available for building online surveys,<sup>36</sup> allowing committees to elicit and gauge the views of thousands of members of the community, in a relatively resource- and time-efficient, flexible, and accessible way.

One of the key benefits of online questionnaires is that, in some cases at least, the committee can directly reach the people it needs to hear from, and can do so with remarkable reach and efficiency. Unlike traditional pen-and-paper or face-to-face surveys, once the questionnaire design work is completed, the rest of the process requires relatively few resources.

Respondents complete the questionnaire independently, and on their own terms. Responses are coded and compiled as they are received, obviating the need for resource-intensive and error-prone data entry processes. Analysis can be carried out relatively quickly and easily.

Indeed many of these online survey building tools can display responses in the form of charts and graphs, making interpretation of results more accessible to a broader range of

practitioners. Equally, the availability of these datasets facilitates more sophisticated analysis to be conducted if desired.

With the right inquiry, online questionnaires can also allow committees to reach segments of the community who might otherwise not engage with parliament, perhaps due to age or life circumstances. Thoughtfully paired with social media platforms that allow targeted content on the basis of attributes or interests, questionnaires can reach the people the committee most wishes to hear from.

Online questionnaires also allow committees to design questions that guide respondents through the process of contemplating an inquiry's terms of reference and providing an opportunity for reflection and input based on the respondent's experiences and perspectives. Online questionnaires can be designed to be as long and detailed, or as succinct and simple, depending on the needs and preferences of the particular committee or inquiry.

The benefits are not limited to committees; online questionnaires can provide real value to inquiry participants, especially those with traditionally little engagement with parliamentary processes. Ordinary members of the community are not precluded from making written submissions to committee inquiries; indeed, many parliaments provide helpful guidance and promote committee work to members of the public to facilitate this participation.<sup>37</sup> Despite these efforts, formal written submissions still tend to be the domain of organisations and institutions: peak bodies, lobby groups, government agencies, non-government organisations and not-for-profits, and universities and academics. Perhaps this is due to the relative expertise of these organisations. In part, however, it is also because these bodies are more likely to have the resources to engage meaningfully with parliamentary processes. After all, engaging with a parliamentary committee—and in

particular, the process of accessing, interpreting, and responding meaningfully to inquiry terms of reference – might reasonably be considered by large portions of the community as a relatively intimidating and impenetrable process.

One of the key benefits of online questionnaires, then, is the capacity to break down some of these barriers and to make the inquiry process more accessible for members of the public. A well-designed questionnaire can take some of the guess-work out of interpreting an inquiry's terms of reference, or to delve more deeply into particular terms of reference where the community can make the biggest impact or where traditional evidence is lacking. There is a case for online questionnaires opening up the inquiry process to new segments of society, empowering new cohorts to participate in committee processes in future, and potentially enhancing public engagement with parliaments more broadly.

As an example of recent practice, the Social Policy and Legal Affairs Committee's current inquiry into the intersection of family violence and the family law system, has used an anonymous online questionnaire as one method to seek public input based on personal experiences.<sup>38</sup> The use of the questionnaire also addresses to some extent concerns about participants' safety and privacy in providing evidence about personal experiences. The questionnaire is hosted by the Department of the House of Representatives through its SurveyMonkey account, and takes approximately 40 minutes to complete, on average. The Committee has emphasised the importance of individuals' voices 'being heard', including through this online questionnaire.<sup>39</sup> Quotations and statistics from the questionnaires were published by the Committee, making these details publicly available while protecting the identities those relaying their personal experiences.<sup>40</sup> At the time of writing, over 5,000 responses had been received to the questionnaire.<sup>41</sup>

There are, of course, limitations. Some of these were noted by an earlier committee that used an online questionnaire.<sup>42</sup> These are expanded on below.

The first limitation is the validity of conclusions that might be drawn from the data, owing to sampling errors and questionnaire design. It is unlikely that responses would be received from a representative sample of the broader population. Sampling errors would be influenced by the biases inherent in online questionnaires, particularly in respect of age, socio-economic status, geography, and ability. Furthermore, biases associated with self-selection would also be relevant. For example, you might only hear from those segments of the community who are particularly passionate about an issue or particularly motivated to put their views on the matter. Sectional interest groups might mobilise their supporters in an attempt to skew the results, and it might be difficult to determine whether respondents have completed the questionnaire multiple times.

Despite the low likelihood that responses to an online questionnaire would constitute a random sample, numbers can be intoxicating, particularly large numbers or those suggesting a noteworthy trend. Caution must therefore be exercised in drawing conclusions from questionnaire responses, particularly in relation to any quantitative data the committee might receive or extract.

A second question arises in relation to the type of information being elicited by online questionnaires. By their very nature, questionnaires tend to focus on personal experiences and views. While this can provide detailed insights into the experiences of certain people, it may not be as effective in providing a balanced picture across the community. The absence of a human to administer questionnaires can also lead to potential issues. For example, there is no capacity to probe or verify the accuracy or completeness of the information provided. Responses might also vary in the depth or quality of information provided. Invariably, the

results of online questionnaires can be prone to gaps, inconsistencies, and other difficulties associated with quality.

Another matter for consideration is how the information gathered through questionnaires will be used and stored. Firstly, committees may need carefully manage respondents' expectations about how their responses might be used. For instance, some respondents might expect that their responses will be published or quoted in the committee's report, or that the committee's report will directly address all matters raised in responses. In using questionnaires as a community engagement and information gathering tool, committees might also wish to consider the likely impact on stakeholder 'fatigue' with consultation processes. Secondly, committees may need to be aware of issues of privacy and access to data. This is particularly true in respect of questionnaires hosted by service providers external to the parliament. There may be questions about how this data is stored and accessed, and what happens to it in the longer term.

With all of the above benefits and limitations in mind, committees will need to consider how to treat information gathered through online questionnaires. It could be argued that responses satisfy at least some of the requirements to be considered submissions; that is, they are prepared solely for the purposes of an inquiry, are sent to a committee, and they relate to the inquiry's terms of reference.<sup>43</sup> However, unlike formal submissions, names and contact information may not be provided, making it impossible for a committee to contact the contributor to clarify responses or seek further information. As discussed in the context of electronic campaigns above, a further requirement for submissions is that they must be received by the committee, and this is at the committee's discretion.<sup>44</sup> While there may not necessarily be impediments to a committee formally accepting questionnaire responses as evidence, a question arises as to whether it would be advisable for a committee to do so. In the case of traditional submissions, a committee or its staff can carefully assess contributions



as they are received, enabling the committee to satisfy itself it is formally receiving and thereby conferring parliamentary protections to appropriate material. Submissions can be vetted to ensure contributors are not abusing privilege or raising matters that the committee might otherwise avoid accepting due to the sub judice convention.<sup>45</sup> Such scrutiny may not be practicable for responses to online questionnaires. An alternative might be for committees to note the questionnaire responses, as they sometimes do with correspondence relating to an inquiry.

## Evidence in person

Advances in technology have also presented new opportunities and challenges associated with committees gathering oral evidence. Some of these developments are described in this section, with a focus on social media.

Social media has been seen as a tool to combat the 'disengagement and disillusionment with representative ... and parliamentary politics.'<sup>46</sup> It has also been suggested that there is an appetite for direct engagement, not filtered through the spin of 'old media'.<sup>47</sup> Social media has provided a way for committees to invite the community to guide proceedings, and it has allowed instantaneous coverage and discussion of public hearings. Social media provides a way for members of the public to directly engage with or discuss committee proceedings, particularly public hearings, sometimes presenting challenges. For example, social media enables people to reflect on proceedings and potentially reflect on rulings made by the Chair. Social media also enables members of the public gallery or witnesses to interact with committee members during proceedings, potentially creating challenging circumstances. Social media, combined with the ubiquitous camera-phone, enables everyone to be a 'broadcaster', raising questions about the application of rules and practices relating to broadcasting and photography during public hearings as well as private meetings. These

phenomena also give rise to, and respond to, heightened community expectations for even better access to committee proceedings.

Social media has been used by some committees to more fully involve members of the community in public hearings. For example, the National Capital and External Territories committee has used Twitter and Facebook to invite members of the public to suggest questions for the committee to ask of the National Capital Authority during the committee's biannual hearings.<sup>48</sup> The Social Policy and Legal Affairs Committee has previously sought questions or comments to be put to participants of a roundtable on constitutional matters, with the hearing venue set up with screens displaying relevant tweets.<sup>49</sup>

Social media also allows those present in the galleries to convey to convey information about proceedings to those not present. For example, members of the public might attend a public hearing in person, and comment on proceedings via Twitter.<sup>50</sup> Although members of the public can access the audio of most hearings – and, in some cases, the video footage – streamed live on the Australian Parliament's website, live-tweeting proceedings or ongoing commentary can provide more detailed or editorialised information to those unable to be in the room to witness proceedings. Members of the gallery might comment on a committee member's or witness's demeanour, body language, or behaviour which might not be conveyed through the audio broadcast. Social media platforms therefore provide the capability for more perspectives on proceedings to be put to the community in real time, and provide an opportunity for proceedings to be discussed.

Traditionally, it would be unusual – perhaps even out of order – for members of the public gallery to interject or interact with committee members during a public hearing. Social media in the age of ubiquitous personal electronic devices now facilitates this sort of two-way interaction. Although not usual, one recent example of such an interaction arose in the

course of the Environment Committee's REO inquiry in 2015.<sup>51</sup> A member of the committee tweeted at an organisation that had appeared before the committee at a public hearing that day.<sup>52</sup> During another public hearing the following week, the member apologised on the public record and indicated that he had not intended to suggest that the committee had reached a conclusion.<sup>53</sup> This example highlights the potential complexities that might arise for committee chairs conducting proceedings and maintaining order without full visibility of members' conduct on social media. This is similar to the challenges that might face the Speaker in the Chamber where members may also be using social media.

'Live tweeting' raises a question about the extent to which members of the public gallery are expected to provide a 'fair and accurate' account of proceedings. While covered by the rules for media related activities<sup>54</sup> and reminders are commonly issued by committee chairs advising members of the media to 'fairly and accurately' report proceedings,<sup>55</sup> it is unclear how this requirement might apply to, or be enforced in relation to, members of the public discussing proceedings on social media. A situation could arise whereby a member of the public gallery posts misleading or unbalanced commentary about a public hearing, bringing the committee into disrepute. In such a case, one of the strengths of social media – the ability to promulgate information quickly and to a broad audience – could become quite problematic and may damage community perceptions of a committee or the parliament more generally.

Apart from the need to report proceedings fairly and accurately, there are other requirements relating to the broadcast of proceedings. For example, the rules relating to filming and photography require that witnesses' and committee members' papers not be captured.<sup>56</sup> With camera phones so readily available, it can be quite easy for members of the public to capture such images surreptitiously and publish them widely. A similar such incident occurred as part of the Environment Committee's REO inquiry. This was an inquiry

that had generated significant public interest and attention, particularly among environmental groups to which the inquiry related. While no close-up photograph of the member's work space was published<sup>57</sup>, members of the public gallery were able to see what was on a member's table and reported it on Twitter.<sup>58</sup> Such actions may be considered to violate the principles protecting members' private workspaces, which are reflected in the broadcasting rules set by the Parliament.<sup>59</sup> There are also questions about the extent to which committee chairs are able to monitor and respond to such actions during proceedings.

Members may also face difficulties, for example by posting to social media photographs taken during private site inspections. Without the Committee's authorisation, another member might not appreciate such a revelation of the committee's private proceedings. These risks are heightened when such meetings are particularly sensitive or canvass controversial topics.

Noting all of the above trends, the overall picture tends to be one of increased access to committee proceedings, a feedback loop whereby improved accessibility leads to increased community expectations for more timely and extensive coverage of committee proceedings. Anecdotally, many members of the community expect to be able to access audio and video coverage of committee proceedings long after the hearings have taken place. This will invariably raise resourcing issues for parliaments as legislatures seek to balance efficient and effective expenditure of taxpayer monies, alongside the need to provide greater access to parliamentary proceedings.

## Concluding remarks: The way forward

This paper has discussed some of the emerging technological and societal trends of the last 10 years, and how they interact with the traditional practices and procedures of parliamentary committees, in the House of Representatives in particular. Although some examples have been provided of committees proactively reaching out to the community and seeking to bridge the gap between parliament and the people, there are of course many more worthy examples that have not been explored here. This paper has instead chosen to focus on several emerging technologies and challenges they present to the traditional practices and procedures of parliamentary committees. This could give rise to a misperception that this paper advocates an overly traditionalist approach to community outreach. In fact, a great deal of good work has been done on the new and innovative ways parliaments have sought to reach out and engage members of the public. There is, however, a need for more work to be done on how these new ways of interacting might be appropriately incorporated into the formal work of committees.

In doing so, there would be benefit in returning to the key purposes of committees: investigating matters of policy, scrutinising the executive, interacting with the public, and delivering other benefits to members and the public. Some emerging technologies enable greater community involvement and participation in the functions of parliament. They make it easier for members of the community to have their say, express their views, and get involved. However, these same changes in technology, which are occurring independently of parliaments, are making it easier for members of the public to have their say and express their views directly to members of parliament, without needing committees to act as a conduit. If social media is already fulfilling this role separately, then, there may be benefit in committees reconsidering the relative balance of their functions, perhaps strengthening their investigative and scrutiny roles.

In any case, it is worthwhile considering whether emerging technologies enhance the evidence base, or merely provide committees with a sense of the direction and strength of public sentiment. The answer is likely to vary from inquiry to inquiry. The limitations and complexities of emerging technologies considered in this paper are not intended to detract from the potential benefits offered by their use. The limitations should, however, be borne in mind by committees wishing to use these as tools for stakeholder engagement, and should particularly be taken into account when considering how to treat information gathered through these means.

Committees have benefited from taking a measured, thoughtful, and case-by-case approach to determining which inquiries would benefit from incorporating particular technologies.

In time, parliamentary committees will undoubtedly adapt to these new types of technology and integrate them appropriately into their practices – as they invariably have in the past with other technological changes. There is nevertheless value in highlighting some of the considerations that have arisen in the House of Representatives and some of the approaches taken to facilitating community engagement while ensuring sound evidence that enables committees to reach reasoned and considered conclusions. In reflecting on some of these issues in future, there may also be a need for parliaments to consider whether any existing practices and procedures would benefit from adjustment, where appropriate, to resolve some of the tensions between traditional methods of inquiry and emerging technologies.

## Endnotes

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