A REPORT

Report on ‘Effective Parliamentary Committee Inquiries’

Sponsored by the Centre for Democratic Institutions (CDI)-Australian National University – Canberra, 12-15 February 2008

By

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On behalf of our Team

Including - Mr. Moses Havini, Director, Secretariat, Parliamentary Select Committees,
Acknowledgement:
We wish to acknowledge the sponsorship and support awarded in order to undertake this CDI workshop attachment with the Australian National University in Canberra. We hereby thank the following;

- The ‘Captain’ of our Parliament Hon Nicholas Peniai and Speaker of our House of Representatives of the Autonomous Region Bougainville
- The Head of our Department and Clerk of Parliament in our House of Representative of the Autonomous Region Bougainville Mr. Robert Tapi
- Mr. Quentin Clements who is the Deputy Director of the Centre for Democratic Institutions at the Australian National University
- Mr. Steven Reynolds who is currently the Clerk Assistant of Committees and the Usher of the Black Rod in the NSW Legislative Council
- Ms Julie Langsworth, the Director, Corporate Support with the NSW Legislative Council specifically dealing with Committees
- Ms Beverly Duffy, the Director of the five General Purpose Standing Committees at the NSW Legislative Council
- Ms Helen Minnican, who manages the Committee on the Independent Commission Against Corruption and the Committee on Electoral Matters as well other Committees of the NSW Parliament
- Ms Anastasia who is the Assistant Executive Officer for arranging our travels and accommodation privileges
- The CDI plus the World Bank for being major sponsors of the “Effective Parliamentary Committee Inquiries Course”
- And lastly; the Commonwealth Parliamentary Association

Background:
The Effective Parliamentary Committee Inquiries involved a total of 18 parliamentary staff from 8 participating commonwealth nations. From Africa 3
countries were Ghana, Nigeria and Tanzania; then Bangladesh, Indonesia, Timor-Leste, Papua New Guinea, the Autonomous Region of Bougainville, and our Melanesian neighbours from the Solomon Islands and Fiji. The course was truly an eye opener for all of the participating commonwealth parliamentary staff – and significantly for us from the Autonomous Bougainville Government; it was timely for our House due to the urgent need for our Parliamentary Sectoral and Advisory Committees to be up and running. Sessions were divided into theories, case studies, practical activities that were further enhanced with video showing inquiries by committees from state parliaments in Australia and other commonwealth parliaments. A courtesy visit was also arranged with the Federal Parliament of Australia to meet with the newly sworn-in Speaker, the Clerk and their Secretariats.

**Purpose:**

The performance shown by our participation during the four (4) days power packed “Effective Parliamentary Committee Inquiries Course” at the Centre for Democratic Institutions; Australian National University, opened yet greater opportunities with much promising outlook for our Parliamentary Services Staff and specifically, our Parliamentary Committee Secretariat:

i. Being introduced in general, to the extent of how Effective Parliamentary Committee Inquiries work

ii. Familiarized with those well established Parliamentary Committees Inquiries

iii. Sharing experiences, exchange of ideas, practices, plans, of our Parliament and establishing firm relations amongst Parliamentary staff from the participating commonwealth nations including the sponsors.

**Objective:**

Our target was to learn as much as possible through the lectures and tutorials, discussions between facilitators and the participants, case studies, courtesy visits; about *Effective Parliamentary Committee Inquiries* within the given timeframe of four (4) days. However, the study did not confine us in
learning Parliamentary Committees alone, but it further ignited us to keep exploring opportunities with other participating commonwealth countries and the host.

During our four (4) days of training we were able to learn and enhance our capability specifically on the notion of running *Effective Parliamentary Committee Inquiries*:

- Firstly on how to start an inquiry
- Secondly the Collecting of Evidence I: Written Evidence
- Thirdly on Collecting Evidence II: Public Hearings
- And lastly on the Drafting & Tabling of Reports

**Introduction:**

**Part 1:**

It was rather cold and chilling Tuesday morning, the 12th of the month of February at the Australian National University in Canberra. As we walked into the Meeting Room we could see that most of the participants from other commonwealth nations were taking their seats. We were met at the doorway by a tall gentleman who looked more like a star than the Deputy Director for CDI, as we were to learn shortly from his brief introduction. He introduced himself as Quentin Clements and showed us to our seats.

In his opening remarks, he first and foremost, acknowledged and welcome the presence of all the participating commonwealth parliamentary staff on behalf of the Centre for Democratic Institutions and the World Bank sponsorship. He further extended his welcome to his other counter-parts and facilitators Mr. Steven Reynolds and Ms Julie Langsworth from the New South Wales Parliament. It was also exciting to meet other participants and to know a bit about each other’s background.

Mr. Quentin Clements then gave a brief outline of the course program and course objectives. He then gave us a syndicate exercise with the objective to find out according to our own knowledge the definition and roles of
Parliamentary Committees which we did. Having assessed how knowledgeable the participants were from the syndicate exercise, the facilitators then proceeded.

An official course photograph was also taken.

Part 2: Facilitation on Starting an Inquiry
With Mr. Steven Reynolds facilitating, we were introduced to the topic; *Starting an Inquiry.*

This included an overview of the role of committees and inquiries. The roles of committees include oversight of government agencies, review of legislation, policy inquiries and review of “political” decisions. The types of committees that exist in commonwealth parliaments are quite similar however their role differs in degrees. For instance; in the New South Wales Parliament there is the Standing Committees, the Select Committees and the Joint Standing and Select Committees. Their Legislative Council has the General Purpose Standing Committees and the Standing Committees. In our case we have the PAC established under its own Act 2005, the Standing Orders Committee defined under the Standing Orders and the Select Committees.

After tea break we were given 5 minutes to do presentation on our parliaments and committee systems. The Director Secretariat Mr. Moses Havini and I did oral and PowerPoint presentation on our ABG Parliament including the composition of committees we have in our Parliament. It was exciting to learn from what other commonwealth parliaments were like and how they were progressing with their committees.

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1 Reynolds, Steven, Clerk Assistant, NSW Parliament, - Lectures and Power Point Presentations – Effective Parliamentary Committee Inquiries, CDI, Australian National University, 12Feb2008.
Mr. Steven Reynolds then took us through the topic of Establishing an Inquiry Part I, specifically looking intensely at scoping an inquiry with reference to the Terms of Reference. The facilitator was able to give compact lecture on; What are Terms of References, How Terms of References are received and What makes for useful Terms of References. To make his tutorials more practical and interesting Mr. Reynolds was able to provide samples regarding ToRs designed by Committees of the New South Wales Parliament to be used by us during our group discussions. Using the given samples we were able to design terms of reference for specified committees and inquiries as a syndicate exercise. At the end of this simple exercise, we were able to uncover that without having drafted your Terms of Reference, it was not appropriate for committees to even talk about executing an inquiry. This is because TORs were key points that guided, as well as lead to committee investigations.

After lunch, Mr. Quentin Clements took us through Part 2 of establishing an inquiry, especially focusing on the planning stages of an inquiry. This part was even more practical due to the fact that committee staff would then be involved in programming timing, doing consultations with their members and notifying witnesses amongst stakeholders as well as preparing an inquiry plan. Ms Langsworth then took us through a Case study of the Redfern/Waterloo riots inquiry to further elaborate on the topic presented by the two facilitators. The inquiry into the Redfern and Waterloo started off when an Aboriginal youth was fatally injured and killed. Allegations were immediately drawn at the police who were believed to have chased the youth. Anger and resentment in the local Aboriginal community was inevitable. Within 24 hours after the death – “riot” occurred in Redfern/Waterloo. This immediate event drew the Social Issues Committee of the New South Wales Legislative Council to inquire directly into the relevancy of the Indigenous Communities resulting in local consultations, preliminary meetings with key stakeholders, visit to Redfern and Waterloo, hearings and forums. The end result was inquiry processes were innovative and engaging, reports were well
received by community groups and also inquiry participants were pleased to have their views represented in the reports.

Part 3: Facilitation on Collecting Evidence I: Written Evidence

On Wednesday 13th February Mr. Andrew Dawson, an experienced Director from the Media at the Australian National Parliament opened the session on Collecting Evidence I: Written Evidence. Mr. Dawson used his vast experience with the Media to give detailed information and clarify on how the media interacts and enhances committee work. The type of information dissemination involves advertising an inquiry in the media, letters-invitations submitted and the use of the internet. Samples are crucial evidences provided by the media – e.g. media releases, what to include, who to target. Visits/field trips and community radio stations are best effective means and reliable sources for collecting evidences. In almost all State Parliaments in Australia, committee inquiries have been captured on videos. This has been proven to be successful for future government policies. However, such policies have been challenging for committees to implement with new governments coming into power.

The processing of submissions according to Mr. Steven Reynolds is a huge task since it deals with the following; treatments of submissions – privilege, confidentiality, acknowledge, distribution and inquiry filing system. Thus, it is always best to analyse any submission received by referring to the Terms of References, to confirm whether it is relevant or not so that it can be listed as one. The facilitator was able to mention the following steps as very significant in processing a submission:

1. Register the submission
2. Acknowledge
3. Read – identify
4. Distribute to members

2 Dawson, Andrew, Video Caption: Honey Bee, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 13Feb2008.
To clarify further, Ms Duffy, the other female facilitator shared the tutorial when she introduced us to a case study, involving home building inquiry – submissions resulting from the work of one of the Parliamentary Committees from the New South Wales Parliament. Our capability was further enhanced as we tend to familiarize ourselves with the process which also consists of other evidences, other enquiry documents, correspondence, attachments and exhibits, minutes and the rest. Another syndicate exercise was given to us to analyse several submissions made by individuals to a certain committee to confirm whether they were submissions or not.

Collecting Evidences usually involves Travelling and visiting sites/locations or a target area that has been identified by committees and confirmed by individuals through submissions and other means of released data. However, no committee in any Parliaments has ever encountered an easy route in its entire operations. In other words, travelling to visit sites or to collect needed evidences has double impacts. While presenting, Mr. Reynolds explained that there were some principles and pitfalls that committees should expect whenever they were seeking evidences. Nevertheless, to minimize pitfalls, several guidelines and principles should be considered:

1. Always have itinerary
2. Try to anticipate problems
3. Have secretary make all travel arrangements
4. Communication between the committee and the secretariat should be effective
5. Never put too much or too little in the itinerary

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3 Reynolds, Steven, Clerk Assistant, NSW Parliament, Lectures: -Processing of Submissions, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 13Feb2008.
6. Identify any security problems
7. Be aware of any travel guidelines
8. Have all members travelling together

Although simple, if ignored, there can be serious disruptions incurred. And surely, we can confirm reflecting back on our own experiences with our select committees.

“In most legislatures (in bicameral legislatures, in the lower House) the presentation of a budget will be the major annual parliamentary event as it is a means of setting out a blueprint of a nation’s economic and fiscal development for a defined future period of at least a year ahead”4.

Mr. Russell Chafer quoted the opening statement from The Budget Process Handbook as he was delivering his Power Point Presentation on budgeting for an inquiry, and on budgeting techniques. It is very important that Parliamentary Committees have a budget proposal in order for them to execute their inquiries effectively.

Parliamentary Staffs or Secretariats have to be consulted from time to time to ensure the process has not breached any guidelines involved in the planning. This is the principle of a successful inquiry driven by a well planned and well defined budget. Hence, to avoid pitfalls, in the planning stages, it is crucial to consider the following:

1. Find out how many number of staffs would be involved during the Parliamentary Committee inquiry
2. Include witnesses in the budget
3. Also have miscellaneous in the budget in case some witnesses might appear without notice5

5 Chafer, Russell, Committee Secretary, Power Point Presentation: Budgeting for an inquiry, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 13Feb2008.
These are just few pitfalls that when taken into consideration during the Budget preparation amongst many others, would surely result in an effective inquiry. Again, managing a committee budget is essential not only for planning but transparency and accountability should always be maintained regardless of how big or small a budget may seem.

Using his vast experience as a committee secretariat for Budget in the Australian National Parliament, Mr. Russell was able to guide us into drafting budget proposals in groups for inquiries. The syndicate exercise resulted in a hot debate that lasted us the whole of the session.

**Part 3: Collecting Evidence II: Public Hearings**

The Program on the morning of Thursday 14 February was very tense and the Meeting Room seemed alive with full attired gentlemen and ladies as this was the only day chosen to visit the Australian Federal Parliament at 10:00am. Hence, we started an hour early at 8:00am with Mr. Quentin Clement facilitating on the notion of Collecting Evidence and conducting of Public Hearings. The objective here was to get familiarize with actual public hearing and for what reason and purpose the process of hearing should be performed.

In theory, collecting evidences through public hearings seems the best alternative and easy. However, in practice, it is the most expensive exercise. If public hearings are not properly planned and controlled, resources may be exhausted with the committee achieving nothing. Therefore, when preparing for a hearing – preparations should be done 2-3 weeks before the actual public hearings. Amongst others, briefing papers, schedules, invitations, Hansard and checklists for confirming Parliamentary Committees are

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6 Clement, Quentin, Power Point Presentation: Collecting Evidence II: Public Hearings, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 14Feb2008.
necessary ingredients needed for collecting useful evidences during a public hearing.

It is the task of the Parliamentary Committees and the Secretariats to decide on what should be in the briefing papers. This helps researchers and analysts prepare what issues would be covered. Distribution of timelines and protection papers besides additional samples and related discussion papers have proven to be effective means of collecting hard evidence in the Australian State Parliaments including their National Parliament.

At 9:00am Mr. Quentin Clements wrapped up his lectures and we quickly headed up the hallway to catch the University bus to take us to the Australian National Parliament for our appointment. The senior protocol officer for parliamentary services was expecting us at the security counter. Upon our arrival, we were issued IDs and passing through the security check, we were led down the hallway just in time to meet with Hon Harry Jenkins MP, the Speaker of the House of Representatives, for a morning tea.

We all had our chance to meet, share and even took photographs with the newly sworn-in Speaker of the House. At the sound of the bell at exactly 10:30am, the Speaker left us and headed towards the Chamber to meet for the first time with the newly sworn-in Labour Government. The announcement on the parliament’s intercom was sounding and the bell was ringing as we walked down the gallery to board lifts 1&2 for our next destination.

At 10:45am we were taken to the committee office, to meet with the Clerk of the House of Representatives, Mr. Ian Harris. The Clerk was a short chap in his prime sixties who loved to talk in parables. He was able to explain in detail how the committee office has proven to be effective in assisting committees fulfil their respective roles since its establishment. He further emphasized that having two Houses in the Federal Parliament (the Senate headed by the President and the House of Representatives by the presiding officer) was indeed a great challenge. Again he affirmed that no parliamentary system in
the world can ever claim itself to be the best and the most superior than the rest. All parliament systems that exist have their own unique setting which proves effective for that particular state.

“Although we are creative in some ways, we tend to adopt the Westminster style/system of England and the Wash Minster style/system of governance of the United States so that we have developed our own which we would like to refer to as the Aussie Minster style/system of governance”7.

At 11:00am the Clerk departed for the Chamber leaving us with 3 Committee Secretaries.

The Roundtable discussion with the committee secretaries from the Australian Parliament was indeed very practical especially for most of the infant parliamentary committees including ours in the ABG. The learning experience shared by them really enhanced our capability to assess the current status of our progress with our own Parliamentary Sectoral and Advisory Committees. At the end of their discussions they were able to provide us with Handbooks of reports and updates produced by their Committee Secretariat Office, the result of engaged committee inquiries; and which we have with us to present to our ABG Parliamentary Committee Secretariat Office.

After lunch we were back at the University Meeting Room. Our facilitator Ms Minnican presented to us a case study at the New South Wales Legislative Assembly, involving hearing processes for the Committee on the Independent Commission Against Corruption and the Office of the Ombudsman; that is, committees of the parliament that perform a general monitoring and review role in relation to certain independent statutory bodies8. According to her, the New South Wales Government had established a number of specialist investigative commissions including the Police Integrity Commission for the

7 Harris, Ian, Clerk of House of Representative, Brief Meeting on Committee Office, Australian National Parliament, 14Feb2008.
8 Minnican, Helen, Case Study on ICAC & Ombudsman: NSW Legislative Assembly, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 14Feb2008.
purpose of investigating, exposing and preventing corruption in the public sector.

The Independent Commission Against Corruption (ICAC) was set up in 1988 to investigate and combat public sector corruption. These anti-corruption commissions are a part of a network of independent statutory bodies, including the Ombudsman and Auditor-General, which perform a public sector accountability role, aimed at ensuring honesty and integrity in government and proper standards of conduct in public office. The commissions report directly to the New South Wales Parliament.

Film of different hearings by the ICAC Committee of the New South Wales State Parliament was also shown to prove the practicality of what was actually happening in action. And how effective were the questions asked by committees to witnesses, and to consider whether procedures and protocols were being followed precisely.

In yet another case study that was shown to us, the witness (a Minister in the New South Wales Parliament) who appeared before a committee hearing seemed to run the hearing instead of the committee taking ownership of their inquiry. It came to an extremely uncontrollable situation where the Minister verbally attacked the committee (with slang talk), instead of answering questions from the committee. Again this has given light that procedural issues regarding privileges and/or witness protections have to be considered and the committee Chair has to be well prepared to run the show.

Mr. Quentin Clements then took us through procedural issues II, when he further introduced us on what to expect before/during committee hearings. The Oath/Affirmation Contempt should be provided to the witnesses appearing before the committee for hearings. These documents are very important references that permit a witness to give evidence during hearings. However, we also learnt according to the facilitator that not always that witnesses are prepared to give full or true evidences. Sometimes witnesses
give false or misleading evidences even at in-camera hearings/sessions. Such cases when discovered may lead to serious implications depending on the jurisdiction that committees are bestowed upon to execute against any offender. Tendering documents, taking questions on notice and recording of evidences provided during the hearings/sessions are very useful information not only for policy development but also for reference.

Our last session for the day was spent running a mock committee hearing on a particular *Cross City Tunnel Inquiry (NSW)*. We were divided into several groups each with an assigned role to play. The characters in the role play included: Members of the Committee, Witnesses and the Parliamentary Staff. Mr. Havini and I were put in the Parliamentary Staff sections, and so, whether it was done on purpose or not really assisted us identify our roles in our current situation with our Secretariat herewith. Up to the end, all of us were happy that we had learnt a lot, and had so much more to give to the mock exercise.

A syndicate exercise was also prepared for us to take home and work on. This was on preparing drafts on inquiry reports, reading and analysing written submissions and a public hearing transcript to work on and submit the following date.

**Part 4: Drafting & Tabling Reports**

On Friday 15 February, the last day of the Effective Parliamentary Committee Inquiries Course, the program was centrally based on the topic *Drafting and Tabling Reports*.

We were introduced to writing committee inquiry reports, how the report structure is constructed i.e. style, consistency using a report template. Samples were provided for us to familiarize with different types of committee
reports. The facilitator Mr. Steven Reynolds also informed us on various norms and practices about reports that we as Parliamentary Committee Staff should know and/or be aware of, as the following indicates:

   a. Committee reports are not academic reports
   b. The report is meant to communicate with the public
   c. It’s a parliamentary report because it will be tabled in parliament
   d. The report is for the Chair, who will give to the committee
   e. Bureaucratic waffle
   f. Spend a lot of time in recommendation
   g. Recommendations are the key, members simply prefer
   h. Seek consensus/agreement if changes needed be made
   i. Writing report is most important

The facilitator then took us through an in-depth session of critically analysing evidences produced in reports. To identify gaps and how to fill them in; see if there are tensions inherent in the process. To make out what roles the Chairman and Committee Members display and also what view the government and opposition would demonstrate regarding the tabled report.

We also learnt that while critically analysing a report, it was very important to define amongst many others, the logic of a good report, length, and clarity of expression and relevance of it.

Similar to academic and non-academic reports, a committee report should always have recommendations. However important it may seem, that would be the section when tabled and adopted in Parliament, would result in policy development. But, how many and what makes for effective recommendations again would be reflected by the report produced.

When considering a report tabled in Parliament, it must be noted that not all reports would be accepted. On the other hand, government responses would

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9 Reynolds, Steven, Clerk of NSW Parliament, Lecture on Draft & Tabling Reports, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 15Feb2008.
determine whether tabled reports should be published or released in the media or at conferences.

After lunch, the facilitators were able to comment on our work on drafting & preparing inquiry reports. We were able to learn much more and to improve on our lacking not only from the facilitators but also from the rest of the participants from their work/presentations.

In the end there was a review of the Course followed by evaluations from the Centre for Democratic Institutions plus the World Bank.

Part 5: Farewell Function
At night there was a Farewell Function and Dinner hosted at a real expensive Restaurant. We didn’t miss on anything. Whatever they served we ate. The CDI Director Dr. Benjamin Reilly was also invited to welcome while at the same time farewell us since he wasn’t present throughout the 4 days power packed “Effective Parliamentary Committee Inquiries Course”. Whilst delivering his farewell speech he was able to commend all participating commonwealth nations for their contributions not only in sharing their vast experiences but also in attendance. After thanking the facilitators for their availability despite committee obligations in their own respective State Parliaments, the CDI and the World Bank who were the main sponsors of the Workshop; he then presented us with certificates and couple of souvenirs to take home with us.

Lessons learnt
There was so much to be learnt from the four (4) days Effective Parliamentary Committee Inquiries Course and in fact, there is more room still left for learning. Time was an important factor not only for our daily Meeting Schedules but it seemed all activities within our vicinity were racing against it.

Another important observation with respect to the facilitators was Gender Equality. We saw that out of the seven presenters, 3 were female staff from
various State Parliaments of Australia. This has greatly encouraged the learning environment and group work as well amongst us; especially for participants from Bangladesh, having female facilitators was indeed a major achievement due to their cultural barriers.

As the saying goes; if you aren’t successful in getting what you want at the Conference/Meeting Room, use “drink diplomacy” to lure the person in getting what you want. This was proven to be effective because most participants willingly gave useful information regarding their commonwealth parliaments and how their committees system works, during our free times.

**Recommendation**

In light of our Parliamentary Services greatest achievements since its inception and with our Parliamentary Select Committees immense progresses thus far; we hereby suggest that the following should be taken into account:

- That the Committee Secretariat must be adequately resourced to be able to efficiently support *(both administratively and through research support)* the Committees;
- Staff of Parliamentary Services be exposed to similar learning. Although it involves an expensive exercise, it is for our good course not only for a better future of the ABG but the Region as a whole.
- Legal background is necessary for a parliamentary staff that would be identified by the Parliamentary Services to undertake, so if opportunity arises, let’s grab it, due to the fact that we are working with parliament whereby legislation and policies are made.
- Constant exchange of parliamentary staff between sister parliaments would be very appropriate in further assisting us with our Parliamentary Committees given our situation to catch up before the issues of referendum and finally independence.
References:

1 Reynolds, Steven, Clerk Assistant, NSW Parliament, - Lectures and Power Point Presentations – Effective Parliamentary Committee Inquiries, CDI, Australian National University, 12Feb2008.

2 Dawson, Andrew, Video Caption: Honey Bee, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 13Feb2008.

3 Reynolds, Steven, Clerk Assistant, NSW Parliament, Lectures: - Processing of Submissions, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 13Feb2008.


5 Clement, Quentin, Power Point Presentation: Collecting Evidence II: Public Hearings, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 14Feb2008.

6 Harris, Ian, Clerk of House of Representative, Brief Meeting on Committee Office, Australian National Parliament, 14Feb2008.

7 Minnican, Helen, Case Study on ICAC & Ombudsman: NSW Legislative Assembly, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 14Feb2008.

8 Reynolds, Steven, Clerk of NSW Parliament, Lecture on Draft & Tabling Reports, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 15Feb2008.

9 Chafer, Russell, Committee Secretary, Power Point Presentation: Budgeting for an inquiry, Effective Parliamentary Committee Inquiries Course, CDI, Australian National University, 13Feb2008.