Introduction

In democratic systems of government, elected representatives are entrusted with important legislative, accountability and representational duties. Many parliaments (including parliaments in the Pacific) have found appointing committees to be a powerful way of exercising these responsibilities. However, despite some notable successes, many committees in Pacific parliaments are yet to realise their full potential.

Course Objective

The Effective Parliamentary Committee Inquiries Course (EPCIC) aims to enhance the capacity of officials from Pacific parliaments to support the effective operation of parliamentary committees.

Participants explore the knowledge and skills required to:
- design a parliamentary committee inquiry;
- provide administrative, research and analytical support to a committee inquiry;
- prepare and present a committee report.

The course does this through a mixture of presentations, case studies, discussions, group exercises a committee hearing role play – all of which are designed to allow participants to set new material in the context of their existing experience.

2013 Course

Delivery of the Course is a partnership between the Centre for Democratic Institutions (CDI) and the Parliament of New South Wales. The 2013 Course was the 6th EPCIC. It was convened by Mr Trevor Rowe, Convenor (CDI) with two Course Facilitators from the New South Wales Parliament: Ms Beverly Duffy, (Clerk-Assistant Committees, Legislative Council of New South Wales) and Ms Rachael Simpson (Director, Committees), Legislative Assembly of New South Wales).

Participants were from six parliaments:
1. House of Representatives for the Autonomous Region of Bougainville
2. Parliament of Niue
4. National Parliament of Solomon Islands
5. Parliament of Tonga
6. Parliament of Vanuatu

Apart from the diversity of parliaments represented, the participants held a wide range of roles in their respective parliaments. They included: Hansard reporters, committee secretariat staff, a media officer, an IT officer and a Director of Cabinet and Parliamentary Services. There was significant variation in knowledge and understanding of parliamentary committees with some participants having very limited experience of parliamentary committees.

Despite the diversity amongst participants they were unanimous in their views about the Course, saying how much they had learnt. Feedback from participants indicates that Course aims were satisfied, with participants reporting that the course content was extremely relevant. Just about all participants gave the course an overall rating of ‘Excellent’.

Participants reported that they knew much more about:
- why parliaments appoint committees
- how to start a committee inquiry
- how to gather written evidence
- Information to support an inquiry, eg site visits
- how to prepare briefing papers
- how to gather evidence at public hearings
- how to draft and table committee reports

**Structure**

The Course ran over 5 days (Monday to Friday) and comprised 9 parts with each part having one or more sessions. The parts were:

1. The role of parliamentary committees
2. Starting an inquiry
3. Pacific Island parliamentary committees in action
4. Gathering evidence
5. Other ways to inform the Committee
6. Scrutinising the Executive
7. Gather evidence at public hearings
8. Drafting and tabling reports
9. Review, Course evaluation and Continuing learning
Integrated in the Course were a number of case studies, including a presentation by Mr Barry Underwood, Executive Officer, NSW Audi Office, titled, 'The role of the Auditor-General'.

The morning of Day 1 was structured as four sessions:

**Session 1 – Official welcome**

In Session 1 there was an Official Welcome by the President of the Legislative Council of New South Wales, the Hon Don Harwin, MLC.

**Session 2 – Course outline and introductions**

The Course Convenor, Mr Trevor Rowe, provided an outline of the Course, drawing attention to a mock public hearing on Day 4. He introduced the key people involved in running the Course:

- Mr Grant Harrison, CDI Deputy Director
- Ms Beverley Duffy, Clerk Assistant – Committees, Legislative Council of New South Wales
- Ms Rachael Simpson, Director – Committees, Legislative Assembly of New South Wales

Administrative Support was provided by:

- Ms Sheila Flores, CDI Project Officer
- Ms Anna Perkins, Council Office Assistant, Legislative Council of New South Wales.

**Session 3 – Administration and walking tour**

Sheila Flores briefed participants on administrative matters and then Ms Sarah-Ann Fong, Deputy Serjeant-at-Arms, Legislative Assembly of New South Wales, took participants on a tour of the Parliament. At the conclusion of the tour participants enjoyed morning tea in the Speaker's Garden.

**Session 4 – Participant introductions**

Session 4 provide an informal way for participants and others to get to know each other. Participants were divided into pairs to ask each other questions such as their name, their parliament, their job, their goals in attending EPCIC and a hobby or humorous story about them. Then each person introduced their pair to the whole group. This session gave participants a good understanding of each other, their levels of knowledge and
understanding of parliamentary committees and an awareness of individual participant’s learning goals.

Part 1 - Why do we have parliamentary committees?

Learning objective: Participants are able to discuss why parliaments have parliamentary committees and what value they add.

Session 5 - Committees in Westminster Parliaments

In Session 5, Grant Harrison, Deputy Director of the Centre for Democratic Institutions addressed three points:

1. Systems of government
2. Separation of powers – unicameralism and bicameralism
3. Parliaments and committees.

He presented models showing how, at the point of election, power can be transferred to representatives in a number of ways, notably the presidential style of government such as in the United States where power passes to the legislature and President and the Westminster style of government where power passes to the legislature with the Executive arm of government formed from within the legislature. He examined the types of committees in operation in most parliaments today, including their roles and tasks.

Session 6 - Committees in the NSW Parliament

In Session 6, Ms Beverly Duffy, the Clerk-Assistant (Committees) in the Legislative Assembly of New South Wales, talked about the committees in operation in the NSW Parliament.

Then two Committee Chairs talked about the operation of parliamentary committees in the NSW Parliament from their perspective. The Chairs were:

Mr David Elliott MP  
Member for Baulkham Hills  
Chair, Legislative Assembly Committee on Economic Development  
Legislative Assembly of New South Wales

The Hon. Trevor Khan, MLC  
Chair, Privileges Committee  
Legislative Council of New South Wales
Their comments provided a valuable insight into how parliamentary committees view the work of committee secretariats and the expectations that MPs have.

Session 7 - Committees in Pacific Parliaments

In Session 7, participants from each parliament represented in the Course gave a brief presentation to the Group on:
- The committees in my Parliament
- The work the committees have done in the past 18 months
- The assistance given by the parliamentary service (Clerk and parliamentary staff) to the committees to do their work
- A list of problems/challenges

Common challenges included a lack of financial resources, in particular money and people, the latter including lack of suitably experienced and qualified staff. Others included:
- lack of a parliamentary calendar;
- lack of stable government;
- high turnover of membership;
- difficulties in communication;
- problems getting and maintaining quorums;
- geographic separation – large distances between the parliaments and some electorates.

Review of Day 1

Day 2 and subsequent days began with a review of things learned the day before and ideas for change. The Convenor, Mr Trevor Rowe, invited participants to spend 5 minutes thinking about key things learnt the previous day and ideas for change and to write them down for future reference. Then there was time to share and discuss learnings with the entire Group.

Things learned included:
- Secretariat staff need to have open minds, be direct and honest in the dealings with MPs
- Committees can help people understand an MP’s role
- A role of a secretariat is ‘to make committee members look good’
- Separation of powers are important: committees are a means of keeping the Executive accountable
Ideas for my parliament were:

- To introduce media monitoring
- To give persuasive information to committee chairs

**Part 2 - Starting an Inquiry**

*Learning objective:* Participants recognise constructive terms of reference and understand the importance of Inquiry planning.

**Session 8 – The role of the Secretariat**

Session 8 Ms Rachael Simpson considered:

- the relationship a secretariat has with (a) MPs and (b) other stakeholders
- a secretariat’s duties and tasks

**Session 9 - Inquiry Terms of Reference**

Session 9 was presented by Ms Vanessa Viaggio, Principal Council Officer, and Legislative Council of New South Wales. She explained:

- What are Terms of Reference
- Why parliamentary committees have terms of reference
- Where Terms of Reference come from – how they are formulated and by whom
- The characteristics of good Terms of Reference.

A group exercise provided participants with experience drafting Terms of Reference for an Inquiry into the Orica chemical spill. The Orica Inquiry was conducted by a Select Committee of the Legislative Council. The Orica Inquiry was used throughout the Course as the basis for group exercise work and a mock public hearing (See Session 20).

**Session 10 - Planning for an Inquiry**

In Session 10, participants learnt about planning for an inquiry. The Session was led by Ms Dora Oravecz, Inquiry Manager, Legislative Assembly of New South Wales and Ms Hilary Parker, Research Officer, Legislative Assembly of New South Wales. Points covered were:

- Why plan an inquiry?
- Scoping an inquiry
- Elements of an inquiry
- Chronology of an inquiry.

The group exercise for Session 10 involved developing a plan for the Orica Inquiry.
Session 11 – Stakeholders

In Session 11 was presented by Ms Clara Hawker, Inquiry Manager, Legislative Assembly of New South Wales. Points covered were:

- Who are stakeholders?
- Why do we need them?
- How do we reach them?

The group exercise for Session 11 had two parts:

- Brainstorm a list of possible stakeholders for the Orica Inquiry
- Select witnesses for evidence from a list of submission authors

Tour of Legislative Council and Tour of Legislative Assembly

Participants were shown the Legislative Assembly by the Clerk of the Assembly, Ms Ronda Miller, and the Legislative Council by the Clerk of the Parliaments and Clerk of the Legislative Council, Mr David Blunt. Participants learned about the history and operations of both chambers. Of interest was the fact that the NSW Parliament is a bicameral parliament. This contrast with parliaments represented on the Course all of which are unicameral.

Part 3 - Pacific Island parliamentary committees in action

Session 12 - Case studies

Case studies about parliamentary committee inquiries were presented by participants from:

- The Parliament of Tonga;
- The National Parliament of Papua New Guinea; and
- The Parliament of the Solomon Islands.

Review of Day 2

Wednesday began with a review of learnings and ideas for change from Day 1. The Course Convenor, Mr Trevor Rowe, invited participants to reflect on things they had learnt the previous day. There was then general discussion with participants sharing their thoughts and ideas.

The Group's key learnings and ideas were:

- Keep the whole committee informed; not just the chair
- Be diplomatic in dealings with committee members
- Always use checklists
- Use local MPs to advise on site visits in their respective electorates
• Report back to witnesses after inquiry events
• Need a well-trained and resourced committee secretariat
• Plan, plan, plan!
• Maximise MPs’ availability by organising committee meetings during sitting weeks

**Part 4 - Gathering evidence**

*Learning objective:* Participants understand the process of gathering and processing evidence

**Session 13 – What is evidence?**

Day 3 began with Session 13, which was presented by Mr Simon Johnston, Twinning Projector Co-ordinator, NSW Parliament. His presentation considered:

- The definition of evidence
- The difference between information and evidence in the context of committee inquiries
- Types of evidence received (oral, written)
- The use of evidence by the committee
- The relative value of evidence – What evidence is powerful and why?

Group exercises were:

1. Looking at scenarios and distinguishing whether they involved ‘information’ or ‘evidence’
2. Taking sample evidence and ranking each sample from the least to most authoritative and persuasive.

**Session 14 – Seeking, registering and using submissions**

Session 14 was presented by Ms Merrin Thompson, Principal Council Officer, Legislative Council of New South Wales. The points covered in her presentation were:

- Key principles
- Ways to seek submissions
- Steps in registering and using submissions.

The group exercise involved participants identifying the steps that would be followed in relation to submissions received by a committee/secretariat.
Part 5 – Other ways to inform the committee

Learning objective: Participants understand the process of obtaining information and presenting it to the committee

Session 15 – Research and briefing papers

Session 15 was presented by Ms Rebecca Main, Principal Research Officer, Legislative Council of New South Wales. She explained the various sources of information available to a committee and how they are used. Examples are: newspapers, academic papers, library materials, evidence and the Internet.

Points covered in the presentation were:

- Research:
  - Sources of information
  - Authoritative / reliable sources versus unreliable
- Briefing papers:
  - What is a briefing paper?
  - Why and when do we use briefing papers?
  - Contents of briefing papers
  - Drafting tips

There was a group exercise which involved preparing a briefing paper for an Orica Inquiry public hearing.

Session 16 – Preparing and conducting site visits

Session 16 was presented by two officers from the Legislative Assembly of New South Wales: Ms Jenny Whight, Committee Officer and Mr John Miller, Research Officer. They talked about:

- Why conduct site visits?
- Benefits
- What to do and see
- Preparation:
  - Procedural issues
  - Planning the itinerary
- On the road – conducting the site visit
- Publicising the visit.

Part 6 – Scrutinising the Executive
Learning objective: Participants understand the role of an Auditor-General and the relationship with the Parliament

Session 17 – The role of the Auditor-General

The presenter for Session 17 was the Executive Officer in the NSW Audit Office, Mr Barry Underwood. He spoke about:

- The role of the Auditor-General
- Governance
- Members’ additional entitlements
- Statutory Audit reports.

He began his presentation with a quote from former US Supreme Court Justice Louis Brandeis, who said, ‘Sunlight is the best disinfectant’ and talked about scrutiny being like a light shining on areas of darkness. In his presentation Mr Underwood explained what an Auditor-General does and does not do, emphasising that an auditor-general in any jurisdiction does not comment on the merit of government policy.

Review of Day 3

Day 4 (Thursday) began with a review of lessons learned and ideas of change. The Course Convenor, Mr Trevor Rowe, invited participants to reflect on things they had learnt the previous day. There was then general discussion with participants sharing their thoughts and ideas.

The Group's key learnings included:

- The types of evidence – primary, secondary, formal/informal
- The importance of briefing papers for the work of parliamentary committees
- Site visits are improved by making contact with local members and getting their advice on venues and organisations etc.
- An auditor-general should be a strong ally for any parliament.

Part 7 - Gathering evidence at a public hearing

Learning objective: Participants understand the processes involved in preparing for, and conducting, public hearings.

Session 18 - Public hearings
Session 18 was presented by Dr Abi Groves, Director Committees, Legislative Assembly of New South Wales and Mr Stewart Smith, Director – Committees, Legislative Assembly of New South Wales. Their presentation covered:

- Why committees conduct public hearings;
- Things to consider when planning a public hearing; and
- Case studies of non-routine hearings.

In Session 18 there was a group exercise to:
(a) develop a list of tasks for preparing for a public hearing and
(b) consider a number of hearing scenarios and appropriate responses.

**Session 19 - Procedural issues associated with hearings**

Session 19 was presented by Ms Rebecca Main, Principal Council Officer, Legislative Council of New South Wales. Her presentation addressed the following points:

- The Chair’s opening statement
- Swearing a witness – oath or affirmation?
- Tendering documents
- Questions on notice
- Points of order
- In-camera hearings

**Session 20 - Mock hearing - preparations**

Mr Simon Johnston, Twinning Project Co-ordinator, NSW Parliament led Session 20, which provided more than 2.5 hours for participants to prepare for a mock public hearing (Session 30). The Group was divided into three groups each with a defined role for the mock hearing:

1. committee secretariat
2. committee members;
3. witnesses.

With the assistance of a Facilitator (Mr Trevor Rowe, Course Convenor and Ms Rachael Simpson, Director – Committees, Legislative Assembly of New South Wales), each group reviewed one of the roles of secretariat, committee members and witnesses. Each group performed the tasks necessary to be ready for a public hearing, using the material prepared in group exercises during the Course.

**Session 30 - Mock hearing**
Session 30 was a mock public hearing. The content of the hearing drew on the NSW Parliament’s recent Orica Inquiry. The Mock Hearing saw participants act out roles as:

- members of the Orica Select Committee;
- witnesses called to give evidence to the Committee. This included company representatives, private citizens, and Government Ministers; and
- Committee Secretariat and secretariat staff.

Participants were encouraged to make the Mock hearing reflect their actual experiences of hearings - this included both good and bad experiences. One of the best ways of being able to prepare for hearings is to plan for every eventuality or at least to have considered what might be done if something unexpected happens. The end result was an impressive learning experience for everyone.

Review of Day 4

Day 5 (Friday) of the Course began with a review of lessons learned during Day 4. The Course Convenor, Mr Trevor Rowe, invited participants to reflect on things they had learnt the previous day and any ideas for change. There was then general discussion with participants sharing their thoughts and ideas.

The Group’s key learnings included:

- The impact of a party system on the operation of a parliament
- The swearing of witnesses – why it is significant and different approaches used for different types of committee inquiry such as scrutiny versus investigation of social issues.
- Practice in the NSW Parliament to use timers to time questioners in a public hearing
- The timing of way
- Seating arrangements – some participants were impressed with the secretary being able to sit next to the committee chair for a public hearing
- In-camera hearing procedures.
- The benefits of having an auditor-general.

Part 8 - Preparing and tabling reports

Learning objective: Participants understand the purpose and key elements of an effective committee report
Session 21 – Introduction to committee reports

Session 21 was presented by Ms Rachel Callinan, User of the Black Rod, Legislative Council of New South Wales. Her presentation covered the following points:

- Purpose – Why are reports prepared?
- Audience – Who is the reader?
- Content – What should reports contain?
- Branding – What should reports look like?

Session 22 – Critical analysis

Session 22 was presented by Ms Rachel Simpson, Director - Committees, Legislative Assembly of New South Wales and Mr Simon Johnston, Twinning Project Co-ordinator, NSW Parliament. The presentation covered:

- Understanding information by using critical analysis
- The difference between proof and an assertion / statement
- Proving a point – How to use evidence to justify a conclusion
- Developing a framework for understanding information – What questions should you ask?
- Causal links

Group exercises involved participants:

- Looking at examples to identify situations where a conclusion is or is not supported by evidence
- Using evidence provided to produce a conclusion and provide proof.

Session 23 – Analysing evidence and writing the report

Session 23 was presented by Ms Rachel Cullen, Principal Council Officer, Legislative Assembly of New South Wales. Her presentation covered the following points:

- Elements of effective writing
- Identifying issues to cover in the report
- How to analyse and reflect the evidence
- Telling the story

A group exercise involved drafting a report outline based on the key issues that arose in the mock hearing on Day 4.
Session 24 – Drafting report recommendations

Session 24 was presented by Ms Miriam Cullen, Principal Council Officer, Legislative Council of New South Wales. Her presentation points were:

- Developing effective recommendations
- Reflecting the views of the committee chair and the committee members
- The committee’s meeting to examine and adopt the report

Session 25 – Minutes and tabling

Session 25 was presented by Ms Jenny Whight, Committee Officer, Legislative Assembly of New South Wales and Ms Christine Nguyen, Council Officer, Legislative Council of New South Wales.

The presentation structure was:

- Minutes of proceedings – why, what and how

The presentation made the point that minutes record the resolutions and decisions of the committee but not the discussion and rationale for decisions. The presentation also covered the importance minutes have in the day to day operation of committees.

Part 9 – Review, Course evaluation and Continuing learning

Session 26 - Course review and evaluation

Session 26 was led by the Course Convenor, Mr Trevor Rowe. The Group was divided into three groups to review the main part of the Course and report back to the whole Group:

- The role of parliamentary committees
- Starting an inquiry
- Pacific Island parliamentary committees in action
- Gathering evidence
- Other ways to inform the Committee
- Scrutinising the Executive
- Gather evidence at public hearings
- Drafting and tabling reports

Evaluation

The Convenor and Facilitators withdrew while participants completed a Course evaluation.
Session 27 – Continuing learning

In Session 26 the Course Convenor, Mr Trevor Rowe, gave a presentation on how participants may use social media to keep in contact with each other and to continue their learning after the Course. In particular, he explained an e-learning pilot study being run by the Centre for Democratic Institutions using the social media professional networking site LinkedIn. He provided an online demonstration of how to establish a profile page, make contacts and communicate. A LinkedIn feature was the creation of groups of interested members. Groups could be either closed (membership restricted) or open (membership open to anyone with a profile page on LinkedIn.

Participants indicated they used Facebook and some participants already used LinkedIn Social. They were enthusiastic about being part of the pilot study.

Farewell dinner

At 5:30 pm participants travelled to The Waterfront Restaurant, in The Rocks area of Sydney for a Farewell Dinner.

The Dinner was attended by the President of the Legislative Council, the Hon Don Harwin MLC, and Mr David Blunt, Clerk of the Parliaments and Clerk of the Legislative Council of New South Wales, the Course Facilitators: Ms Beverly Duffy, Clerk-Assistant (Committee), Legislative Council of New South Wales and Ms Rachel Simpson, Director – Committees, Legislative Assembly of New South Wales, and the Course Convenor, Mr Trevor Rowe.

The President of the Legislative Council made an address and presented each Participant with a Certificate and copy of the Group photograph.