

Parliament of Victoria



Professional development notes

In conversation: Committees

About this resource

These summary notes are from an ‘In conversation’ panel that was held with the committee managers for the Legal and Social Issues Committee from the Legislative Assembly and Legislative Council. The role of the committee managers, along with their teams, is to support the committee to conduct inquiries into a wide variety of issues, in this case, inquiries with a focus on legal and social issues.

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The role, structure and purposes of committees

Role of committees

- The job of committee members and staff is to report on the evidence presented and write recommendations on the committee's behalf. The secretariat, as parliament staff, remain apolitical in their research. Their role is to provide the committee with a range of research and viewpoints, report on trends in the submissions, and identify any potential gaps or directions the committee may wish to investigate.
- Based on the nature of the work, views on the topic being explored are constantly changing. It's important that everyone has an open mind, so that all the research can be considered and that the findings and recommendations reflect the research.

Committee types

- As well as house committees, there are also joint committees, involving members from both houses, and select committees. Select committees are usually set up to investigate a particular issue and will disband once the committee has provided the government with a list of recommendations.
- Some committees, standing committees, have what is known as 'standing terms of reference'. In this case, the committee's terms of reference never changes. For example, the Public Accounts and Estimates Committee have a standing role to scrutinise budget papers and perform statutory oversight responsibilities, amongst other things.

Origins of committees

- The committee system can be traced back to Westminster, the British Parliament, in the 1800's.
- Committees arose when the parliament had issues to consider, but there was not the time to consider them. Consequently, members formed committees, where they would explore particular issues in depth and report their findings back to parliament in a report. That report would then inform the members of how they might want to vote or modify a piece of legislation.

Purpose of committees

- A committee is where a group of members come together to investigate a topic from different backgrounds and perspectives. This often means that the people involved may not be experts in the particular area. The committee process provides opportunities to draw on the expertise of others.
- The inquiry process of a committee provides opportunities for:
 - All people to participate
 - Members to ask experts, or those with true understanding
 - People with lived experiences to share their views
 - People to hear about the application of laws – are they operating as intended, are there any unintended consequences?
 - People to share a more informed view with parliament to help guide decisions

Structure of committees

- Committees are provided with a terms of reference; these are points for them to explore and report on.
- A wide range of evidence is then collected which fits within the terms of reference.
- Committee members report their findings back to parliament. They share the evidence that was collected, along with providing a list of recommendations. These are suggestions for what the government should do about the issue.

Committees and the chambers

Referring an issue or topic to committee

- Referrals for committees come from the house in which they're tied to.
- Committees can also self-refer inquiries, however, it is not as common.
- Referrals that come from the house will always take precedence over those that the committee have self-referred.

Legislative Assembly

- Government departments have multiple portfolios. When an inquiry is referred to a committee under those portfolios, it will go to the appropriate committee to investigate.

- Issues often get referred to a committee in the Legislative Assembly, as there's a large government majority. This often happens when there is a topic the government has a particular interest in a change occurring, or there's a need for a change, but there's not an obvious answer, they will then refer this to a committee to go and seek out evidence, and report on a way forward for reform.
- Once the government has decided it wants an inquiry into a particular topic, it must be sent to the committee by decision of the house.

Legislative Council – Legal and Social Issues Committee

- The Legal and Social Issues Committee in the Legislative Council, as of December 2023, had eight members: three government, three opposition and two minor party members (one Australian Greens Victoria and one Legalise Cannabis Party). The diversity of members in this committee reflects the diversity of membership of the upper house in Victoria.
 - In December 2023, the Legal and Social Issues committee had just finished an inquiry into the rental and housing affordability crisis in Victoria, and they had another two in progress: one into the education system in Victoria and one into workplace drug testing.
- Historically, the upper house would traditionally do what are called bill inquiries. This is where a committee would look into specific bits of legislation. As time has evolved, the committees have focused more on social issues rather than specific bits of legislation. That is also the case with the lower house as well.

The committee process

Terms of reference

- The terms of reference is a written document that specifies the purpose of the inquiry, the specific issues that must be investigated and the date in which the final report must be completed and tabled in parliament.

Initial research

- Once terms of reference has been received, the committee completes some initial research on the topic. Committee members will also often have conversations with other party members and people within their electorates.

- Depending on the topic, committees might speak to relevant government departments, academics or experts in the field to ensure they are engaging with the regions and young people.
- There may be other jurisdictions in Australia or overseas where similar sort of reforms or questions have been asked, which will also be explored.

Promoting committee inquiries

- When seeking submissions, a number of formal invitations are sent to specific parties asking for their input.
- Anyone can make a submission to a parliamentary inquiry via the Parliament of Victoria website.
- Social media is used to try and help promote inquiries. Sometimes newspapers, or if there's particular target audiences, and other specific strategies will be used to engage people. For example, when wanting to engage with older Victorians, committees may reach out to specific community organizations who may have newsletter services, or attend meetings where they can try and connect with the community.
- Committees also consider other forms of engagement, such as visiting town halls or holding round table sessions, where members of the committee meet with people and exchange ideas. For example, there were several round table conversations held across regional Victoria about the gambling and liquor regulation reform.

Gathering evidence, analysing submissions and public hearings

- When analysing submissions and holding public hearings, it's important that the committee focuses on including a range of viewpoints, such as experts in the field, lived experience, or how particular policy affects people personally, to there's not a one-dimensional view of the issue.
- With the nature of committees, naturally people reach out who are upset about a particular issue and want to vent their anger, which is valid, but the relevance of their submission needs to be considered. The committee also needs to take into consideration a potential false balance or bias, where only problems or particular sets of problems are represented.
- Committees look for detailed submissions where it is clear someone has thought about the issue in detail, rather than a binary yes or no statement. The committee then considers whether the submission is going to add to their knowledge, or if it is going to confirm preexisting views.

- The committee considers the quality and relevance of the submission to the terms of reference, regardless of how broad or interesting the submissions might be.
- Once the submissions have been received and analysed, if the committee notices a gap, they seek out extra input to try to understand more of the complexities of an issue.
- The committee will also speak to stakeholders about their views and experiences, and get recommendations of who might be best suited to be invited to the committee hearings to give further evidence.
- When considering the submissions, committees need to be careful about organised campaigns, where one particular group has organised multiple stakeholders to make submissions to the inquiry, which often use very similar language and make the same points. The committee staff need to consider whether this is representative of the entire community, or a select group when choosing how to value the evidence and who to hear from further.

Writing and responding to a committee report

- Once the committee has agreed on the report, based on the evidence, and written their recommendations, the report is then tabled in parliament and it becomes a public document.
- Once the report is tabled, the government has six months to respond to the recommendations. The government can respond by supporting, supporting in principle or not supporting the recommendations. Occasionally, they may identify that a recommendation relates to an organisation with delegated responsibility (such as a commission) and leave it up to the organisation to respond to, and if appropriate, action the recommendation.
- The government is under no obligation to act on the recommendations, but they must respond to the report. Victoria is quite unique that they require the response of government, outlining what people can expect to be done.
- There are no consequences if the government does not respond to a report within six months. However, the timeframe for response is in the standing orders of the house, which means that members of the house can raise it as an issue if the government has not responded.

The challenges and value of committee work

Challenges of committee work

- Once the report has been tabled, the work of the committee is completed and it moves on to its next inquiry. The committee cannot follow up any recommendations or remind the government, this is up to the stakeholders.
- One of the biggest challenges is managing the public's expectations around when reform will come – the committee process can take time. There might be a government response from five years ago, with change only just happening. This is because recommendations can be complex, detailed or involve a number of different steps/elements to ensure the agreed to recommendations are implemented appropriately.
 - For example, the Terms of Reference for the Inquiry into responses to historical forced adoptions was received by the Legal and Social Issues committee in May 2019. The report was tabled in parliament in September 2021, with the government responding in March 2022. The Historical Forced Adoptions Redress Scheme was announced by the government in October 2023, commencing in February 2024.
- Committees can also be challenging for stakeholders; stakeholders may have shared very passionate or very personal views with the committee, but may find the recommendations for reform haven't gone as far as they would have liked, perhaps the government does not support the recommendation, or that the implementation of the recommendations takes some time.

Value of committee work

- Committee members speak to experts – they find people who know about the issues, find the experts, who then inform the politicians.
- Those that have participated in committees often comment about how they came into it with a particular view, and they end up with a different, altered or more sophisticated view by the time the committee has concluded.
- When people follow the work of committees, they begin to realize how complex the issues are and how difficult it is to come up with solutions to social problems. Everything comes into play when you make social policies; conflicting viewpoints, conflicting evidence or uncertainty in evidence, social pressures change, and the economy changes our views. There's a sense of things that things aren't black and white things are a lot more nuanced than people realise.

- The committee process puts contributions from stakeholders and people’s views on record throughout the whole process. For example, submissions from a previous inquiry can be relevant to a current inquiry and can be used.
- Committees facilitate an open exchange of ideas and views and are there for all Victorians to put forward their views and submit to. If there is ever a topic that you’re interested in, or someone that you think might be interested in a particular inquiry, encourage them to make a submission or contact the committee.
- If people don’t feel comfortable with the submission forums being advertised for a particular inquiry, there are alternative options. Committees are always open to suggestions as to how they could better engage with people.

Additional resources

Inside Parliament

This resource serves as a guide to the history, structures, procedures, and practices that shape parliament. It includes a focus on the committee system and the structures and functions of the two houses.

<https://www.parliament.vic.gov.au/teach-and-learn/Resources/inside-parliament>

Parliament of Victoria: A focus on committees

This resource provides both a video excerpt and professional development notes from a session in 2021 with two Parliamentary Committee Managers. The video explores the role of a Committee Manager and the work of the secretariat in supporting the committee process.

<https://www.parliament.vic.gov.au/teach-and-learn/Resources/a-focus-on-committees>

Parliament of Victoria: How to host a committee inquiry

The ‘How to host a committee inquiry’ resource is a step-by-step guide that looks at each phase of the inquiry process, complete with a summary and suggested activities for your class. It can be used in conjunction with the Spent Convictions case study which explores a recent law reform, or with an inquiry topic of your own choosing.

<https://www.parliament.vic.gov.au/teach-and-learn/Resources/how-to-host-a-committee-inquiry>

Parliament of Victoria: Law Reform Case Study – Medically supervised injecting centers

This law reform case study explores the committee inquiry and legislative processes that led to the establishment of a Medically Supervised Injecting Centre (MSIC) in Richmond. It includes excerpts from public submissions, committee hearings and the second reading debate.

<https://www.parliament.vic.gov.au/msic>