Module 4: Evaluating the effectiveness of a parliamentary committee to influence law reform

Overview

In evaluating the role that one parliamentary committee can play in influencing law reform, you need to consider the strengths and weaknesses of the committee system. You should then consider and apply these factors to the committee, and its recommendations for law reform you have studied, to come to your own conclusions.

Strengths of the committee system

In-depth investigation

Committees through their inquiries are able to investigate issues of significance and concern to the community in detail. In addition, while the government of the day is not obliged to implement recommendations made, often the tabling of a committee report adds a dimension and profile of the matters being considered, and informs the public and community debate. This gives an added dimension in influencing law reform.

Community and expert input

Parliament must be aware of the opinions and needs of the wider community. The committee system in a parliamentary democracy provides a way of achieving greater public input into issues being considered by parliament. Committees effectively enhance the democratic process by taking the parliament to the people and giving them a role in its operations. Given the often complex nature of the questions the parliament is required to consider, the committee system allows for specific expert advice to be heard and reviewed. In addition, the views and opinions of each individual, group or association who make a submission or participate in a public hearing are considered equally.

Greater accountability

A strong, active committee system provides greater accountability by making the policy, administrative and law-making functions of Government more open and accountable. They provide opportunities for the exchange of views across party lines. Committees provide members the opportunity to enhance their knowledge of particular issues and enable them to be better informed.
Encourages engagement with parliament
Committees provide a forum for input from both individuals and community interest groups. Committees can be important sources of information themselves through facilitating public awareness of parliament’s activities. Whether you are an expert in a relevant field, part of an interested organisation or simply an interested individual, there are a number of ways to be involved in committee activities and these include:

- Making a submission to a Committee
- Giving evidence at a public hearing
- Attending a hearing as a member of the public
- Writing to the committee
- Reading a committee report

Weaknesses of the committee system in law reform

The government does not have to implement recommendations
Perhaps the most significant weakness of a parliamentary committee’s role in influencing law reform is that while the government has to reply to a committee report, it does not have to act on, or implement, any recommendations. It does however have to give reasons for those decisions. Obviously, the commitment of the government of the day to the recommendations of a committee’s report has a significant impact on influencing successful law reform.

Functioning of committees
The committee system is most effective when the members work together in a bipartisan approach. If this does not occur, then the scope of the investigations and consideration of matters raised could be compromised. Could the time commitment involved in working on a committee deter some members from participating? Inquiries can be costly and time consuming, both in time taken to undertake the research, and the tabling of its final report.

Lack of follow up
Committees investigate a topic and then do not come back to see what has been changed later. It would be useful for the committee to review the areas of law reform it investigates, after change has been implemented if relevant, to see how effective that change has been.

In conclusion
Perhaps the most pertinent factors influencing how effective a parliamentary committee can be in influencing a change is the law is the intention and commitment of the government’s reform agenda and its ability to pass legislation through both houses of parliament. Consider and evaluate these factors in relation to the recommendation for law reform you studied.
Consolidate your understanding

Answer the following questions:

1. Complete the following to show how strengths and weaknesses of committees can relate to each other. Note: Some areas can have more than one strength and/or weakness that relates to it and some can be relevant to more than one issue.
2. Complete these sentence starters to answer the following question.

*Parliamentary committees are not effective because Parliament is not bound to follow the recommendation. Evaluate this statement.*

**(define) Parliamentary committees are …**

Committees may not be effective because …

This means that …

However, during the committee process …

This means that …

While Parliament does not have to follow recommendations …

This means that …

**(conclusion – how effective) Overall …**

3. Outline the key points of a committee inquiry you studied:

<table>
<thead>
<tr>
<th>Type of committee</th>
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<tr>
<td>Topic of inquiry</td>
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<tr>
<td>Which political parties were represented?</td>
</tr>
<tr>
<td>Important events in the inquiry (at least three and what they were)</td>
</tr>
<tr>
<td>One strength of this inquiry</td>
</tr>
<tr>
<td>One weakness or limitation of the inquiry</td>
</tr>
<tr>
<td>One group that made a submission</td>
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<tr>
<td>What was the group's submission arguing?</td>
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<tr>
<td>What were some of the expert or individual submissions claiming?</td>
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<tr>
<td>What was the outcome of the inquiry?</td>
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<tr>
<td>What is one strength this committee inquiry demonstrates?</td>
</tr>
<tr>
<td>What is one weakness or limitation that is shown by this inquiry?</td>
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In conjunction with your teacher, decide which of the following questions you will answer:

4. Why is it important for parliament to get specialist advice when determining when new laws should be considered and when current laws need changing or modifying? Give three examples of how this was undertaken in the committee inquiry you studied.

5. Through an inquiry, one strength of a parliamentary committee is its ability to engage with and seek the views of the community. Using the committee you studied, discuss this statement using examples to illustrate your answer. Why is this so important?

6. “The law affects all members of society. It is important that everyone has an opportunity to participate in the process of legal review to ensure recommendations for change are relevant, responsive and fair.” Discuss this statement in the context of the parliamentary committee and the recommendation for law reform you chose to study.

7. A number of factors can affect the role of a parliamentary committee’s ability to influence law reform. Using the committee you studied, discuss this statement giving examples to support your answer.

8. “Parliamentary committees are able to do things, which it would not be possible to undertake in the formal environment of the parliament itself. These include finding out the facts of an issue, gathering evidence from expert groups or individuals, sifting evidence and drawing up reasoned conclusions. This kind of work is more effectively carried out by small groups of members.” In considering this inquiry, do you agree with this statement? Give reasons for your answer.

9. Evaluate the ways the parliamentary committee you studied influenced a change in the law by considering the progress and implementation of one recent example of a recommendation for law reform they put forward in their report.

10. What powers does a committee have, and how do these powers help a committee to do its work?

11. “The commitment of the government of the day to the recommendations of a committee’s report has a significant influence on successful law reform.” Comment on this statement using an example of the committee inquiry you studied.