

**CONCERNED WITH OUTCOMES,
OBSESSED WITH PROCESS? CHARACTERISTICS OF SENATE
COMMITTEE REPORTS DURING THE PERIOD 1990-1994.**

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PREFACE

This paper is intended as a contribution to improving the understanding of the operations of parliamentary committees, by attempting to chart characteristics of the reports tabled by Senate committees in the course of their scrutiny of the Australian Public Service.

SECTION ONE - SENATE COMMITTEES AND THE CHARACTERISTICS OF THEIR REPORTS - A SURVEY OF THE LITERATURE

This survey of themes in the literature on the operations of Senate committees and the characteristics of their reports, begins with some observations on the origin and context of material that has so far been published on these topics.

The insights into parliamentary committees available from the mainstream literature on Australian politics and government prove to be limited. A scan of the treatment of parliamentary committees in a sample of recent Australian texts by significant Australian political scientists yielded little that was directly helpful.¹

For example, Emy and Hughes mention committees in passing in their consideration of the decline of parliament and the role of the Senate as a check on the executive.² Parliamentary committees operations are noted briefly in an article by Uhr in Parkin et al (1994).³ Lucy, in his text book provides a characterisation of parliamentary standing committees as concerned mainly with access to information, enabling a more critical appraisal of a ministers' actions.⁴

The most extensive discussion, in the four texts surveyed, is provided in Smith and Watson (1989).⁵ Here the conditions for successful committee operation are discussed, as well as the purposes of committees, the account of which is framed within a narrative provided by the presumption that committees exist to maintain a check on 'the Executive'. The purposes of committee operation on this account, include better and more objective scrutiny, greater access for community groups and to provide 'supplementary administrative supervision'.⁶ Some evidence is provided in the discussion of the specific activities undertaken by committees.⁷

The major work on the Australian parliament by Reid and Forrest, similarly treats committees, and their activities, under the rubric of control over 'the Executive'. The discussion of committee activities is more descriptive than analytical.⁸ The authors are, however, sceptical about whether the concept of 'parliamentary control' has any substantial meaning in the late twentieth century, due to changes in the scale of government activity, the global impacts of decision making and the impact of changes in information technology.⁹

Some recent texts on public administration provided a different focus and form of discourse to that offered by political science. Abstractions about the executive and the decline of parliament

¹ The comment by Uhr with reference to estimates committees, could be applied more widely, that Australian political science provides... too few explanations of what committees actually do. Our interpretations too easily run ahead of the facts. Uhr (1990) p.85

² Emy & Hughes (1991) pp.359-370

³ Parkin et al (1994) p.40

⁴ Lucy (1993) pp.243-245

⁵ Chapter 6 "Parliament" by Ken Turner particularly pp75-81

⁶ Smith and Watson (1989) p.75

⁷ The pitfalls and possible methods for assessing the impact of committees are explored in the context of select committees in the UK House of Commons by Drewry (1989) and Marsh (1986).

⁸ Reid & Forrest (1989) pp.367-383

⁹ Reid & Forrest (1989) pp.387-388

are replaced by stories of possible accountability traps for public servants in an era of increased committee activity and devolution of management authority within the public service.¹⁰

Parliamentary committees are discussed in the public administration literature in the context of the accountability of the public service to the parliament and the possible role of committees in assisting in the process of reform of the Australian Public Service (APS).¹¹

What Do We Know About Senate Committees And Their Reports?

The literature dealing with the operations of parliamentary committees in the Australian Parliament as a whole is not extensive. The origins of the material that is relevant in identifying themes for this paper can be characterised as follows:

- Occasional lectures or conferences, held under the auspices of and published by the Department of the Senate. Contributors to these events include a range of public servants, politicians and academics.¹²
- Case studies or analysis of varying aspects committee activity undertaken by officers of the Senate.¹³
- Analyses by academics of politicians published by institutions other than the Department of the Senate.¹⁴

The literature relevant to the project, derives from the contributions largely of practitioners, is biased toward experience rather than theory, and to the extent that it has an academic frame of reference, the publication record points toward the domain of public administration rather than political science.¹⁵

Themes In The Literature On The Characteristics Of Senate Committee Reports

The literature on Senate Committees relevant to the concerns of this paper is restricted by the fact that much of the discussion is devoted to the scrutiny role of estimates committees.¹⁶ Scrutiny of estimates was only placed within the ambit of standing committee operations in August 1994, only four months before the close of the period of analysis and was therefore excluded from this paper.¹⁷

The themes, discussed below, have been identified from the literature dealing with Senate committees for their possible relevance in providing an analytical framework for the characterisation of Senate standing committee reports.

¹⁰ Wanna et al (1992) p.216, Corbett (1992) pp.212, Thynne & Goldring (1987) pp.55-56

¹¹ For recent discussions see Wanna et al (1992) pp.218, Corbett (1992) pp.211-213

¹² For example Department of the Senate publications, Senate Committees and Responsible Government (1991) and Senate Estimates Scrutiny of Government and Finance Expenditure (1991), Parliament: Achievements and Challenges (1992) as well as Marsh (1991).

¹³ For example Argument (1991), Drinkwater (1989), Hynd (1993), McNaughton (1991) and Snedden (1987)

¹⁴ Examples include Coates (1992), Marsh (1982), Evans (1993) and Uhr (1993A) and Uhr (1993B)

¹⁵ An examination of the bibliography attached to this paper reveals the importance of the following journals for publication of material bearing on the operations of Senate committees and their role in the political and administrative processes of governance in Australia: *Legislative Studies Australian Journal of Public Administration*; and *Canberra Bulletin of Public Administration*.

¹⁶ Particularly Australia, Department of the Senate (1990), also Blick (1992), Jones (1994), Noon (1992)

¹⁷ A recent entertaining and enlightening discussion of the nature of estimates scrutiny of the APS can be found in Jones (1994)

1. Obsessed with process?

One of the recent discussions of the nature of parliamentary scrutiny of the APS has been provided by Godfrey.¹⁸ His article makes a number of claims about the functioning of parliamentary committees and the impact of that activity on the public service. His thesis, in summary, is that the committees are not reinforcing and in fact are undercutting the values and behaviours that the reform process has sought to entrench within the APS.¹⁹

Committee activities are characterised by Godfrey in the following ways, citing as evidence generalisations about the reports tabled by committees, as well as their behaviour during the estimates process. Committees:

- produce extensive lists of findings and recommendations which do not discriminate between matters which are of strategic or policy importance and matters of administrative detail;
- are better at focussing on strategic direction when inquiring into an issue than in dealing with issues of administration;
- reinforce an emphasis on process than outcomes in reviewing public service activity and reporting;
- do not provide endorsement or encouragement of good practice in the public sector; and encourage a focus by public servants on defence against committee scrutiny rather than on improvement of client service.

Godfrey cites as specific examples of reports which are obsessed with administrative detail, reports by the Joint Committee on Public Accounts on the Australian Customs Service and Human Resource Development respectively.²⁰

There are undoubtedly difficulties in drawing a clear distinction between outcomes and process in the way Godfrey has. For example the attempt by an agency to meet EEO requirements may be viewed, as both a process issue and an outcome with measurable results. Perhaps the real issue that Godfrey is concerned with is an inappropriate focus on administrative detail or an attempt at micro-management by parliamentary committees instead of letting the managers manage.²¹

A more positive perspective on committees concern with process is offered by Uhr, who argues that ... *the core business of parliamentary committees is a process task of equality assurance testing that the processes of government policy and decision-making measure up, in the sense of qualifying as genuinely responsible and appropriate to the best interests of the community.*²²

While the perspective's of Godfrey and Uhr respectively, imply quite different evaluations of committee review of the activities of government and its agencies, both suggest that questions related to process offer a potentially useful approach to committee reports.

2. Concerned with policy

Some discussion of committee activity has attempted to analyse its contribution to the policy making process. There is, however, a diversity of views as to the extent and desirability of this involvement.

¹⁸ Godfrey (1993)

¹⁹ It could be argued that the theme of control of the executive is compatible with this view of committee activity as process oriented.

²⁰ Godfrey (1993) ... far too many reports ... degenerate into long lists of "findings" with no distinction between the trivial and the important. p.43

²¹ The Auditor-General is also in the firing line. See Godfrey (1993) p.43

²² Uhr (1993A) p.4

In the mirror image of his criticism of excessive concern by parliamentary committees with process, Godfrey has suggested that committees would be better served by focussing on broader policy issues which engage the wider community.²³ He is supported by Marsh, who on the basis of his comparative analysis of the House of Commons committee system, has suggested the need for parliamentary committees in Australia to play a greater role in policy scrutiny and development.²⁴

On the other hand, Uhr has presented a more cautious view, based on case studies of committee involvement in policy consideration, as part of an attempt to identify what is it that committees do best. He argues that, though there are exceptions²⁵, parliamentary committees are most effective when they do not tackle broad policy issues.²⁶

This generalisation is, arguably, supported by case studies of committee activity by Drinkwater on a broad policy issue, the future of manufacturing industry²⁷ where there was little evidence of any impact on the wider policy debate or government decisions. The study by Holmes and Hynd, on policy design and implementation of legislation on the narrow issue of education services for overseas students²⁸ shows evidence of substantial committee impact on legislative design and Snedden's account of the operations of the predecessor of the Finance and Public Administration Committee provides evidence of the impact of continuing committee involvement in a specific area of accountability review over a period of years.²⁹

Open ended inquiries into public policy which require large community participation, Uhr argues, tend to collapse under their own weight and may end up with split reports, as a reflection of the divisions within the community.³⁰ There may be a connection, or correlation between policy inquiries and the publication of dissenting reports or dissent from recommendations within a committee report. Select committees may be the best test for this proposition, though the appearance of these characteristics within the standing committee framework would be more convincing as evidence, as partisanship is less likely to be a confounding factor in the standing committee environment.³¹

The issue as to the effectiveness of committees in dealing with policy and procedures will not be settled by the proposed analysis. What the literature suggests is that exploring what the committees have actually done by way of involvement in policy analysis would be a worthwhile exercise.

3. Performance outcomes and politics

While the discussion of the evaluation of the outcomes of programs and changes to APS reporting has largely been undertaken with reference to the activities of estimates committees, note does need to be taken of this as a possible theme for standing committee reports.³²

²³ Godfrey (1993) p.44

²⁴ See Marsh (1991) pp.39-41 and Marsh (1992) p.67

²⁵ Uhr (1993B) pp.370-371 for an account of the Senate Standing Committee on Employment, Education and Training's report, in 1990, on Priorities for Reform in Higher Education

²⁶ I therefore suggest a 'Parliamentary policy paradox' which holds that parliament develops its greatest power over public policy when examining administrative processes rather than public policies. Uhr (1993B) p.368 See also Uhr (1994) on the Senate inquiry into the print media.

²⁷ Drinkwater (1989)

²⁸ Holmes & Hynd (1994)

²⁹ Snedden (1987)

³⁰ Uhr (1993A) p.15

³¹ For evidence of the pressure towards bipartisanship see an early statement by Evans (1982) p.88 and recently Childs (1992) pp.38-39

³² On the difficulty of separating outcomes and process see Coates (1991A)

It needs to be noted that performance information has increasingly come to dominate the structure and contents of annual reports of government departments and agencies, and for the period under consideration standing committees have been required to report on annual reports.³³ In addition committees have the power to undertake inquiries without reference to the Senate on matters raised in annual reports.

The importance of parliamentary review of performance information as part of the APS reform agenda has been emphasised repeatedly by public servants in recent years. There has been a perceived failure of committees to reinforce the APS reform agenda and a distinct reluctance, in the view of the bureaucrats, to make proper use of performance and evaluation data.³⁴ This has been most recently argued in a nuanced way by Noon.³⁵

There is real doubt as to the exact status of parliamentarian's interest in performance data.³⁶ It is certainly not as all encompassing and as detached as might be thought to be desirable. The simple reason for this is, as Senator Coates has pointed out on more than one occasion, is politics.³⁷

In examining and identifying the characteristics of committee reports, the presence of political partisanship is not so easily identified as is an interest in performance and outcomes of government programs. It will often be found lurking in the compromises that form the background of the decision to choose one issue rather than another, in the way the terms of reference are phrased and the conduct of the actual inquiry.

Issues For Consideration

An analytical framework will be developed based on the above themes, using as evidence Senate committee reports to try and establish empirically, firstly at the level of the reports:

- the extent of committee interest in the three categories of policy development, administrative process and program outcomes;
- the extent to which the balance of committee interest in the above categories varies among committees and shows evidence of the influence of the specific subject and departmental coverage of the various committees; and
- whether there is any evidence that the focus of committees' interests shifted over the period under examination.

Beyond this first level of categorisation, analysis will move to the level of the report contents, examining recommendations, findings and conclusions, to determine the extent to which committees are interested in process, policy, or performance issues.

SECTION 2 - CHOOSING COMMITTEES AND A TIME FRAME FOR THE ANALYSIS

The literature survey in Section One provided a set of hypotheses as a basis from which the analysis of reports of parliamentary committees could begin. The question which has to be

³³ For an interesting discussion of annual reports as basic accountability documents see Argument (1991).

³⁴ For an empirical analysis of performance information which raises questions about its quality, see Hynd (1994)

³⁵ Noon (1992) pp.32-34

³⁶ See Hynd (1993) "What does Parliament want from the APS?" for a discussion of the issue and further references to the accountability issues involved

³⁷ See Coates (1992) p.451 and (1991B) p.5 See also Hamburger (1992) pp.5-6.

answered, however, prior to commencing that task is: which parliamentary committees and which reports would be the subject of analysis?

The range of parliamentary committees within the two houses of the Commonwealth Parliament is extensive.³⁸ The criteria which I applied in the process of choosing the category of committee for the analysis were expressed in the following questions:

- which type of committee offered the widest range of interactions with the APS, by way of scrutiny activities and subsequent reporting to Parliament?
- which type of committee offered scrutiny of a wide range of policy areas?
- was the form of reporting to parliament amenable to a quantitative form of analysis?

Select committees, whether Senate,³⁹ or Joint, have in the period under consideration, admittedly with some notable exceptions⁴⁰, tended to focus on highly politically partisan issues. In addition, select committees do not usually undertake a pattern of committee scrutiny which could be tested for changes over time and are restricted in the policy areas with which they engage. With the exception of the Joint Committee on Public Accounts⁴¹, joint statutory committees have a specific mandate with a limited range of reporting responsibilities.⁴²

Senate estimates committees, have been the subject of analysis elsewhere.⁴³ The interaction between the public service and estimates committees is restricted in its format and is not amenable to analysis through reports of committees, which in recent years have tended to the formal and minimalist in character. A proper analysis of estimates committee scrutiny would have to draw heavily on the Hansard record.⁴⁴

By contrast the standing committees of the Senate conduct a more diverse range of forms of APS scrutiny, covering general inquiries into policy, program review and implementation, scrutiny of annual reports and since 1990, consideration of legislation. Hence the choice of Senate standing committees.

³⁸ House of Representatives domestic committees which deal with procedural matters and matters related to the running of the House of Representatives; House of Representatives standing committees.

³⁹ Senate domestic committees which deal with procedural matters and matters related to the running of the Senate

⁴⁰ the standing legislative scrutiny committees
Legislative and General Purpose Standing Committees
House of Representatives' and Senate Select Committees
Senate Estimates Committees (until October 1994.)

⁴¹ Joint Standing Committees
Joint Statutory Committees; and
Joint Select Committees.

⁴² There have been very few Select Committees appointed by the House of Representatives.

⁴³ See the Senate Select Committee on Supranational, the Select Committee on Animal Welfare and the Joint Select Committee on Family Law Issues as examples of committees in which partisanship is not strongly noticeable. The list of select committees in Odgers (1995) pp.380-381 provides many examples of the general rule of partisan controversy.

⁴⁴ The exception to this generalisation about statutory committees, the Joint Committee on Public Accounts (JCPA), would merit study on its own and was left aside because its inclusion would simply have made the task of analysis too large to be properly undertaken within the time and word limits applying to this project.

⁴² See Odgers (1995) p.391 for a current list.

⁴³ See Jones (1994)

⁴⁴ The analysis by Jones was restricted to a few episodes from the Hansard record.

Why 1990-94?

The time period chosen for analysis was 1990-94. During this period there were two years in which the committee activities were limited by elections. Committee activity comes to a virtual halt for a period of 4-5 months once an election, whether it be a double dissolution or involving only half the Senate is announced. There were then three full calendar years, 1991, 1992 and 1994 in the proposed time span where the pattern of committee activity was not limited by electoral activities.

The reasons why this period was attractive from an analytical point of view relate to changes in the mandate and structure of Senate standing committees. New procedures for the reference of legislation to Senate standing committees applied from the beginning of 1990. After the introduction of the new procedures for consideration of legislation, the next major change to the structure and scope of committees occurred in October 1994 with the splitting of the committee functions between legislation and references committees and the placing of the estimates process within the standing committee structure. This gave a five year period over which the pattern of committee engagement in legislation compared to other forms of activity could be assessed.⁴⁵

Senate standing Committees - but which standing committees?

Even to limit the analysis to all the reports of all the standing committees of the Senate for the period 1990-94 would have generated a database that was too substantial for the purposes of the report. Some further criteria to limit the number of committees and hence the number of reports to be analysed was required. The criteria were:

- continuity of existence and portfolio coverage; and
- ensuring coverage of a diverse range of policy areas and program review.

The application of these criteria resulted in the inclusion of four out of eight standing committees in the report database. This represents a sample of 50% of the current standing committees. The committees chosen for analysis were:

- Community Affairs (CA)
- Employment, Education and Training (EE&T)
- Finance and Public Administration (F&PA)
- Rural and Regional Affairs and Transport (RR&T)

All, bar the RR&T committee, had a substantial continuity of portfolio coverage during the period 1990-94. The RR&T Committee was originally entitled the Rural and Regional Affairs Committee and was established on 4 September 1991.⁴⁶ In October 1994 this Committee was retitled the Rural and Regional Affairs and Transport Committee and the scope of its mandate in terms of subject and departmental scrutiny was widened.

The RR&T Committee was included in the database, despite the fact that it was not in existence for the full five years, because inclusion of this committee offered an opportunity to look for differences in scrutiny style between it and committees which had a longer continuous existence.

There were some alterations to the scope of the coverage and scrutiny of departments by the Committees other than the RR&T Committee that were chosen for analysis, as a result of the

⁴⁵ The period 1990-94 includes 3 months during which the new committee structures were in place. With the exception of the estimates report from each committee, all the reports tabled during that period would have been tabled by the previously existing standing committees in any case and in addition aligning the period of analysis to the calendar year made year to year calculations and comparisons easier.

⁴⁶ Australia, Department of the Senate Annual Report 1991-92 p.99

1994 changes. For most of the period under consideration, however, there was relative stability in subject and portfolio coverage⁴⁷ for the committees that were chosen.

SECTION 3 - COMMITTEE REPORTS: A PRELIMINARY ACCOUNT

The reports of the committees listed above were identified from the listings prepared by the Department of the Senate Committee Office.⁴⁸ The reports tabled by these Committees were then classified using the following categories:

- Reports on Annual Reports
- Legislation - reports on legislation referred to committees
- Estimates - report on estimates after October 1994
- Policy - reports dealing with strategic and agenda setting issues
- Program - reports dealing with program efficiency, economy, effectiveness, implementation and administration
- Procedure - reports dealing with matters related to the operation of the committee and the conduct of its inquiries.

Table 1 provides a summary of the total number of reports in each category, that were tabled by the committees being analysed, in each year, for the period 1990 to 1994.

TABLE 1 - TOTAL OF REPORTS TABLED BY CATEGORY FOR ALL COMMITTEES FOR EACH YEAR, 1990-1994

CATEGORY	1990	1991	1992	1993	1994	TOTAL
Annual	7	6	8	8	7	36
Reports						
Legislation	8	11	16	13	11	59
Estimates	-	-	-	-	4	4
Policy	2	1	5	1	4	13
Program	2	3	6	6	11	28
Procedure	-	1	1	1	1	4
TOTAL	19	22	36	29	38	144
Average No.	6.33	7.33	9.00	7.25	9.5	

⁴⁷ Australia, Senate, Procedure Committee (1994) Appendix 1 p.8 Specifically responsibility for the Department of the Treasury was moved from Finance and Public Administration Committee to the newly titled Economics Committee and the Department of Industrial Relations was also shifted to the Economics Committee from the Employment, Education and Training Committee.

⁴⁸ The list was derived from the Consolidated Register of Committee Reports published by the Department of the Senate Committee Office in 1993 and the Supplements published in 1994 and 1995.

There is some evidence in this table of an increase in overall committee activity over the period. Allowing for the fact that effectively only 3 of the committees being examined tabled reports during 1990, an election year, and 1991⁴⁹, the average number of reports tabled per committee, increased over the period, dipping only in 1993, another election year.

To the extent that legislation reports by committees deal with the setting of the policy goals and frameworks, and the reports on annual reports relate to aspect of administrative process, it could be argued that at first blush, the committees examined were at least as interested in policy issues as in compliance with process requirements.

Tables 2 to 5, below, set out the total number of reports tabled by each category of report, each year, for each of the four committees. There was no clear pattern of increase in any of the categories of reports over the period, apart from reports dealing with review of programs.

The ratio of policy oriented to program related reports for all committees under examination for the period was 13:28. That is to say, that approximately one policy report was tabled for every two program reports.

TABLE 2 REPORTS BY CATEGORY 1990-1994 - COMMUNITY AFFAIRS COMMITTEE

CATEGORY	1990	1991	1992	1993	1994	TOTAL
Annual	2	1	2	1	1	7
Reports						
Legislation	6	5	5	4	5	25
Estimates	-	-	-	-	1	1
Policy	-	-	1	1	1	3
Program	1	1	2	2	4	10
Procedure	-	-	1	1	-	2
TOTAL	9	7	11	9	12	48

The significant pattern in the reports tabled by the CA Committee was the extent of its involvement in the consideration of legislation and the relatively low level of involvement in discussion of policy issues, outside of a legislative context. It is not clear whether the workload for the committee in conducting hearings in legislation was cause of lack of involvement in inquiries involving broader policy issues or whether it represented a conscious choice by the committee.⁵⁰

⁴⁹ The Standing Committee on Rural and Regional Affairs tabled 1 report in late 1991.

⁵⁰ Evidence for the influence of the workload in constraining committee engagement can be found in the fate of two references on policy issues sought by the CA committee in 1992. A report on one of them, Evaluation of Commonwealth Funded Programs, was tabled in late 1994. The report on the other reference, on the use of psychotherapeutic medication, was finally tabled in June 1995.

There is some indication of a trend for the overall workload of the CA Committee to increase over the period 1990-94, as measured by the total number of reports tabled.

**TABLE 3 - REPORTS BY CATEGORY 1990-1994
EMPLOYMENT, EDUCATION & TRAINING COMMITTEE**

CATEGORY	1990	1991	1992	1993	1994	TOTAL
Annual	2	2	2	1	2	9
Reports						
Legislation	-	-	-	-	1	1
Estimates	-	-	-	-	1	1
Policy	1	1	1	2	-	5
Program	-	1	2	1	3	7
Procedure	-	-	-	-	-	-
TOTAL	3	5	7	7	8	30

The EE&T Committee record of reports tabled, as indicated by Table 3, shows a clear increase in activity over this period. The ratio of policy to program reports of 5:7 is distinctively different from the average for the committees in total, though even here the ratio for this committee varies from year to year.

**TABLE 4 - REPORTS BY CATEGORY 1990-1994 FINANCE AND PUBLIC
ADMINISTRATION COMMITTEE**

CATEGORY	1990	1991	1992	1993	1994	TOTAL
Annual	3	2	2	4	2	13
Reports						
Legislation	2	5	6	4	2	19
Estimates	-	-	-	-	1	1
Policy	1	-	-	-	2	3
Program	1	1	1	1	1	5
Procedure	-	1	-	-	-	1
TOTAL	7	9	9	9	8	42

The F&PA Committee published reports listing commonwealth bodies in 1990, 1991 and 1993. These reports were included in the category of reports on annual reports and thus inflated the figures on annual reports for this committee. These reports are unique to this committee and arise from the fact that it has a whole of government ambit with respect to its scrutiny of public service administration.

In its ratio of policy to program reports, this committee is close to the average for the committees in total and shows a steady pattern over this period. The workload of the F&PA Committee shows no evidence of increasing over this period.

**TABLE 5 - REPORTS BY CATEGORY 1990-1994 RURAL & REGIONAL
AFFAIRS & TRANSPORT COMMITTEE**

CATEGORY	1990	1991	1992	1993	1994	TOTAL
Annual	-	1	2	2	2	7
Reports						
Legislation	-	-	3	2	2	7
Estimates	-	-	-	-	1	1
Policy	-	-	3	-	1	4
Program	-	-	1	-	3	4
Procedure	-	-	-	-	1	1
TOTAL	-	1	9	4	10	24

The ratio of policy to program reports tabled by the RR&T Committee of 1:1 established this committee as similar in its reporting pattern to that of the EE&T Committee. Both these committees differ from the 1:2 ratio for the committees taken as a whole.

Summary

Given that committees have identical responsibilities with respect to annual reports⁵¹ and estimates the focus of the following comments will be on the other forms of reports. What this preliminary analysis of the reports tabled by Senate standing committees suggests is that committees present us with patterns of diversity in their scrutiny from two angles:

- as between consideration of legislation on the one hand and general references on the other; and
- in the focus within the general references, as between policy issues and program review.

⁵¹ Which is not to say that they all have a similar approach to the detail and styles with which they discharge this responsibility. That issue is another study in its own right.

In terms of engagement in considering legislation, the CA Committee stands out at this point with the F&PA Committee not far behind. It is worth noting that the F&PA Committee legislation references were almost exclusively comprised of taxation and superannuation bills. The flow of legislation dealing with superannuation to the committee ceased after the establishment of the Select Committee on Superannuation.⁵²

The EE&T Committee shares a similar overall pattern of scrutiny with the RR&T Committee with both having a relatively greater focus on policy issues than the other two committees.

The implication of the above analysis of committee reports is that generalisations about committee behaviour across the Senate standing committee system may not be possible. To go further involves undertaking an analysis of the characteristics of findings/conclusions and recommendations of committee reports.⁵³

SECTION 4 - A FRAMEWORK FOR ANALYSING RECOMMENDATIONS AND CONCLUSIONS

In shifting to a quantitative analysis of the characteristics of recommendations and findings and conclusions of committee reports a further sifting to reduce the number of reports so analysed took place. Out of the 144 reports categorised in Tables 1-5 above, a total of 45 reports were subject to detailed analysis with respect to their findings and recommendations.

The reports so treated included all the reports categorised as fitting within the Policy, Program or Procedure categories in the analysis reported on in Section 4, above. The reasons for excluding the other categories of reports were as follows:

Estimates reports, as discussed earlier are now largely formal and only one report in this category was tabled by each committee, during the period 1990-94. Reports on annual reports deal largely with the issue of compliance of annual reports with the requirements for reporting.

Reports on legislation deal largely with the merits and details of the specific legislative proposal, are frequently formal and report with recommendations addressed to the Senate on the passage, rejection, or amendment of the legislation.

This process of elimination left a total of 45 reports for analysis of recommendations and findings, divided as follows between the committees:

- Community Affairs - 15;
- Employment, Education and Training - 12;
- Finance and Public Administration - 9; and
- Rural and Regional Affairs and Transport - 9.

When considered by categories the reports broke down as follows:

- policy reports - 13;
- program reports - 28; and
- procedure reports - 4.

⁵² The scrutiny activity of the F&PA Committee with respect to taxation is understated because on three occasions during this period the Committee held hearings on technical matters do with taxation. The Hansard for the hearing was tabled but no report was tabled.

⁵³ The terms 'findings' and 'conclusions' are used interchangeably. In doing the counting and analysis findings and conclusions were not separately identified as different committees had different usages to describe what were views or assessments of the committee with respect to evidence put before them.

A Framework for Analysis

The other categories that were applied to the reports were suggested by the themes discussed in Section 1. The same categories were used to analyse both the recommendations and the findings.

Numbers of Recommendations and Findings

This part of the analysis was devoted to counting the number of recommendations and/or findings in each report and categorising them by the audience to which they were addressed.⁵⁴ Findings and recommendations were categorised as being addressed to either:

- Commonwealth Government departments & agencies; or
- other organisations including local and state governments.

Where a recommendation or finding was addressed to both categories of agency, it was recorded under both categories. Thus the numbers can add up to more than the total number of recommendations and/or findings for any report. This category was included so as to gain some idea as to whether committees were focussing their attention solely on the Commonwealth Government and the APS or were addressing a wider audience.

If the report included a dissenting or minority report⁵⁵ this was recorded and the number of recommendations and/or findings in the dissenting report were counted. The number of dissenting recommendations and findings were included in the total number of recommendations and/or findings for that report.

The inclusion of a category for dissenting reports provides some test for the overt presence of partisanship, for reasons suggested earlier in Uhr's consideration of the difficulties faced by committees in dealing with policy issues, and for the relationship, if any, between dissenting reports and the type of reports in which they appeared.

Characteristics of Recommendations and Findings

The recommendations and findings were then allocated to the following categories on a forced choice basis, according to whether they were focused on policy or specific programs. Within the policy focus recommendations and findings, were characterised as either dealing with proposals for legislation or were debating policy options by way of raising an issue on to the agenda or assessing possible strategies.

Categorising recommendations and findings under the broader heading of program evaluation, allocation depended upon whether they related to questions of effectiveness, efficiency and economy, that is the issues related to outcomes and appropriateness or they were matters that related to program implementation and administration, that is to say matters of process.

It needs to be acknowledged that the allocation of findings and recommendations into policy and program focused categories was particularly troublesome. At what point, to pick an example at random, does a recommendation for a change in administrative process achieve the high status of a matter of policy? To a certain extent this issue was dealt with by adopting an approach to identifying policy which used the following rules of thumb:

⁵⁴ On those occasions where a committee wrote up findings or conclusions that were not specifically labelled as such, but by virtue of the wording were clearly the expression in a summary form of the committees views, they were counted and classified as if they had been formally labelled as findings.

⁵⁵ The term dissenting report is used generically to refer to both dissenting and minority reports, as the latter term is occasionally used.

Partisanship And Bipartisanship

Table 7 provides a summary of the statistics on the extent and occurrence of dissenting reports and recommendations, for each committee, and by category of report. Out of the 45 reports, 20%, or 9 reports had a dissent attached to them

TABLE 7 - DISSENTING REPORTS AND RECOMMENDATIONS

CATEGORY	COMM AFF	EE&T	F&PA	RR&T
Total reports	15	12	9	0
Dissent reports	4	3	2	0
% dissent	27.3%	25%	22%	0%
Dissent - Pol Reports	2	2	0	0
Dissent - Prog Reports	1	1	5	0
Dissent - Proc Reports	1	0	0	0

This table has some interesting patterns. The two committees which were closest to one another in the overall pattern of the categories of reports tabled, the EE&T Committee and the RR&T Committee present us with distinctly different outcomes when it comes to dissenting reports. The RR&T Committee stands out with the highest level of non-partisanship during this period, with no dissenting reports.

In terms of the focus of the dissenting recommendations and findings the F&PA committee is distinctive with all of its dissenting recommendations being exclusively directed to issues of program evaluation rather than the mixture of policy and program issues which characterise dissents in the CA and EE&T committees.

Patterns of Recommendations

Table 8 presents a summary of the results for each committee of the analysis of the recommendations contained in its reports. What is apparent at first glance is the diversity in terms of the average number of recommendations per report, the direction of the recommendations and the proportions of recommendations in the various classifications.

- recommendations which involved the expenditure of money either additional to current expenditure on a program or on a new program were regarded as policy issues; and
- findings/recommendations which were prospective and involved legislative change were regarded as policy issues.

A number of other characterisations were employed which were additional to the above classifications. A recommendation or finding could be given multiple characterisations from the following set and thus the numbers for this part of the analysis for any given report could add up to more than the actual number of recommendations and findings in that report.

The characterisation of whether a finding or recommendation encouraged achievement and best practice or whether it was focused on administrative failure was a good deal easier. Also included was a category to pick up those recommendations or findings which were addressed to the activities of parliament and its committees.

SECTION 5 - THE CHARACTERISTICS OF COMMITTEE REPORTS: THE RESULTS OF THE ANALYSIS OF FINDINGS AND RECOMMENDATIONS

Table 6 offers us a summary of the patterns of characterisation and classification of recommendations and findings in the 45 reports that were analysed. The most common pattern, applying to 24 reports, was for reports to include both recommendations and findings. Out of the other 21 reports, eight contained recommendation but no findings, twelve reports included findings but no recommendations, and one report contained neither recommendations or findings.⁵⁶

On the issue of including both findings and recommendations, the four committees all show quite different patterns of practice. The CA Committee and the RR&T Committee being closest together on this dimension. The EE&T Committee was responsible for 7 out of the 11 reports which had findings but no recommendations.

Table 6 - Recommendations and Findings by Committee

Committee	Recommendations	Findings	Recs. & Findings	Neither
Community Affairs	5	1	9	0
Emp. Educ & Training	0	7	5	0
Fin & Pub Admin	0	2	6	1
Rural Reg Aff & Trans	2	1	6	0
Total	7	11	26	1

⁵⁶ This latter oddity resulted from the EPA Committee tabling the transcripts and papers of a conference on Public Service Reform under a covering letter from the Chair of the Committee and entitling this a report.

TABLE 8- SUMMARY OF THE ANALYSIS OF RECOMMENDATIONS

	CA Tot	Av	EET Tot	Av	FPA Tot	Av	RRT Tot	Av	TOTAL Tot	Av
Recommend	206	13.7	157	13.1	141	15.7	44	4.9	548	12.1
Commonwealth	182	12.1	135	11.2	141	15.7	43	4.8	501	11.1
Non Cmth	52	3.5	45	3.7	0	0	3	0.3	100	2.2
Policy/Leg	11	0.7	26	2.2	8	0.9	4	0.4	49	1.1
Policy Strat	56	3.7	61	5.1	16	1.8	10	1.1	143	3.2
Prog.EEE	31	2.1	56	4.7	6	0.7	7	0.8	100	2.2
Prog.I&A	103	6.9	46	3.8	108	12	23	2.6	280	6.2
Best Practice	1	0.1	4	0.3	0	0	0	0	5	0.1
Failure	9	0.6	0	0	1	0.1	2	0.2	12	0.3
Administration	25	1.7	25	2.1	106	11.8	5	0.6	161	3.6
Parliamentary Process	5	0.3	2	0.2	10	1.1	0	0	17	0.4

The PR&T Committee shows a distinctly lower average number of recommendations than the other three committees. The pattern of recommendations using the committee averages as the point of comparison again shows substantial diversity between committees. Specifically:

- the CA and EE&T Committees are close together per report on the average number and direction of recommendations as between commonwealth and non-commonwealth agencies;
- the EE&T Committee is the committee most strongly focussed on policy issues in its recommendations; and
- the F&PA Committee is the outlier in the extent of its focus on program implementation and administration and, not surprisingly, its recommendation focussed on administrative change.

There is comparatively little evidence of direct comment on program failure but even less by way of recommendations on best practice, with the EE&T Committee having the highest profile in this latter category.

Patterns of Findings

Table 9 provides a summary by each committee of the numbers and categories of findings in the reports. As in the case of the recommendations in Table 9, what is apparent in the summary of the findings for each committee is the diversity in terms of the average number of recommendations per report, the direction of the recommendations and the proportions of recommendations in the various classifications.

TABLE 9 SUMMARY OF THE ANALYSIS OF FINDINGS

	CA Tot	Av	EET Tot	Av	FPA Tot	Av	RRT Tot	Av	TOTAL Tot	Av
Recommend	86	5.7	33	2.8	22	2.4	102	11.3	243	5.4
Commonwealth	83	5.5	29	2.4	19	2.1	48	5.3	179	4
Non Cmth	11	0.7	4	0.3	3	0.3	59	6.6	77	1.7
Policy/Leg	1	0.1	14	1.2	7	0.8	6	0.7	28	0.6
Policy Strat	12	0.8	6	0.5	7	0.8	17	1.9	51	1.1
Prog.EEE	21	1.4	6	0.5	7	0.8	17	1.9	51	1.9
Prog.I&A	49	3.3	1	0.1	0	0	35	3.9	85	1.9
Best Practice	0	0	1	0.1	6	0.7	3	0.3	10	0.2
Failure	46	3.1	0	0	6	0.7	7	0.8	59	1.3
Administration	12	0.8	0	0	0	0	4	0.4	16	0.4
Parliamentary Process	3	0.2	3	0.3	0	0	4	0.4	10	0.2

The pattern of findings, in terms of average numbers per report and the nature of the findings varies distinctly from that exhibited with respect to recommendations.

The clearest example of the difference between the patterns of recommendations and findings is that the RR&T Committee which had the lowest average number of recommendations per report moves to the top of the table in terms of the average number of findings per report.

The F&PA Committee has little to say about Program implementation and administration, in terms of findings, after its strong showing in this area in respect to recommendations. In contrast the F&PA Committee took the lead with respect to commendation of best practice in its findings while the CA Committee becomes a model of fault finding in the extent of its denunciation of failure.

SECTION 6 - A BRIEF INCONCLUSIVE POSTSCRIPT

The discussion of the literature on Senate Committees and their approach to scrutiny of the APS raised a number of issues and conjectures which we are now in a position to make some comments upon. The issues were:

- the extent of committee interest in the three categories of policy development, administrative process and program outcomes;

- the extent to which the balance of committee interest in the above categories varies among committees and shows evidence of the influence of the specific subject and departmental coverage of the various committees; and
- whether there is any evidence that the focus of committee's interests shifted over the period under examination.

Policy, Process, Outcomes

The focus of Senate committee interest as between scrutiny of policy and programs showed a ratio of 1:2 in reports. What must be emphasised is that the figure for the Senate is an average figure and that individual committees showed substantial variations in their individual ratios.

Within the examination of programs there was an overall bias towards process issues. This can be seen in Tables 9 and 10, which summarise the characteristics of reports in terms of Recommendations and Findings. In the breakup of both recommendations and findings dealing with programs there is a ratio of nearly 2:1 between those devoted to program efficiency, effectiveness and economy, which for these purposes can stand for an outcome orientation, and those dealing with program implementation and administration, or a process approach.

The Character of Committees

The evidence suggests that it is difficult to generalise about the scrutiny activities of Senate committees. Committees varied in their patterns of and extent of scrutiny from year to year and from committee to committee in terms of the number and types of reports tabled. No two committees consistently ended up being similar to each other across all the characteristics examined. The most that could be said is that the EE&T and RR&T Committees had a tendency to coalesce in terms of their relative focus on policy issues but differed in that the RR&T Committee had no dissenting reports in the period under consideration.

The only indication of change in committee focus over time was the evidence of an increase in the number of program oriented inquiries over the period 1990-94. This was not true for all committees.

Godfrey and Uhr revisited

During the discussion in Section 2, Godfrey's account of the characteristics of Senate committee scrutiny as being obsessed with process was spelled out at some length. What does the evidence presented in this report tell us?

While there are reports which have some of the characteristics noted by Godfrey, including long lists of recommendations and a focus of attention on administrative detail, there did not prove to be a large number of such reports. A total of 11 reports out of the 45 had a total of more than 30 recommendations and/or findings. Of these 4 were policy oriented and 7 program focused. This is roughly the ratio of policy to program reports for the entire sample. When Committees extend themselves in terms of including large numbers of recommendations and/or findings they are no more likely to do it in the area of program review than in discussion of policy matters.

There is some justification for the criticism that Committees focus on failure and do not acknowledge achievement, though the case is probably overstated. The extent of recommendations and findings related to failure was not high occurring in only 10 out of the 45 reports. Best practice acknowledgements occurred in 5 reports. On the issue of obsession with administrative detail recommendations and/or findings dealing with administrative changes were included in 22 out of the 45 reports.

Uhr's contention of committee's tasks being most appropriately focused on quality assurance is harder to test. An examination of the pattern of reports by the committees suggests that there

may be something in this. Committee's tended to pick up references where concern was raised about the quality of the policy advice or program implementation. There is evidence of committee's then following the matters through, with multiple reports on some issues.

Examples of this can be seen in the treatment of drought policy by the RR&T Committee, the Education Services for Overseas Students legislation by the EE&T Committee⁵⁷, and the CA committee's series of reports on both the restructuring of the pharmaceutical industry and the validation of payment models for nursing homes.

Character and contingency in committee scrutiny - some conjectures

This project's analysis of reports suggests that committees are responsive to their environment in both a political and institutional sense. Committees respond both to specific events and the particular character of the institutions that fall within the scope of their portfolio coverage. Committees may create their own ethos or culture as a result of the specific character of the members and the nature of their interaction, both personal and political and their specific interests.

Senate Committees and the APS

Committees have their own character and style of operation and interests. There is no platonic ideal of a committee of which the actual committees are imperfect manifestations. The APS is faced by a world of specific committees with particular histories and changing agendas. While committees are interested in policy and program effectiveness, issues of process are still of substantial importance and remain high on committee agendas.

⁵⁷ See Holmes and Hynd (1994)

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